



# Civic Federation News

Official Publication of the Montgomery County Civic Federation  
Serving the Public Interest Since 1925

Peggy Dennis, Editor - Phone: 301-983-9738 - Email: hotyakker@comcast.net

SESSION 771

WWW.MONTGOMERYCIVIC.ORG

NOVEMBER 2005

## November Program: Reforms Coming Out of the Crisis in Clarksburg

By Wayne Goldstein, 1st VP

The program for our November 14 meeting will provide an overview of the planning and building irregularities in Clarksburg and elsewhere in the county and the reforms that the Planning Board has begun to enact to resolve the crisis and help prevent future occurrences. Derick Berlage, Chairman of the Maryland-National Capital/Park and Planning Commission (M-NC/PPC) will join us to discuss the causes and dimensions of the problem, and explain what steps his agency has already taken and what still remains to be done to correct the situation.

Even as Chairman Berlage and his staff continue to focus on figuring out and correcting what went wrong, the Clarksburg Town Center Advisory Committee continues to reveal new irregularities at ongoing hearings. As the Planning Board is acting as a quasi-judicial body - they must study the evidence, eventually make *continued p 2*

## Clarksburg: Dustup to Debacle

by Stuart Rochester, Chairman, Fairland Master Plan Citizens Advisory Committee.

The saga that has become the Clarksburg controversy would likely have remained a footnote in Montgomery County planning annals but for two factors: the sheer persistence of a tenacious, bright, and knowledgeable core of angry residents, and, overlooked but just as important, a general unease over the direction of the county that has coalesced around the troubled Clarksburg project as a symbol and lightning rod for wider discontent. Although the debate at one level remains a legal squabble over heights, widths, and the timing of amenities-legitimate concerns in their own right but the kind of planning arcana that normally engage only the most dedicated of citizen activists-at another level it has become an indictment of and indeed official inquiry into the very foundation and integrity of the county's planning processes, agencies, and principles.

Ironically, for all the sound and fury, the case so far appears to be more a comedy of errors, negligence and inept coverup than a matter of malfeasance in high places. Election-year grandstanding by nervous politicians and piling on by civic organizations have contributed to turning what might have been a contained brushfire into a debacle that has cost careers and reputations. Adding to the feeding frenzy was a slow-news summer that had the Post and the Gazette looking for a riveting local story to replace the tired ICC. The Planning Board chairman proactively tried to get out in front of the story, articulately defending his department's long record of accomplishment, but then hired a publicist whose very appointment gave the charges more gravitas. *continued on p 2*

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**November Program** *continued from first page*

determinations regarding violations, then assess fines and create plans to insure compliance - Mr. Berlage will be prevented from commenting on the specifics of the case.

On November 8, the Office of Legislative Oversight (OLO), whose mission is "to provide accurate information, unbiased analysis, and independent recommendations that help the County Council fulfill its legislative oversight function" will be releasing its report about the problems with the Clarksburg Town Center project. We invited the OLO director to join Mr. Berlage and give us a briefing. However, the director and others at OLO have been working days, nights, and weekends for months to complete this report. They will need a break after the report is released. I will therefore be reading the report and summarizing its results for you.

Mr. Berlage and I will spend the first half of the program giving our presentations and the second half hour answering your questions and responding to your comments.

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**Clarksburg** *continued from first page*

As the alleged wrongdoing acquired a higher profile and other projects came under closer scrutiny, critics found additional evidence of irregularities and breakdowns of process and oversight that added fuel to the fire. With the entire planning and permitting process under investigation and growing doubts about the county's enforcement of even routine zoning regulations and site plan requirements, there has been a rush to judgment to scapegoat both individuals and perceived structural defects in the county's planning and permitting apparatus when in truth the root problem runs much deeper.

The fact is that for decades the system now in place performed well enough that the same Planning Department presently taking so much grief regularly won awards for the excellence of its programs and administration. It is true that over the years the loss of key staff, especially in the Development Review Division, heavier workloads, and the strain on once adequate arrangements that no longer suffice in a more

complicated development environment have all taken their toll. No doubt even without the Clarksburg wakeup call, there was a need to add and to better train personnel and to reexamine relationships and responsibilities between the planning and implementation sides of the house. But the root problem has less to do with staffing and organization than with a changed political climate and planning culture that has relaxed the rules and altered the playing field, breaking down the fences that used to discourage and restrain cheating and misbehavior.

