



# Civic Federation News

May 2013

Serving the Public Interest since 1925

Official Publication of the  
Montgomery County Civic  
Federation

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## May Program on Parks By Carole Ann Barth, President

Our program on Monday, May 13 will feature Brooke Farquhar from Maryland National Capital/Park & Planning. Brooke is the Master Planner Supervisor, Park and Trail Planning. Her presentation will cover two topics: Green Open Space Park Facilities and the Athletic Field Study.

**Green Open Space Park Facilities** For many years, Montgomery Parks had a dichotomous approach to park planning: parks were either conservation-oriented or recreational. Conservation-oriented parks were designed to preserve important natural resources, and recreational parks were primarily designed for organized sports.

Many residents, however, in the densely-settled areas of the County began to ask for accessible, un-programmed open space where people could pursue a wide variety of pastimes in a natural setting. The Vision 2030 plan also called for Parks to "Plan, design and create more un-programmed flexible parks and recreation spaces, and features that are multi-functional or adaptable for multiple purposes."

Parks has therefore established several new park facility types including Community Open Space and Urban Wooded Areas. Come and hear about these new park types, and whether or not they may be coming to a park near you.

**Athletic Field Study** - Currently underway, the study is expected to be completed *(continued on p 3)*

Registrations must be received by Friday,  
April 26

## Montgomery County Civic Federation's 2013 ANNUAL AWARDS BANQUET

Friday, May 3, 2013

Honoring

**THE WAYNE GOLDSTEIN AWARD** - awarded to an individual or group for outstanding public service to the people of Montgomery County:

**Steve Kanstoroom**

**THE SENTINEL AWARD** – awarded to an individual or group who makes a significant contribution to good government at the local level:

**Montgomery County Taxpayers' League**

**THE STAR CUP** – awarded to the MCCF delegate or committee for outstanding public service to Montgomery County:

**Virginia Sheard**

**Presentation by Councilmember Marc Elrich**

## Who's Who at the Civic Federation's 2013 Annual Awards By Peggy Dennis, Awards Committee

**The Sentinel Award: Montgomery County Taxpayers League.**

The Montgomery County Taxpayers League was established years ago as a nonpartisan, nonprofit and non-stock Maryland corporation. Its objective, as stated in its bylaws is "to arouse, stimulate and mobilize public interest and support for appropriate actions to achieve greater efficiency and economy in the government of Montgomery County and tax equity for Montgomery County taxpayers and communities. The League will direct its actions to County and State government matters which are of county-wide significance and likely to impact a significant segment of county." In short, the Taxpayers

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League educates and advocates for the taxpayers of the county. Some of the ways in which League does this is through testifying before the County Council, informing the public through its monthly meetings with speakers drawn from the county leadership, through commentaries in local newspapers and by TV appearances.

For many years Marvin Weinman served as representative from the MCTL to the Civic Federation. He reported on the League's activities and findings, and worked to help the Civic Federation be more informed and active on matters of governmental fiscal efficiency. In fact, Marvin predicted the county's fiscal crisis years before it was acknowledged by the political leaders of the county.

The Montgomery County Taxpayers League lives on fortified by MCCF members Chuck Lapinski, Max Bronstein, Frank Corrigan, Gordon Brenne, Bob Monsheimer, Barry Loper, Lewis Winarsky and Yale Wiesberg - a match made in fiscal heaven, maybe?

#### **Wayne Goldstein Award: Steve Kanstoroom**

Steve Kanstoroom was originally nominated for the Sentinel Award, but on further reflection we thought it more appropriate to present him with the Wayne Goldstein Award. Steve and Wayne worked tirelessly together, and they were both consummate civic activists. These two men supported and encouraged each other, gave each other tips and useful information, and bounced ideas off each other, sometimes into the wee small hours of the morning.

Over the years Steve has worked in a number of areas. Governor Shaffer recognized him for his years of work behind the scenes to pass numerous pieces of legislation benefiting victims of domestic violence. He has worked with The Humane Society of the United States to pass legislation and adopt regulations benefiting animals in Maryland and across the US.

Wayne first heard from Steve in 2005 after Steve documented a pattern of fraudulent insurance claims practices by private insurers who participate in the National Flood Insurance Program. Steve was instrumental in five Congressional hearings, passage of the Flood Insurance Reform Act of 2006 and the mandated review of all Hurricane Isabel flood claims in all effected states. Consequently, tens of millions of additional dollars were paid by insurance carriers to the victims of Hurricane Isabel. He was recognized by Governor Ehrlich and Senator Mikulski for this work and, in 2007 Governor Martin O'Malley was on hand to

personally congratulate Steve for being the only Marylander to receive the Civil Justice Award that year. The award was presented for Steve's work in spearheading legislation to bring penalties for insurance companies that fail to pay claims in good faith to Marylanders - legislation that the Governor signed.

Also in 2007, after the County refused to act, we learned of his successful private efforts to halt large-scale illegal dumping adjacent to the Patuxent River. Simultaneously, Steve studied and developed recommendations to improve the quality and consistency of the County's Department of Permitting Services (DPS). This work led to Steve exposing an unlicensed layperson masquerading for years as an engineer in Montgomery County and across the region. This person worked on the White Flint Metro Station, numerous hospitals including Adventist and Walter Reed, and is listed as the engineer of record for five years at Leisure Word and an unknown number of projects on file at Park and Planning and DPS.

But what caught our attention most forcefully was Steve's ceaseless effort to end the plight of the "Farm Road" families of Sandy Spring. Many property owners' lives in this African American kinship community have been turned upside down since Park and Planning deleted their street addresses and refused to recognize the road that has served their properties since the late 1800s. As a result, some residents are now homeless, others too sick to speak, and all are denied productive use of the properties that have been in their families for generations. Steve has continued to champion this cause for the past six years at considerable personal and financial cost. Today, April 19, WAMU 88.5FM aired a segment on "Metro Connection" titled "Kinship Community In Sandy Spring Continues Fight For Property Rights". You should read or listen to this piece at the WAMU website:

[http://wamu.org/programs/metro\\_connection/13/04/19/kinship\\_community\\_in\\_sandy\\_spring\\_continues\\_fight\\_for\\_property\\_rights](http://wamu.org/programs/metro_connection/13/04/19/kinship_community_in_sandy_spring_continues_fight_for_property_rights)

Steve Kanstoroom's relentless efforts for good government have benefited Montgomery County residents, citizens throughout Maryland, and nationally. Few citizens have done so much as a single individual across so many concerns and issues. Wayne would be proud and honored to have the award in his name go to Steve Kanstoroom.

#### **The Star Cup - Virginia Sheard**

Virginia went to college in Philadelphia and Syracuse then embarked on a career as a publications and exhibits

designer eventually spending more than 20 years as an art director in the metro area.

A resident of Kensington, she knew little of civic associations and activism until the early 1990s when a non-profit, aided and abetted by county and federal agencies, decided that a large lot embedded a block and a half into her small, 1928 platted neighborhood of about 110 homes should be developed into a 7-story rental apartment building. She quickly learned about special exceptions, land use, zoning codes, the Board of Appeals and the Planning Board. Many months later, through Virginia's work and a reactivated civic association, the residents were able to convince the powers that be that the proposal was not a good idea, and the project was abandoned.

That first neighborhood case got Virginia going. She had met Cary Lamari and Jim Humphrey at the Civic Federation, and they served as her resources for land use information, case studies, and guidance on land use processes. She has been a member of the Civic Federation ever since serving mostly on the Planning and Land Use Committee. That first case also put her in touch with John Robinson and the Allied Civic Group which led to 2 terms on the Mid-County Citizens Advisory Board. She worked extensively with Marian Fryer and the Wheaton Citizens Coalition (WCC) to challenge the then County Executives plan for a million dollar project on Lot 13 in Wheaton. This led to the creation of the Wheaton Redevelopment Advisory Committee (WRAC). Naturally, Virginia served on the WRAC and enjoyed the whole discussion and visioning process for Wheaton's redevelopment which is now on the current agenda for the Executive and Council.

Virginia says that being involved in civic issues has changed greatly in the past 20 years. There are now many more resources available on the internet. You can spend hours on line searching for precedents on issues, sharing ideas with others, and trolling websites to learn a lot about other parts of the county and other citizens who are in the same boat. The MCCF website is one of her main bookmarks. She also reminds us that anyone interested in preserving the quality of life in existing neighborhoods while welcoming change -if change is in the appropriate site-specific scale - has many challenges ahead. The current rewriting of the zoning code is a necessity that has far exceeded the original purpose and expectations. At the same time, the continuance of behind the scenes 'old boy network activities' feed the rumor mills and challenge us all to keep up-to-date on land use issues. "If you don't speak up, decision-makers won't come looking for you. They will assume there are

no issues with the application on the table and in many cases move forward without citizen input." People need to look at these efforts and learn to say 'no' as Virginia learned so many years ago.

For those of us who have been active in the MCCF, Virginia sets the example of a perfect civic activist. She is all over the place and heavily involved, with knowledge of county-wide issues and guidance for case specific problems. And she still manages to make it to most of our meetings! Her quiet demeanor and cheerful attitude make her a pleasure to work with, and we are very pleased to honor her, this year, with the Star Cup. We consider it a "Lifetime Achievement Award."

### May Program on Parks

*(continued from p 1)*

sometime later in FY2013. Parks last estimated the need for ballfields in 2005. Much has changed since then. Twenty-five new fields have been built. Permitting is now centralized, instead of being scattered between three agencies. In addition, ballfields are permitted by the hour. These changes have reduced the practice of booking multiple fields. This practice involved groups which would often book multiple fields to increase their chance of getting a playable field come game day.

The Athletic Field Study includes the following elements:

- Conduct extensive outreach efforts to athletic field user groups and various governmental partners, e.g., Community Use of Public Facilities (CUPF), Montgomery County Public Schools, and Montgomery Department of Recreation.
- Identify athletic field issues and associated solutions unique to each of the seven athletic field areas.
- Consider the contributions of alternative providers (e.g., Olney Boys and Girls Club) to meeting countywide athletic field needs.
- Compare and contrast M-NCPPC Department of Parks current method of predicting future athletic field needs with methods used by other jurisdictions throughout Maryland and elsewhere.