If in the past, excessive "paralysis by analysis" overly inhibited and stymied legitimate development efforts, the new dynamic has seen the pendulum swing too far in the other direction, making virtues of accommodation and expediency, emboldening developers, and giving planners little incentive to hold the line on the powerful interests that beat at their door. The streamlining of the master plan process, the depreciation of the role of citizen advisory committees in that process, and the seeming loss of independence of the Planning Board itself, which is increasingly pressured to abide by if not rubber stamp preset agendas in Rockville - all are symptoms of the erosion of checks and balances that no amount of reshuffling of authority or responsibility will remedy.

At bottom the Clarksburg lapses occurred because of a lack of respect - for rules, for regulations, for rigor. A builder trying to eschew blame on the grounds that the Planning Department was an accomplice to the infractions has become and deserves to be an easy target. Equally at fault may be impatient residents who, for all their magnificent work in exposing the violations, have perhaps unrealistic expectations and insufficient appreciation for how imperfect the system can be even with the best of intentions. But the prize for confusing the issue goes to those elected officials in the county's corridors of power whose reaction to the contretemps has been to bewail lax oversight when it was they who nurtured the very conditions that contributed to the failure. Clearly there is enough soul-searching to do all around before the Clarksburg community measures up to code and the county gets its own planning house in order.

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## President's Message

By Dan Wilhelm

Although the 2006 state legislative session does not start until January, our Montgomery County delegates and senators are starting to prepare for it. The annual "road show," when SHA presents their proposed plan to the County delegation and the public, was held on October 26. On November 3 there will be a hearing when citizens will be given the opportunity to suggest their priorities for the upcoming session.

MCCF continues to pursue issues from last year - championing campaign reforms; opposing efforts (MC604-06) to increase the number of signatures needed to place a question on the ballot; and support for the prohibition of roadside soliciting (MC606-06). You will find elsewhere in the newsletter an article dealing with legislation concerning the state oversight of group homes for troubled teens which the delegates will be asked to support at our November meeting.

Another issue is the use of the state tax surplus, which so far this year exceeds \$1B. Should these funds be used to reduce taxes? While the phrase "tax reduction" brings joy to everyone's ears, perhaps these funds would be better used to make sorely needed infrastructure improvements. The two areas where I feel the bulk of the surplus should be spent are school buildings and transportation projects.

Montgomery County has many schools which are long overdue for renovation and modernization or which deal with overcrowding by filling playgrounds with trailers. While two or three trailers might be needed for short periods to handle peak enrollment at some schools, in many cases trailers have become permanent fixtures. More new schools and expansions to existing facilities are needed to address this problem. Modernization of older school buildings is also needed to provide modern internet capability, better lighting and more energy efficient heating/air conditioning systems. We have all heard about the predicted spike in energy costs for this winter. While renovations can not address this problem immediately, they will prove cost effective in the long run.

I'm sure everyone has noticed how many of our roads are beginning to resemble those in Washington DC – cracked, pot-holed, and rough from repeated patching – and how congestion has increased year after year. Some of the revenue surplus should be used to resurface our roads. Money is also needed to carry out local road improvements that were designed years ago but never implemented due to the shortage of funds. These projects include grade separated interchanges along Georgia Avenue at Randolph Road and at MD 28. To address long term transportation needs, more funding is needed for transit, including bus service and projects like the Bi-County Transitway.

In addition to using the surplus, the state needs to identify a permanent funding source for Metro, especially if the federal government comes forward with a funding matching program, like the one now being considered by Congress.

I urge you to let your delegates know your priorities!

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## Private Institutional Facilities in the Ag Reserve

by Jim Humphrey, Chair, Planning and Land Use Committee

At our November 14 meeting, delegates will discuss and adopt a policy on standards for Private Institutional Facilities (PIFs) built in the county's Agricultural Reserve. The term PIF refers to developments such as churches, nursing homes and private schools. Land in the Ag Reserve is zoned in the Rural Density Transfer (RDT) category.

At their October 20 meeting, the MCCF Executive Committee voted unanimously to recommend the following policy points for consideration by the membership:

- Reconfirm that agriculture is the primary land use in the RDT Zone, as stated in the county zoning ordinance and the Agriculture and Rural Open Space Master Plan.

- Require the Special Exception process not only for PIFs but for each accessory use proposed by PIF applicants.
- Oppose sewer hookups and extensions within the RDT Zone to PIF uses.
- Oppose installation in the RDT Zone of multi-use sewerage systems for PIF uses that are designed to exceed 5,000 gallons per day peak capacity.
- Oppose use of alternative septic systems in RDT Zone (including sand mound septic) for any new construction except on "tot lots," or in case of failure of standard septic systems in existing homes.
- Impose a cap allowing a maximum of 8% impervious surface in the RDT Zone (total of all buildings, paved surfaces including compacted gravel, and hard-surfaced recreation areas), with agriculture exempt. Delegates should consider recommending same standard for the Rural Large Lot Zones (Rural, Rural Cluster, RE-1 and RE-2).

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## Workforce Housing Legislation

by Jim Humphrey, Chair, MCCF Planning and Land Use Committee

At our November 14 meeting, MCCF delegates will discuss and adopt a position on legislation to create a Workforce Housing (WH) Program, as a foundation for our testimony at the November 22 public hearing before Council. The following points are offered in preparation for that discussion.

The price of "for sale" housing has risen rapidly in the past few years, fueled in part by an initiative of the county government to create jobs at a faster rate than housing. Other factors not under county control, such as low mortgage interest rates and speculative buying by investors, have also contributed to the rise. Renters face a similar rise in the price of housing with increases from the modest to the extreme, the latter often as a result of renovation of existing units. We are now also seeing the start of what will likely be a growing trend to convert rental units into condominiums, the result of a "strike while the market is hot" attitude of owners wanting to increase profits.

The county has an existing housing subsidy program, the Moderately Priced Dwelling Unit (MPDU) Program that was begun in 1974 to address the needs of households earning up to 65% of Area Median Income. That program has languished in recent years due to lax management by the Department of Housing and Community Affairs (DHCA). Developers have been allowed to "buy out", paying a modest fee instead of building the required MPDUs in their projects. And, MCCF is aware of at least 3 projects where all market rate units are built but no MPDUs have yet been created, a violation of county law. Of the 17,000 total housing units completed in the last 5 years, only about 1,000 MPDUs have been created while 2,500 applicants await MPDUs.

Councilmember Silverman has introduced Bill 30-05 and an accompanying zoning text amendment, ZTA 05-16, to establish a Workforce Housing Program designed to spur creation of rental and sale units for households with incomes between 65 and 120% of AMI, which is now around \$89,000 for a family of 4 or \$71,000 for a 2-person household.

Under the proposed ZTA, the Workforce Housing Program will apply to the 6 residential zone categories that have densities above 40 units per acre, to properties situated in Metro Station Policy Areas. On such a property, any development of 35 units or larger in size would be required to provide a minimum of Workforce Housing Units equal to 10% of the number of market rate units in the project. Additional height and density would be granted to such projects above levels recommended in master plans, to the maximum allowed by the zone and as needed to accommodate the workforce units included.

Under the accompanying bill, Workforce Housing Agreements with developers would be approved and administered by DHCA, with Permitting Services informed for purposes of issuing building permits. The bill allows for WH units to be provided in an alternative location off-site from the market rate units. Sale units would be price controlled for a period of 10 years with no restart if sold within the control period, and rental units controlled for 99 years. The County Executive would set the price of sale and rental units by regulation, as is the

case with MPDUs.

The MCCF may wish to offer other solutions to create dwellings that are affordable to households with workforce level incomes, either as an alternative or addition to the introduced proposal. These might include slowing the rate of approvals for new jobs to below that for housing, using county owned land for housing projects composed entirely of affordably priced units, or urging the government to provide employer-assisted housing to county workers. But, even if we should propose an alternative, I believe MCCF must respond with comments and any changes we seek to this legislation, should it be enacted.

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### **Maryland Group Home Program Recommendations for Improvement** By Dave Michaels, District 14 VP

Several Citizens Associations around our county have been dealing with group homes for many years. Group Homes exist to serve the needs of a variety of populations. Many of the Group Homes are operated well and produce very little if any friction with their neighbors. Other homes, however, are problematic. So much so, that the Maryland Legislature has been conducting hearings to come up with ways to fix the broken Group Home system statewide. Over time, more and more government run facilities are being closed. This adds pressure to the already high demand for beds in smaller Group Homes.

In April of this year Baltimore Sun reporter Jon Rockoff began an expose on the condition of Maryland's group home program. His research produced eye-opening results and focused attention on the fact that Maryland's Group Home Program is in need of an overhaul. His series of articles is available at [www.baltimoresun.com](http://www.baltimoresun.com).

At the State level, the Joint Committee on Children, Youth and Families is in the process of holding four hearings on Group Homes. The Maryland State Senate Committee on Budget and Taxation has also scheduled three hearings on this issue.

The following proposed recommendations have been developed by concerned citizens in order to insure the proper care of those living in Group Homes, as well as to preserve the peace and livability of the neighborhoods in which they are placed.

In general:

1. The General Assembly, together with the appropriate offices within the Governor's Office and the Executive Branch, should review both the entire structure, as well as administration of the Maryland Group Home Program, to include its statutory provisions and its implementing regulations, procedures and guidelines to identify its specific problem areas and develop solutions to fix those problems in all areas to include legislative, regulatory and administrative measures, as appropriate.
2. Until that process is completed a temporary moratorium should be called by the State of Maryland on the processing and / or approval of any applications, licenses, permits or any other form of approval of any residential Group Homes for troubled adolescents that have not completed the process and are in an operational mode.