## Slate of Nominees for 2013-2014 Elected Officers

**By Jim Zepp, Nominating Committee  
Chairman**

President	Carole Ann Barth
1st V.P.	Paula Bienenfeld
2nd V.P.	Alan Bowser
Co-Secretaries	Sue Schumacher & Sandy Vogelgesang

Treasurer Jerry Garson

## **Presidents Message: Bulldozers Poised to Destroy Rachel Carson Meadow in North Four Corners Park**

**By Carole Ann Barth**

Will this be the last spring in the Rachel Carson Meadow? The last time to see the delicate fringe of the daisy fleabane flowers or to smell the heavenly scent of the black locust blossoms? The last leaf-out for the 190-year old walnut tree?

As I said at the April Civic Federation meeting, Montgomery Parks is proceeding with its plan to chop down most of the trees, level the rolling hills, fill in the valleys, and convert this six acre green oasis into a soccer field and 50 car parking lot. At the same time, the park's existing youth soccer field would be converted to a "natural area" (translation: a lawn).

If Parks succeeds in their goal, the end result after spending roughly \$6 million will be lost green space and no additional soccer fields gained. This is the opposite of a win-win outcome. It is lose-lose. Silver Spring and Takoma Park residents will lose a very well-loved and well-used green space. Soccer players will lose as well, because the money budgeted to build this single field could instead have renovated 11 fields.

This is why the project has been opposed by the Civic Federation, the Silver Spring Citizens Advisory Board, all of the Four Corners civic associations, residents of the Oaks Independent Living Facility, over 600 neighborhood residents who signed a petition, the Takoma Soccer League Commissioner, and many more individual citizens.

Unswayed by this opposition, the Parks Department requested \$4.2 million dollars in state Program Open Space (POS) funding for this project. The District 19 State Delegation was successful in blocking this use of POS money. However, as money is fungible, Parks has simply re-allocated the POS funding to other projects and taken the money from those projects to fund the soccer field.

Nonetheless, despite having been ignored, patronized, and disrespected for 12 years, the Northwood Four Corners community has not given up. We're still pursuing our vision of a win-win solution. Our vision includes a flexible, multi-use park with active and passive amenities for all ages, designed in a way which showcases and enhances the site's natural resources. Our vision also includes a five point plan for increasing the number of

playable adult soccer fields in Silver Spring and Takoma Park.

On Sunday, June 2nd, we will again gather for Rachel Carson Meadowfest: Celebrating a Sense of Wonder in North Four Corners Park. This year's event will include a performance by Ocean Orchestra, as well as a special visit from the Green Man and Green Woman. Come join us for the festival and join us in our effort to save the meadow. For more details, please visit the Northwood-Four Corners Civic Association website at [www.nfcca.org](http://www.nfcca.org).

## **Streamlining the Development Process**

**By Virginia Sheard, At-Large Member**

Montgomery County Civic Federation has been invited to participate on the newly formed Streamlining Development Executive Committee. Virginia Sheard from the Planning & Land Use Committee will be our representative. The initial meeting was held April 16th, chaired by Reggie Jetter, Division Chief, Customer Service, Department of Permitting Services (DPS). This Committee includes representatives of county agencies involved in the development and permitting process (Board of Appeals, County Council, MNCPPC Planning Department, DPS, Economic Development (DED), Department of Environmental Protection (DEP), Department of Transportation (DOT), Department of Housing and Community Affairs (DHCA), Office of the County Attorney (OCA), Office of Zoning and Administrative Hearings (OZHA), Fire and Rescue Services, State Highway Administration (SHA), WSSC, and other stakeholders, including MCCF and the building industry.

County Executive, Isiah Leggett initiated this cross-agency effort to make meaningful changes to the development application process by streamlining reviews and inspections. As an initial streamlining step, the County is consolidating construction inspections currently being done by the Department of Permitting Services (DPS) and Montgomery County Fire and Rescue Services (MCFRS). The Montgomery County Planning Board (MCPB) is kicking off this effort with a change to the way in which it reviews building permits issued by DPS. All three agencies, along with others, have committed to collaborate to make their customer service more business-friendly, and make it easier to navigate the development process and obtain building permits.

The purpose of the Streamlining Development Executive Committee is to (1) Oversee the implementation of the list of streamlining areas; (2) Draft status reports for County Executive, County Council and Planning Board;

and (3) Make recommendations for additional streamlining areas.

The initial meeting was held April 16 and discussion summarized some of the successful implementations of changes for improvement in various steps of the development process that will yield an estimated 12 month reduction in the total time it takes to get development approvals, and significant dollar savings and economic return that will go along with improved processes.