More specifically:

3. Review the State's minimum qualifications for company ownership and staff who are approved for running these Group Homes and tighten them so that more qualified companies and staff are charged with the responsibility for running these Homes. Troubled teens need more than mere custodial care. They need well-trained and skilled councilors who are able to "reach" these adolescents and help them develop healthier more productive behavior patterns. 18 year olds should not be allowed to be counselors for teenagers. The minimum age for such responsibilities should be at least 21 and possibly higher.
4. Provide more inspectors for the State agency(ies) that are charged with the administration of the Maryland Group Home Program.
5. Require that, as part of the State inspection procedures for these Homes, there will be no advance notice of such inspections, so as to provide an incentive for the companies managing these Homes to operate them in a manner consistent with the highest standards

required. Require some limited spot inspections of these Group Homes, in addition to the more comprehensive inspections.

6. Tighten the requirements for mandatory reporting of incidents that occur at these Homes, to the appropriate State offices and / or inspectors, particularly of those incidents that are reported to local law enforcement jurisdictions.

7. Require that State inspectors investigate all "serious" incidents, as well as any significant changes in the number of incidences occurring at any such home, and of any pattern of practice that appears to occur.

8. Require substantive penalties to be imposed on Group Home operators for violations of Group Home rules and / or requirements to serve as incentives to operate those Homes in the manner intended and required by the State. Such penalties should include suspensions and / or revocation of necessary licenses, permits and / or approvals to operate such homes for the most egregious violators.

9. If Group Homes continue to be approved for residential neighborhoods, develop requirements to notify the neighborhoods which are being proposed for occupancy, and provide those neighbors with the opportunity for discussion and input into the process. (Similar to land use regulations/hearings/approvals that are already in place.)

10. Revise the State Agency web site (s) of those agencies responsible for the administration of the Residential Group Home Program to make them more user friendly and informative.

11. Group Home operators should be required to submit an annual audit to the State showing how the money they have been given by the State has been spent (preferably on a student by student basis).

12. Require that in addition to employees of Group Home providers, the owner(s) of these operations undergo stringent background checks to ensure that unscrupulous individuals are not permitted to enter nor operate within the system.

13. If it is found that a "single point of entry" department cannot be formed to oversee the entire Group Home program in the State of Maryland that there are measures put into place to increase the communications between departmental agencies to create a seamless and open method of operation and monitoring.

14. For the safety and security of residents of Group Homes in Maryland, measures need to be implemented to ensure that commingling of adverse populations (i.e., sex offenders/sexual predators and sexual assault victims never be housed together in the same facility).

If you have a question or wish to make a comment about the Group Home Program please contact Public Safety Committee Chairman Fernando Bren at 301 299-0899 FernandoBR@aol.com or Dave Michaels at 301 622-1805 or by email: [mailbits@bigfoot.com](mailto:mailbits@bigfoot.com).

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## Education Matters

by Mark R. Adelman, Chair, MCCF Education Committee

This month I wanted to update you on several issues and ask for input on at least two of them.

A. Our Committee is looking into the structure of Boards of Education - and their support staff - in an effort to come up with some "best practices" suggestions as to how Montgomery County might do better. We are looking at more than forty other school districts, selected by virtue of a number of different criteria. If you know of a school district that you believe does a really good job, we'd appreciate knowing about it. Just email me the name of the school district or the URL of its website. And thanks in advance.

B. As discussion of **Policy FAA-RA** (on Long range Planning of Educational Facilities) moves forward (see below), it has become obvious to me that our Committee, and the Executive Committee, would benefit if those of you concerned about specific pending school issues would give us a "heads up" before things reach decision points. For example, we know that school boundary studies occur from time to time. In the past, such matters have been monitored by the MCCPTA and various locally-impacted organizations. But the "community" impacted by such decisions is increasingly the entire county. Our committee simply does not have the capacity to keep up on all such issues. But, if an MCCF delegate would call such an issue to our attention, we can try to

look into it.