The Streamlining Development website is the resource for the status of this process which began two years ago. Minutes of prior meetings, participant survey results, slide presentations, and other data can be found at the following website:

<http://permittingservices.montgomerycountymd.gov/DPS/streamlinedevelopment/StreamliningDevelopment.aspx>

## Major State Transportation Bill from Annapolis

By Dan Wilhelm, Transportation Chair

**Bill HB1515/SB1054**, dealing with transportation funding was approved by General Assembly. It contained six major components as follows:

- 1) The bill imposes a sales and use tax on gas of (1) 1% beginning July 1, 2013; (2) 2% beginning January 1, 2015; and (3) 3% beginning in Fiscal Year (FY) 2016. Unless federal legislation is enacted by December 1, 2015, authorizing the State to require the collection of the sales and use tax on sales made by out-of-state sellers to Maryland consumers, the rate will increase to 4% beginning January 1, 2016, and to 5% beginning in FY16.
  - a) The increase will result in (1) \$116.1M in FY14, (2) \$188.1M in FY15, (3) \$432M in FY16, (4) \$611.9M in FY17 and (5) \$647.8M in FY18.
  - b) The increase is on top of the current State motor fuel tax rate which is 23.5 cents for gasoline, 24.25 cents for special fuel (diesel), 7 cents for aviation gasoline and turbine fuel, and 23.5 cents for clean burning fuel. The taxes from this source are projected to total \$745.5 million in fiscal 2014. These state rates are in addition to a federal motor fuel tax of 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel fuel.
  - c) The Gasoline and Motor Vehicle Revenue Account (GMVRA) revenue (commonly known as highway user revenue) must be distributed to local jurisdictions as follows beginning in Fy14: (1) 90.4% to Maryland Dept. of Transportation (MDOT), (2) 7.7% to Baltimore City, (3) 1.5% to the counties and (4) 0.4% to municipalities. Prior to 2009, the statutory distribution formula allocated 70.0% of highway user revenue to MDOT and 30.0% to local jurisdictions.
- d) Increases the debt outstanding limit on Consolidated Transportation Bonds (CTBs) from \$2.6 billion to \$4.5 billion.
- 2) Places restrictions on transfers from the Transportation Trust Fund (TTF) and use of TTF monies; except if legislation is passed by a three-fifths majority of specified full standing committees in each of the two houses of the General Assembly and then enacted into law. The money may only be used for defense or relief purposes if (1) the State is invaded or a major catastrophe occurs and (2) the Governor proclaims a state of emergency and declares that TTF funds are necessary for the immediate preservation of public health or safety. A similar bill, SB829, was also passed that would be a constitutional amendment be approved by the voters. It would require three-fifths majority vote of both chambers in addition to the declaration by the Governor.
- 3) Increases the annual vehicle registration fee surcharge from \$13.50 to \$17.00, with the additional fees credited to Maryland Emergency Medical System Operations Fund (MEMSOF). MEMSOF is used to fund several components of Maryland's emergency medical services system.
- 4) Requires the Maryland Transit Administration (MTA) to increase base fare prices beginning in FY15. Existing law requires that MTA recover from fares and other operating revenues at least 35% of the total operating costs for bus, light rail, and Metro subway services in the Baltimore region. In FY12 they achieved only 28%.
- 5) Requires the Governor to include in the capital or operating budget appropriations to the State Highway Administration (SHA) for use in complying with the Watershed Implementation Plan (WIP). The required appropriations equal \$45.0 million in FY15, \$65.0 million in FY16, \$85.0 million in FY17, and \$100.0 million FY18 and FY19. The WIP covers the SHA share of the responsibility to clean-up the bay since they own over 2,500 stormwater management facilities and nearly 17,000 lane miles of roadway throughout the State. The action came about as a result of a decision by the U.S. Environmental Protection Agency in December 2010 to establish a Chesapeake Bay Total Maximum Daily Load (TMDL), as required under the federal Clean Water Act.
- 6) Studies:

- a) Establishes a Local and Regional Transportation Funding Task Force to study the feasibility of creating regional transit financing entities and local-option transportation revenues for local and regional transportation needs. The report is due by December 2013.
- b) MDOT must evaluate the opportunities for future alternative financing strategies for the Red Line, Purple Line, Corridor Cities Transitway, highway projects, and any other relevant transportation projects. The report is due by November 1, 2013.
- c) MDOT is required to issue a Request for Information for the Red Line, Purple Line, or Corridor Cities Transitway by July 1, 2013, to seek private-sector input and explore the potential for delivering one of the transit lines as a public-private partnership project.

**mark your calendar**  
 Montgomery County Civic Federation  
 July Potluck Dinner  
 Friday, July 12  
 At the home of Peggy Dennis

time.” I loved this resolution and, had I thought that it had a chance of being enacted, I would have voted for it in a heartbeat. I voted against it because, rather like the “nuclear free Takoma Park” it would have had a snowball’s chance in hell of being enacted by our County Council, and even it had succeeded, it would have had little positive effect when surrounded by jurisdictions and a nation that still seems unready to give up its guns.

Instead, the Civic Federation voted to support SB-281. Governor O’Malley’s original legislation had eight points: to ban assault weapons; limit magazine capacity; require

licensing for gun owners; protect second amendment rights; strengthen existing laws prohibiting possession; restrict ammunition possession; registering weapons from other states; and initiating an automated gun application process. I was proud to learn that the Maryland legislature had passed most of these measures, and Governor O’Malley signed the measures into law.

Like our original resolution, Maryland will not be as safe as we would wish because Maryland, like Mexico, will still suffer from firearms of all types being brought in illegally from gun-centric states. And yet some of our state and many national legislators resist being tough on guns. Some in Annapolis were even swayed by the testimony of veterans wanting the freedom to use assault weapons as a form of therapy or catharsis. And too many at the national level are influenced by the NRA members who irrationally protest against the supposed diminution of their Second Amendment rights. This despite the fact that no one is proposing to ban all firearms. We just want to ban civilians from owning automatic and semi-automatic assault weapons originally developed and appropriately used by the military and by some police sniper units.