C. As you know, when Policy FAA was revised last spring, there was much concern that critical components were to be shifted to an associated regulatory document (FAA-RA) that might/might not assure adequate public involvement in such matters as planning of new schools, modernization of old ones, boundary changes, school closures, etc. [For background on this, you can look at the MCCF website for newsletter articles published in April and May.] In the October newsletter, we reported that a working group of stakeholders had been formed to evaluate (and hopefully improve) the draft FAA-RA that had been issued simultaneous with the Board of Education decision to approve the altered version of Policy FAA. MCCF has two representatives on this working group (out of a total of about 14), whose meetings began in early October. We will be working to make sure that the draft FAA-RA is revised to include any elements of the previous policy FAA that are NOT in the new Policy FAA. More importantly, we will be working to produce a recommended FAA-RA that defines "community" more inclusively and assures community involvement at as many stages of the planning process as is possible. MCCF delegates are encouraged to check the URL at the bottom of the page for postings of draft documents and progress reports. In particular, we would greatly value any suggestions as to how the **Interim Regulation FAA-RA** can be improved. Again, please contact me by email and thanks in advance for your input!.

D. The issue of the proposed sale of the Peary High School site is still not resolved. Background information on this may be found in the October MCCF Newsletter. On October 17, the County Council's Management and Fiscal Policy Committee (MFP) held a work session on this matter. I attended as an observer, and was joined by Wayne Goldstein and Marvin Weinman. The MFP Committee, chaired by Marilyn Praisner, asked a number of relevant questions of staff and others at the table (MCCF members were not participants) and the answers NOT provided were quite revealing. The staff

information packet appeared to be missing some documents that we know were submitted. Staff was asked to provide more information on the details of the cost (and flexibility to recover the site) of selling the property vs. continuing the existing lease arrangement. Perhaps the most illuminating aspect of the session was what I term the "two Jerry's factor". Jerry Pasternak, Special Assistant to the County Executive, presented a creative argument for the position that the County has a moral obligation to approve the sale and that the sale will have no substantive effect on the ability of the public to recover the site, should future need to do so arise. Jerry Weast, Superintendent of Schools, submitted documents indicating that he had obtained Board of Education (BoE) approval of a resolution that, at first blush, appeared to oppose the sale. However, upon careful reading, it became clear that the resolution in question was internally flawed and inconsistent with facts, to the extent that MFP members began to debate 'what the BoE did/did not know and what they were/were not recommending'. Again, note that MCCF members were not in a position to testify. Had that been possible, we would have raised a number of points, including our growing concern about the ability of the BoE to fulfill its mandate to manage MCPS. The work session did not result in a recommendation to the full County Council. Instead, a number of clarifications were requested and the MFP will hold another work session on this issue. It is not clear when this follow-up session will occur, but we will do our best to track the process, attend future sessions, and advise MCCF delegates of MFP and Council action.

I conclude this report by repeating my plea for more delegate participation in the activities of the Civic Federation Education Committee. MCPS receives at least one half of the total Montgomery County operating budget. It is responsible for the education of most of our children, a task that is critical to the proper functioning of a democratic society. Many of us feel that MCPS is falling down on the job and that the BoE is not fulfilling the obligations we delegated to these elected officials. Our obligations as citizens do NOT end when we elect public officials. We have an obligation to assist them so

they do not make mistakes or take actions that are not in our best interests. Our committee needs your help in order to fulfill our mission of watching over the public interest in the critical area of public education. To paraphrase the old refrain, "brother, can you spare some time?"

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## More on the ICC by President Dan Wilhelm

The State Highway Administration has begun to meet with residents who live near the selected ICC alignment to talk about local issues, assuming the ICC receives federal approval. The meetings largely concern noise impacts and the possible installation of sound barriers. They also provided details about height of the road above or below existing grades and the grades changes that will occur for existing roads that cross the ICC. If your association is near the ICC and such a meeting has not occurred in your area, I suggest contacting SHA to learn when they will be contacting residents in your area.

The Greater Colesville Citizens Associations (my association) compiled a list of questions that SHA answered in writing. Several of the answers are of general interest, including the following:

**Question:** Where will sound barriers be placed? Did the DEIS take into account the elevation of bridges when investigating the impact from noise? Do citizens have a choice in the appearance of sound walls?

**Answer:** The FHWA computer model that was used in the analysis, TNM© (Traffic Noise Model), considers the elevation of the roadway, the residences and the intervening ground, including whether the barriers will be located on structures. As the project proceeds, impacted residents will be given the opportunity to vote on whether or not they want the barrier constructed. Impacted residences are limited to those where the future noise levels with the proposed roadway in place are either 66 dBA or are 10 dBA above existing noise levels. These are normally the residences closest to the proposed alignment. Once a barrier is approved by 75% of the impacted residences, the SHA/MdTA will determine

barrier appearance, possibly with input from local communities and others. The appearance of the barriers will be selected to be consistent throughout the entire ICC corridor.

**Comment:** One person pointed out in an email that some of the measurements of existing conditions were taken when the cicadas were still out, and we all remember how loud they were.

**Question:** How many bridges will be constructed using the end-on technique?

**SHA Answer:** If approved, the ICC will be constructed using a "Design Build" process. This process allows the contractor flexibility in the types of structures proposed and methods employed in their construction. "End-on" is one of many bridge construction techniques that could be considered by a contractor. The bridges proposed for the ICC through the stream valley parks have been planned, in coordination with regulatory agencies, to avoid and minimize impacts to wetlands, streams and floodplains. Environmental constraints and right of way limitations will be prescribed for the contractor, and the SHA will review the acceptability of the contractor's design and proposed construction technique.

**Comment:** I read this to be saying that SHA is not requiring it anywhere and that it is totally up to the contractor. I'm sure the contractor will use the cheapest technique, which I would not expect to be the end-on method.

**Question:** What roads near the ICC will be upgraded as part of the ICC and to what extent? What measures will the state provide to address increased traffic on these roads?

**Answer:** Improvements to local roads will be limited to the area necessary to construct the ICC interchanges (MD 182, MD 650, etc.). The ICC will provide measurable congestion relief on numerous local roads and intersections throughout the Study Area, when compared to the condition that would exist under the No Action Alternative in 2030. After the ICC opens, SHA and local governments will monitor conditions on the local roadway network to determine if local intersection or other improvements are needed.

**Comment:** Doesn't SHA believe its own analysis concerning the degree of congestion after the ICC is built



and plan for needed improvements now? The DEIS shows nearly all major roads will still be congested.

**Question:** How will tolls be collected? What procedures will exist for people from out of the area or out of state who don't have the smart card or other electronic toll-paying card who need to use the ICC?

**Answer:** Tolls will be collected electronically, with no toll booths or reduction in operating speed. Those users from out of the area who may not have the transponder necessary to pay the toll may pre-register for a video toll account. The ICC will also include video enforcement to pick up any vehicles that are not registered.

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## Status of Issues

**PUBLIC FINANCE COMMITTEE** reports the Spending Affordability Guidelines (SAG) will be discussed by the County Council's MFP Committee on November 28, 9:00 a.m. The SAG will be taken up by the Council on November 29th and at a public hearing on December 6th.

### HOUSING COMMITTEE

- Condo Conversions - Extended Tenancies, Council public hearing on Nov. 1 at 1:30 p.m
- Workforce Housing Program - Bill 30-05 and ZTA 05-16, Council hearing on Nov. 22 at 7:30 p.m..
- In August, County Executive transferred 5 publicly-owned sites to DHCA for creation of housing projects (on Jingle Ln. in Glenmont, Bowie Mill Rd. in Olney, public parking lot on Bethesda Ave. in Bethesda, and 2 sites on Washington Grove Blvd.), awaiting selection of developer proposals.

### PLANNING AND LAND USE COMMITTEE

- ZTA 03-27, Building Height Measurement, approved Oct.18 by Council (8-1, Silverman voting against).
- ZTA 05-02, to create a new Transit Oriented Mixed Use Zone (MCCF seeks amendment to specify dwelling-units-per-acre density limit). Council vote to take place in Nov. with Shady Grove Plan vote.
- County Service Park at Shady Grove, County Executive negotiating land deal to swap for other

- parcel(s) so site near Metro can be redeveloped.
- Master Plans under revision by Council--Shady Grove (awaiting Council vote in Nov.) and Bethesda CBD (PHED Comm. work session possibly Oct. 31).
- Master Plans under revision by Park & Planning--Damascus and Twinbrook (these 2 to be approved and transmitted to current Council). Germantown and Gaithersburg Vicinity to be held over for transmittal to 2006 Council.
- 2005-2007 Growth Policy (final PHED Comm. session Oct. 27, Council discuss/vote on Nov. 1?)
- Bi-Weekly Updates on Development Approval Issues (PHED Comm. on Oct. 31, Nov. 14 & 28).
- Amendment to 10-Year Water and Sewer Plan - PIFs, Council hearing Nov. 8 at 7 pm, T&E sessions Nov. 10 & 14.
- ZTA 05-15, Impervious Surface Limits in Ag Reserve & Rural Large Lot Zones, Council hearing Nov. 8 at 7 p.m., PHED/T&E Comm. sessions Nov. 10, 14 & 21.

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## October Federation Meeting Minutes

By Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm calls the meeting to order at 7:49 p.m. on October 10 with introductions and announcements. Committee For Montgomery will meet Monday Dec 12, 2005. 39 persons are present. [Note: More came as the meeting progressed.]

**Minutes** of the September 12, 2005 meeting, accepted.

**Treasurer's Report.** Luella Mast leaves her reports on the back table.

The **agenda** is accepted as printed in the October Newsletter.