I cannot, for the life of me, understand why any legislators so easily cave to the gun rights lobbyists and advocates. Just look at the facts. According to the ABC News website: “Violent crime rates have been falling in recent years, but the number of people killed by firearms in the United States remains high. According to the FBI Uniform Crime Report, between 2006 and 2010 47,856 people were murdered in the U.S. by firearms, more than twice as many as were killed by all other means combined.” I calculate that to be an average of 9,571 deaths per year or over three times the number killed on 9/11.

## Submit a Federation Corner column

Want to let others know about a problem affecting your community, or comment on an issue impacting the entire county? The Montgomery Sentinel publishes a weekly column entitled the "Federation Corner", providing us with a platform to educate the public about MCCF and the issues of concern to our members. As the disclaimer on each week's column states, "The views expressed in this column do not necessarily reflect formal position adopted by the Federation." To submit an 800 to 1000 word column for consideration, send as an email attachment to Jim Humphrey, column coordinator, at [montgomerycivic@yahoo.com](mailto:montgomerycivic@yahoo.com)

## Advocate Against Assault Weapons By Peggy Dennis, Immediate Past President

*From her April 11 “Federation Corner” column in the Sentinel newspaper*

At the February meeting of the Montgomery County Civic Federation we voted down a resolution calling for the County Council to ban the sale, transfer, possession, or use of military style assault weapons within the boundaries of the county and urging the Council “to buy back at full cost any assault weapons that are returned to the Montgomery County Police within 90 days of passage of this law and to confiscate any remaining weapons that are found within the boundaries of the County after this

Let's compare this with the statistics on the 9/11 attacks. As a nation, we lost over 3,000: 2,606 in the World Trade Centers, 246 on the 4 airliners, 125 military and civilian deaths at the Pentagon, plus various numbers of fire fighters and emergency responders. Our response? Go to war against Al Qaeda and change the way we behave before boarding any and every flight. Forget the inconvenience of having to remove our shoes and having our bodies and baggage screened before boarding an airplane. We have spent billions in the war against terrorists. Since 2001 our military has lost at least 2,063 in Afghanistan and some 4,488 in Iraq. Yet the total number of military fatalities is dwarfed by the numbers of people killed each year by firearms. While U.S. public health experts do not know why, mass shootings appear to be becoming more common. And mass shootings are most often carried out by assault weapons – a personal and highly portable kind of weapon closely akin to what many could call a lesser sort of weapon of mass destruction or "WMD."

Is it reasonable for anyone not in the military or an elite police sniper unit to have a WMD? I believe that assault weapons, like any other WMD, have no place in the hands of ordinary citizens. As we saw in the Newtown Massacre, even a law abiding and loving mother can have her assault weapon turned on her and then on unsuspecting school children and teachers. Strictly limiting automatic and semi-automatic weapons to the military and elite police units makes sense to me.

So, why are legislators reluctant to reinstitute the assault weapons ban? Two reasons. The first is the NRA. As long as the NRA holds such great political clout, common sense and sanity are doomed. The leadership of the NRA has become, over the last few decades, dominated by an extremist element. Their reaction to Newtown is illustrative: put armed police in every school. Next, perhaps they will advocate armed guards at every movie theatre, then at every shopping mall. Before we know it, we'll be living in a nation that feels more like a fascist dictatorship than the peaceful society I grew up in the 1950s and 1960s.

The second reason is related: too many of us are not lobbying our legislators. If you haven't called, written or emailed to demand that they ban assault weapons, you're part of the problem. Contact them, and ask your friends and relatives in gun-centric states to do the same. We and our national leaders should be talking about a constitutional amendment to clarify the Second Amendment. The great majority of us would give anything to have a future when we can enjoy "life, liberty and the pursuit of happiness" without the fear and

anxiety that any deranged or angry lone wolf could suddenly deprive us or our loved ones of life.

## **Rights and Wrongs in the Roadside Right-of-Way** by Jim Humphrey, Planning & Land Use Chair

*from his April 4 "Federation Corner" column in the Sentinel*

On Monday morning, April 1, the County Council's Transportation, Infrastructure, Energy and Environment (T&E) Committee held a worksession on Bill 41-12, legislation intended to protect roadside trees throughout Montgomery County. Bill 41-12 was introduced on December 11, 2012 by Council members Roger Berliner, who chairs the T&E Committee, and Marc Elrich; and the public hearing on the bill was held by the T&E Committee on January 17 of this year.

Roadside trees (trees that are located in the green space right-of-way adjacent to roads) have a significant positive impact on the environment. Street trees provide habitat for wildlife and, when in leaf, block sunlight from reaching and heating the paved surface of roads, which can reduce the ambient air temperature of a neighborhood microclimate by as much as ten degrees. This, in turns, helps to decrease demand on air conditioners cooling nearby houses in summer, and lowers the electricity bills for those homeowners.