Wayne Goldstein and Dan present the **Community Hero Award** to the Clarksburg Town Center Citizens Advisory Committee. Wayne reads a prepared statement, and the honorees say a few words of thanks and encouragement.

**Program.** Jim Humphrey - "What the MCCF Can Do For You." Jim describes the MCCF, how it proceeds, how issues are studied by committees, and how they are brought back to the full Federation. Most of the work takes place in committees. Typically, the MCCF acts in a reactive mode to the many issues brought to the public by the County

Council, Planning Board, and the County Executive (e.g., Nov 8 Appeals Court case).

Wayne Goldstein describes how the Federation can network with similarly affected residents. The MCCF gets its word out through its website, the Sentinel newspaper, letters to the editor, letters to public officials, testimony at public hearings, and communication with other civic groups.

Jim and Wayne describe several examples of specific cases supported by the MCCF. Jim describes the MPDU program, and examples of how it has been violated. Jim describes the issue of Private Institutional Facilities (PIFs) in the Ag. Reserve. Wayne describes how the MCCF was helpful in strengthening the protections of environmental impact to adjacent properties (runoff, flooding, etc). Jim describes how other housing violations in other parts of the County were discovered after the Clarksburg fiasco. Wayne describes the MCCF support of Seven Locks School Coalition. Wayne describes the issue of historic designation for the Comsat building in Clarksburg and the efforts to preserve it.

Suggestions to all: Keep records and background research. Contribute to the MCCF.

#### **Committee Reports.**

**Public Safety.** Dave Michaels. Adolescent Group Homes. The P.S. Committee approved 14 of 15 recommendations. Jerry Garson: Committee met with Police Chief Manger, who feels Montgomery County does not have a major gang problem. Chief Manger said MC does not have a major evacuation plan in case of a severe public catastrophe.

**Education.** Mark Adelman. Three items. (1) October 17, Hearing on the Peary High site. (2) Committee is participating in a working group on policy FAA(-RA): Long-range facility planning. (3) Committee is looking into the extent that the school board staff is supporting the school board, and whether there is sufficient staff to do so.

**Membership.** Arnie Gordon. Six additional renewals have arrived. October 19, next meeting in Arnie's home.

**Financial.** Chuck Lapinski. Public Utilities. The Mirant Company (www.mirant.com), now in bankruptcy, was the

supplier of electricity to Pepco, but has gone under. The rate for electricity is now technically floating.

**Bylaws.** Peggy Dennis. Will meet Thurs Oct. 13, 7 pm.

**Land use.** Jim Humphrey. Silverman about to introduce bill on "work force housing".

**Old business.** Mr. Polinsky of the Aspen Hill Civic Association describes his Association's opposition to the MCCF action to oppose the sale of the old Peary High School. Discussion ensues about adequate notice of MCCF deliberations and full participation of delegates. Mark Adelman described how he did everything he could to notify AHCA given the short notice often given him and other civic and educational groups.

**New business.** Wayne Goldstein. The County Council now supports full funding of the Silver Spring Armory. Lyle Schofield describes the new MCCF "Committed to You" brochure. Arnie Gordon suggests the MCCF hold candidate forums.

Adjournment. 10:03 PM

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## **October Executive Committee Minutes** By Peggy Dennis and Richard Zierdt, Recording Secretary.

President Dan Wilhelm opened meeting at 7:45 p.m. October 20. Attending are Wilhelm, Zierdt, Mast, Weinman, Wolff, Finnegan, Bloch, Vogelgesang, Goldstein, Dennis, Humphrey, Adelman, Tibbitts, Sauer and Gordon,

**Minutes** of the September ExComm Meeting accepted as printed in October Newsletter.

**Treasurer's Report:** Luella Mast reports 32 associations have renewed membership. Individual associates are slightly behind compared to last year. Calendar dates for year 2006-2007 are approved so treasurer may reserve rooms for meetings.

**Programs:** November: Derick Berlage on Clarksburg or OLO report on building code violations. December: How to Run an Effective Meeting/Roberts Rules of Order

if Mary Ann Bowen available. January: Jim Johnson on Community Weed and Seed Program. Luella suggests that programs be discussed at subsequent ExComm meetings.

**Public Safety Committee:** draft by Dave Michaels was vetted by the PSC. Jim Humphrey attended the County Council meeting on October 18 where staff presented a report on the health of the county. Report will be circulated to the PSC.

**Transportation.** Byron Bloch monitoring various projects, including one to widen Seven Locks Road. Montrose Parkway is under construction. State Road Show will be held October 26. A public hearing on priorities before the State delegation will be November 8.