The legislative effort to protect roadside trees faces a number of problems, not the least of which is that most county residents do not understand the status of such trees. By law, trees located in the public right-of-way belong to the people of the State of Maryland; and a permit must be obtained from the state Department of Natural Resources (DNR) to do any pruning or removal of such a tree. But this leads us to the next problem. At the April 1 T&E Committee worksession, Council member Nancy Floreen remarked that most homeowners are not aware their property does not extend all the way to the edge of the paved road in front of their home, rather that land alongside the road is in the public right-of-way.

When subdivisions are laid out, the developer not only draws the boundary lines between home lots but also lays out the roads, designating on the subdivision plat (drawing) the width of each public right-of-way and paved road. For example, the 1939 plat for my neighborhood designates public rights-of-way fifty feet in width with twenty foot wide paved roads; and the remaining thirty feet of right-of-way is divided evenly, with fifteen feet of public "green space" on either side of the

paved road. But dimensions of rights-of-way vary from one neighborhood to another.

This means that I don't own the land all the way to the road in front of my home. My property ends fifteen feet from the paved roadway surface. And it is in this fifteen foot wide right-of-way green space that roadside trees are located, trees that I am legally prohibited from pruning or removing without first obtaining a permit from the Maryland DNR. Even PEPCO and the county government must obtain permits from the state prior to do doing any work on roadside trees in the public right-of-way.

A further confusion involves maintenance in the public right-of-way, other than work on trees, which according to county law is the responsibility of the adjacent homeowner to perform. For instance, the homeowner is responsible for cutting the grass in the public right-of-way alongside the road in front of their home. And they are required to rake and remove fallen leaves from the right-of-way green space in front of their homes in the fall. Similarly, county law assigns homeowners the responsibility to clear snow from any public sidewalk in the right-of-way in front of their homes.

By state law, a homeowner is not supposed to plant trees in the public right-of-way without first checking with the county arborist. If, however, a homeowner does plant a tree in the right-of-way green space it no longer belongs to them, but becomes the property of the people of the state of Maryland. Also by state law, the planting of evergreen trees (or any plants or bushes) is prohibited in the public right-of-way, in an effort to maintain good sight lines for vehicular traffic and to allow use of the green space alongside roads by pedestrians, which is especially useful in areas that do not have public sidewalks. And homeowners are also prohibited under state law from erecting fences in the public right-of-way in front of their homes.

In Montgomery County, if a homeowner would like to install a driveway leading from the road to a parking area or garage on their property they must first obtain a permit from the Department of Permitting Services for "driveway access across public right-of-way." This permit allows for paving of a driveway of a specified width, and permits vehicles to be driven across the right-of-way green space and parked on the homeowner's property.

Roadside trees are also threatened by removal or damage, inflicted intentionally or through carelessness or ignorance, when construction work occurs nearby. In one case in my neighborhood, the builder of replacement home had the street tree cut down in front of the lot on

which they were building, without obtaining permission from state DNR. By the time the area Forest Ranger responded to calls from neighbors and arrived on the scene, the tree was felled. All he did was issue a citation with a \$200 fine and order a new tree with minimum six-inch caliper be planted in the same location as the removed tree. It will be decades before this sapling achieves a size to provide similar environmental and visual benefits to the one that was destroyed.

Sometimes a builder has every intention of leaving a street tree in place near a home they are building, but failure to identify and protect the tree's critical root zone during the construction process could kill it anyway (the critical root zone extends roughly the same distance from the trunk as do a tree's branches). Driving construction equipment or workers' vehicles across the critical root zone can compact the soil and compromise the ability of the tree's roots to absorb water and nutrients, leading to years of decline and eventual death.

The full Council will consider the roadside tree bill in June. We hope they act to protect this important environmental asset.

## Minutes of the April 8 Meeting By Sue Schumacher, Secretary

**Call to Order:** President Carole Ann Barth called the meeting to order at 7:49. Introductions followed.

**Agenda:** The agenda was amended to include the election of the Nominating Committee.

**Announcements:** Peggy Dennis announced that on April 10<sup>th</sup> Park and Planning was holding a meeting on bicycling at 7pm, and that on April 11<sup>th</sup> the Western Montgomery Civic Association was having representatives from PEPCO to discuss tree trimming. Peggy asked the Civic Fed if it would be alright to ask PEPCO to allow bicyclists to use land where PEPCO's lines go. Paula Bienenfeld announced that May 4-5 the Sunlight Foundation will hold their annual "Transparency Camp" at GW and the cost is \$20. Jim Humphrey announced that the Planning Board's last public hearing on the Zoning Rewrite will be April 23<sup>rd</sup>. President Carole Barth announced that there will be invasive plant pulling events around the county, and that she will send out a list of the events to the mailing list.

**Minutes:** It was moved and seconded to approve the minutes of the March 11 meeting as they appeared in the Newsletter. The minutes were approved.

**Election of Nominating Committee:** It was moved and seconded to have Jim Zepp, Peggy Dennis, Dan Wilhelm,



Jean Cavanaugh and Virginia Sheard serve on the Nominating Committee. The motion passed.

**Treasurer's Report:** Bill Schrader reported that the Civic Fed has spent \$125 for the newsletter last month and \$900 for the 10 meetings for 2013-2014. He added that the MCCF is in good financial shape.

**Community Hero:** Peggy Dennis introduced representatives from the Safe Healthy Playing Fields Coalition. This group questioned the safety of artificial turf playing fields. Councilmember Mark Elrich was present and urged not allowing these types of fields in special protection areas.

**Program:** Dan Wilhelm introduced Larry Cole of the Transportation Planning Division of the County Planning Department. Larry Cole's talk addressed the county-wide Transit Corridors Functional Master Plan and most importantly the Bus Rapid Transit Network (BRT). He indicated that the BRT concept first came up in 2008 when it was proposed by Councilmember Mark Elrich. There are going to be public hearings on the proposed plan on May 16. The phase 1 of the plan would have 10 corridors covering 79 miles including Georgia Avenue North, 355 North and South, New Hampshire Avenue (DC to Colseville), and Montgomery Mall to White Flint. Phase 2 as it stands now is guidance for future master plans. There was a spirited Question and Answer period addressing the capacity of the vehicles, what data was used to determine ridership and many more issues. Councilmember Mark Elrich, who was present stated that it was very important for the Ride-On bus system to be a part of this.

### Committee Reports

**Parks and Recreation:** Carole Ann Barth reported that the Rachel Carson Meadow in North Four Corners Park is slated for demolition and becoming a multi-million dollar soccer field. This is despite the lack of \$4.2 million dollars in Program Open Space Funds. She indicated that at this point it is not known where the \$4.2 million is coming from. In addition, Carole said that June 2nd is the "Rachel Carson Meadow Festival: Celebrating A Sense of Wonder" in North Four Corners Park. Ocean Orchestra will headline, and the Green Man and Green Woman will appear. This may be the last festival since the bulldozers are scheduled for July .

**Planning and Land Use:** Jim Humphrey announced that the Planning Board's spring semi-annual report to the County Council was filed addressing the master plans work program, which includes proposals for 3 minor

master plan amendments for Pook's Hill in Bethesda, Vitro site in Aspen Hill, and Apex Building in Bethesda. Chevy Chase Lake Sector plan is already at Council. Long Branch, County-Wide Transit Corridors, Glenmont, White Oak Science Gateway, and 10-Mile Creek (Clarksburg) all will be transmitted to Council by this October [presented].

**Transportation:** Dan Wilhelm reported that implementation of the Transit Master Plan corridors will be decided by the Maryland Department of Transportation.

**Education:** Paula Bienenfeld reported that MCPS Superintendent Starr will be holding a meeting at Forest Oak Middle School in Gaithersburg to discuss Verizon Telecom at the school. She also noted that Carnegie-Mellon University and NSA are sponsoring PICO for 6-12 graders. She reported the bill in Annapolis concerning the shift in the Burden of Proof for learning disabled students from the parents to the schools was defeated, as was a bill about arming teachers and principals. There was some discussion on Resource Officers at schools, and restraints and padded rooms in some county schools. Peggy Dennis addressed the \$35 million increase in the MOE (Maintenance of Effort). She suggested MCCF should not approve going over this year's MOE. Mark Elrich, County Council member stated that the \$35 million should come out of the surplus funds that the schools have.

**Public Finance:** Chuck Lapinski reiterated that the additional \$35 million the schools are requesting in the county operating budget should come out of the schools' surplus funds. **Adjournment:** The meeting adjourned at 9:45 pm.

## Minutes of the MCCF Executive Committee Meeting, April 16, 2013

### By Acting Recording Secretary, Sandy Vogelgesang

The Executive Committee met at the home of Dan Wilhelm. Discussion was conducted in person and via teleconference.

**Call to Order.** First Vice President Paula Bienenfeld called the meeting to order at 8:00 PM, pending the arrival of President Carole Ann Barth. Present for the meeting: Carole Ann Barth, Paula Bienenfeld, Peggy Dennis, Dan Wilhelm, Virginia Sheard, Jim Zepp, Jesse Cantrill, and Harriett Quinn. Present by teleconference: Chuck Lapinski, William Schrader, Jim Humphrey, and Sandy Vogelgesang.

**Adoption of Meeting Agenda.** Paula called for and received unanimous approval of the proposed agenda.

**Approval of Minutes of March 21, 2013 Excomm Meeting.** Paula called for and received unanimous approval of the minutes as published in the April 2013 *Newsletter*.

**Treasurer's Report.** Bill Schrader made an oral report of the Federation's finances. The bank account balance is \$14,257.12. Membership remains the same as reported at the delegates' meeting on April 8.

**Announcements.** President Carole Ann Barth arrived and asked if there were any announcements. There were none.

**Programs.** Carole Ann introduced discussion of future programs as follows:

- **May:** Carole Ann has invited speakers for a program on the Parks Department Ballfield Study and Urban Parks Initiative. Confirmation pending.
- **June:** Jim Humphrey, Planning and Land Use Chair, is organizing a program on implementation of the County's proposed new zoning code.
- **Other Programs:** Carole Ann read the list of suggestions for other programs. ExComm agreed to defer decisions until summer meetings.

**Community Hero.** ExComm agreed to defer consideration of nominations for a Community Hero Award in May since the Federation will be recognizing civic leaders at the Annual Awards Banquet that month.