ICC: GCCA reports the SHA is initiating meetings with local communities that will be affected by the road.  
**Public Finance.** MCPS anticipates a \$130M increase for 2006-07. County's report on Spending Affordability Guidelines will be issued Nov 28. County revenue is quite good. Dale suggests MCCF participate in the budget process earlier, rather than later (or not at all), as everything the County does is money-driven.

**Planning and Land Use.** Jim Humphrey. Planning Board is holding further hearings on the Clarksburg fiasco in October and November. AGP: only 9 citizens testified at a public hearing. Jim describes issue of Private Institutional Facilities (PIFs) in the agricultural reserve. Farm use, special exception for every development project, prohibit sewer hook-ups, oppose installation of systems greater than 5000 gallons per day peak, oppose use of alternative septic systems, keep a 8% impervious surface limit. Dale moves that Jim's six points be supported with the exception that sewer hookup not be mentioned as possible if a septic system fails. Discussion ensues, motion passes unanimously.

Workforce Housing (WH) defined as housing for those earning between 65% and 120% of area median income. Bill 30-05 has been introduced, with accompanying ZTA 05-16. Jim describes limitations he'd like the MCCF to take: (1) Prohibit any offsite housing provision (when WH units are to be built at other locations than the proposed site); (2) MCCF should ask for reduced job creation, to decrease demand for housing. Jim moves that MCCF express concern that this ZTA 05-16 will wreck havoc on master plans. Seconded. Some expressed concern about inadequate understanding of WH and related housing programs. Motion fails 3-7-5. Adelman moves that

MCCF learn more about workforce housing before it supports or rejects the concept/legislation. Seconded. Discussion ensued. Some suggest we have a program on all housing programs so they can be fully explained to delegates. Motion is withdrawn, but Jim will write a Newsletter article, with concerns to be voted at the November meeting. Public hearing will be November 22. Eileen mentions that Planning staff is looking at "reshaping commercial centers." She distributes her CA's (Hillandale) newsletter.

**Membership.** Arnie Gordon. Committee met last night. Committee analyzed past five year's of membership receipts.

**Education.** Mark Adelman. Committee is studying MCPS policy FAA-RA. Mark attended the County Council's MFP Committee's worksession about the sale of Peary H.S.

**Legislation.** Dale Tibbitts. Two County Council members attended the Charter Commission meeting Oct 20. Topics included the part-time status of Council members; makeup of the Council (local, at-large, number of seats); the number of signatures required for petitions (set by State law). Delegate Barkley has introduced legislation to increase the number of signatures required. Praisner believes councilmembers should be full-time with no outside employment, and allow the County to enact stronger campaign finance laws. Allow members of Regional Advisory Committees to be elected. Silverman presented his plan of seven local, six at-large districts, so that citizens could still vote for a majority of the Council. He also supports councilmembers as a full-time job with a prohibition on outside employment. Close the multiple-corporation loophole. Upcoming meetings: November 3: Maryland State priorities meeting; November 7: State representatives will hold hearings on local bills.

#### **New Business.**

Peggy Dennis. League of Women's Voters is producing a Study Fact Sheet on the composition of the County Council.

Meeting adjourned 10:45 PM.

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## **Federation Meeting**

Monday, November 14  
7:45 1st Floor Auditorium  
County Council Office Building.  
Rockville, MD

### Agenda

7:45 Call to Order  
7:46 Introduction and Announcements  
7:55 Adoption of Business Meeting Agenda  
7:58 Approval of Minutes and Treasurer's Report  
8:00 Program  
9:00 Committee Reports  
9:30 Member Issues  
9:40 Old Business  
9:50 New Business  
10:00 Adjourn

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Federation meetings are open to the public and are held on the second Monday of each month (except for holidays, July, August and December) at 7:45 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "***Civic Federation News of the Montgomery County Civic Federation.***"

Submit contributions for the next issue by: **Midnight, Saturday November 19.** Prepare submission as an MS Word, Word Perfect or text-only document. **attach** it to e-mail, and send it to [hotyakker@comcast.net](mailto:hotyakker@comcast.net) Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or [djwilhelm@erols.com](mailto:djwilhelm@erols.com).

## **NEXT EXECUTIVE COMMITTEE MEETING**

Thursday, November 17, 7:45 p.m.

### **RED BRICK COURTHOUSE**

29 Courthouse Square, Rockville

(Note: there is free parking in front of the courthouse.)

## **MONTGOMERY COUNTY CIVIC FEDERATION**

**DAN WILHELM, DATABASE MANAGER**

**904 CANNON ROAD**

**SILVER SPRING, MD 20904**

**[DJWILHELM@EROLS.COM](mailto:djwilhelm@erols.com)**

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