**Issues for Discussion.** Carole Ann led discussion of the following issues:

- **Menu for Annual Awards Banquet (May 3).** ExComm agreed on menu selections presented by the Golden Bull Restaurant. ExComm also noted the need to assure registration of guests by April 26 deadline and the need to identify presenters for awards.
- **July Potluck.** Peggy Dennis offered to host this annual event tentatively scheduled for July 12. ExComm discussed various options for the program and discussion and will return to this topic.
- **Membership.** ExComm discussed what could be done both to increase Federation membership and to encourage more active participation by those who are members. Carole Ann noted the suggestions made and proposed that ExComm follow up with a more focused discussion at a later date.

- **Transit.** There was an extensive discussion of the questions raised by the Countywide Transit Corridors Functional Master Plan, the subject of the Delegates' Meeting program in April. Dan Wilhelm, MCCF Transportation Chair, provided extensive background. Others noted the concerns of their communities about process, the possible taking of private land for the proposed Bus Rapid Transit (BRT) routes, and negative impact on working-class transit riders. Some urged moving forward on several pilot projects so that County residents might have a better way of evaluating transit options. ExComm agreed to exchange views this week on points of agreement/disagreement so that a Federation position can be formulated in time for the public hearings before the Planning Board in May.

**Committee Reports.** Given the lateness of the hour, ExComm agreed to defer presentation of full Committee Reports. That said, PLU Chair Jim Humphrey did request and receive unanimous support on Subdivision Regulation Amendment 13-02, introduced by Councilmember Floreen, to provide waiver from platting requirements to allow a home that has been damaged by an act of God on an unplatted property to pull a building permit and rebuild on the same footprint. PLU member Virginia Sheard also shared what, as the MCCF representative, she had learned from attending earlier in the day the county government's new Executive Committee on Streamlining Development.

**Date and Venue for next ExComm meeting:** The next meeting will be held on Wednesday, May 22, at the home of Sandy Vogelgesang.

**Newsletter Assignments and Adjournment:** After Peggy Dennis, *Newsletter* Editor, reviewed assignments, Carole Ann called for and received approval for adjournment at 10:30 PM.

# Friday, April 26 - Deadline for Your Reservations

For the Montgomery County Civic Federation's

## 2013 ANNUAL AWARDS BANQUET

Friday, May 3, 2013

Reception 6:00 to 7:00 p.m.

Banquet Dinner Buffet 7:00

Awards Presentations 8:15 - 9:30 p.m.

Golden Bull Grande Cafe

7 Dalamar Street, Gaithersburg 20877

\$40 per person includes wine & sodas at reception and dinner. Beer & cocktails available at cash bar.

**Buffet Menu:** Carved Roast Beef Sirloin "*au jus*" with Horseradish Sauce  
Filet of Salmon with Creamy Dill Sauce  
Spinach Lasagne  
Oven Roasted Red Skin Potatoes, Green Beans in Garlic Butter, Honey Glazed Carrots  
Chocolate Mousse

\$10 for wine reception only: 6:00 to 7:00 p.m.

Directions: Restaurant is in the center of Gaithersburg. From Route 355/Frederick Avenue, heading north, turn left onto Dalamar. Restaurant has plenty of free parking.

Questions? Call Peggy Dennis: 301-983-9738

### Reservations and payment must be received by Friday, April 26

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Please cut off and fill in this stub. Mail with a **check** payable to the **Montgomery County Civic Federation** to:

Mr. Jesse Cantrill, MCCF Banquet, 5617 McLean Drive, Bethesda 20814

I/We will attend the banquet \_\_\_\_\_

(Please print name(s) as you wish them to be on your name badge at the banquet)

Association or Organization (as applicable) \_\_\_\_\_

Contact information \_\_\_\_\_

(Telephone)

(Email)

### **Federation Meeting**

#### **Session 846**

Monday, May 13, 2013  
7:45 1st Floor Auditorium  
County Council Office Building.  
100 Maryland Avenue  
Rockville, MD

#### Agenda:

- 7:45 Call to Order & Introductions
- 7:50 Approval of Agenda
- 7:51 Announcements
- 7:53 Approval of Minutes of April 8 meeting
- 7:54 Treasurer's Report
- 8:00 Program: Green Open Space Park Facilities and the Athletic Field Study
- 9:15 Nominating Committee presents slate of elective officers for 2013 – 2014
- 9:20 Committee Reports
- 9:45 Adjournment

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Monthly Federation meetings are open to the public and are held on the second Monday of each month September through June at 7:45 p.m. in the First Floor Auditorium, County Council Office Building, 100 Maryland Avenue, Rockville, MD. Free parking in garage accessed from Monroe St. or from Jefferson St. heading east from I-270.

The **Civic Federation News** is published monthly, except in July and August. It is mailed or emailed 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: **Sunday, May 26**. Prepare submission as an MS Word, Word Perfect or text document, **attach** it to an e-mail, and send to [mccfnewsletter@gmail.com](mailto:mccfnewsletter@gmail.com)

Please send all **address corrections** to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or [djwilhelm@verizon.net](mailto:djwilhelm@verizon.net).

### **NEXT EXECUTIVE COMMITTEE MEETING**

**DATE: WEDNESDAY, MAY 22, 7:45 P.M.**

**AT THE HOME OF SANDY VOGELGESANG**

**9009 CHARRED OAK DRIVE, BETHESDA 20817**



Official Publication of the  
Montgomery County Civic Federation

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**First Class Mail**

*Address service requested*