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Town Council News

Next meeting: Monday » 11.10.08 @ 7:30 p.m. & Monday » 11.24.08 @ 7:30 p.m. in Council Room. The public is invited to attend.

Actions at the October Council meeting included:

Introduction of Ordinance No. 2008-07: A Zoning Text Amendment Modifying Building Coverage Standards for Residential Zones and Maximum Height Standard for Accessory Buildings. See summary below.
Approval of Resolution No. 2008-08: Geocache Trail Resolution.
Closed the public record on and disposed of Ordinance No. 2008-05: Declaring Certain Properties as Surplus to Public Use and Authorizing Sale of Said Properties to Designated Owners of Adjacent Properties.

2

Mayor's Updates

LOS Condemnation Lawsuit: Recent actions in the Town LOS condemnation suit have been interesting. As the October 15 deadline approached for submitting briefs in the Circuit Court appeal by Maryland National Capital Park and Planning (M-NCPPC) contending that the Town has no right to condemn the LOS field, and that they should be party to our suit against Toll Brothers, M-NCPPC tried to file additional information that was not part of their original appeal brief. The Town submitted a letter to the Court in disagreement to allowing submission of the additional information. The Court ruled to defer (not accepting or rejecting) the information. We don't necessarily think this is in the Town's favor or disfavor. It is better than if the Court had agreed to allow them to enter the information, which also would have meant our attorneys would have had to submit additional briefs of rebuttal on issues that have not been part of the lawsuit to this point.

The other critical information is that oral arguments on the M-NCPPC appeal will be heard before the Circuit Court of Maryland on December 9, 2008, in Annapolis. For speculative purposes only, the following are the main potential Court decisions that could result from the December arguments. It is important to remember that, after the December hearing, the Court can take up to a year or more before issuing a decision, although we are hopeful this will be within 6 months.

The court rules that M-NCPPC is correct that the Town has no right to condemn the property. The case is over and we have no right to appeal, except to the U.S. Supreme Court, but we really have no grounds for a Federal intervention.

The court rules that the Circuit Court was wrong in their ruling on M-NCPPC's "motion to intervene" as a third party to the Toll-WG condemnation or that the doctrine of lis pendens does not apply to this case. This would mean we go back to the Circuit Court to begin the process of condemnation with Toll and M-NCPPC being defendants. This would be the "unwieldy" solution because although we have a right to condemn, both the defendants would share in any outcome. That means that if we win the condemnation, the money would be split in some way between Toll and M-NCPPC (this is one scenario but many others could be conceivable). This should not increase our costs, although my thinking is that M-NCPPC could play the "break the bank" with us to good effect (my opinion only).

The court rules in our favor and kicks M-NCPPC out of the condemnation lawsuit. We then go back with Toll only to the Circuit Court, set a trial date, and go to trial for the express purpose of setting the monetary terms of the condemnation (this is where we were in May/June of this year). We would take depositions, go to trial sometime in the next 6-12 months, and get the bill for condemnation.

Council Transfers Money for LOS Suit: At the October 13, 2008 Town Council meeting, the Council culminated a month-long discussion by transferring money within the FY 2009 Town budget to offset an expected shortfall in budgeting funds for the LOS condemnation suit. The transfer was needed because last spring our attorneys did not anticipate that M-NCPPC would appeal the Court decision that they were not an "interested party" in the lawsuit (the third ruling by a court to do so). The total transferred is \$40,000, which should be more than enough until FY 2010, which begins on July 1, 2009. Funding for FY 2010 will be voted on at the May 2009 Town Meeting and will depend on subsequent decisions and appeals (see previous article).

The following fund transfers were approved by the Council:

\$5,000 from the Professional Land Planning budget item, which zeros this item. This will not be needed in the current year.

\$5,000 from the Property Acquisition Set-Aside budget item, which zeros this item. This will not be needed in the current year.

\$25,000 from the McCathran Hall Improvements budget item, which leaves \$2,000 in this item. The \$25,000 was for improvements to the electrical system in the Hall; after estimates from consultants, it has been determined that the expected upgrades may not be applicable, but certainly cannot be completed during this Fiscal Year.

\$2,000 from the Mulch Alley Debris Removal budget item, which zeros this item. Removal is not critical this year.

\$3,000 from the Reforestation budget item, which leaves \$3,000 in this item. Adequate funds for this can be taken from other forestry-related budget items.

If you have comments on the funds transfer, please contact Mayor Darrell Anderson at 301-963-8555.

Piedmont Park: The Montgomery County Council voted to approve use of Advanced Land Acquisition Revolving Funds to purchase a 10-acre parcel in Piedmont Crossing as a local park. This clears the way to proceed to settlement before November 28th with the Toll Brothers and acquire the property. Next step to developing the local park will be facility planning, and we should monitor M-NCPPC Parks Department's proposed CIP to get Piedmont Park on the list. Funds from the State's ICC parkland contributions will be used for the acquisition. John Compton notes Phase II of the Piedmont Crossing development plan will not happen. Instead the County will plan two ball fields. We will have to participate early to insure the tree line is replanted more densely, and to further discuss the bike path planned to enter the Grove at the end of Brown Street, but could come through the LOS field (via the new park).

3

Notice of Public Hearing

The Washington Grove Town Council will hold a public hearing on Monday, December 8, 2008, 7:00 p.m., in McCathran Hall, 300 Grove Avenue, Washington Grove, Maryland. This hearing is to take public comment regarding Ordinance No. 2008-07, Zoning Text Amendment Modifying Building Coverage Standards for Residential Zones and Maximum Height Standard for

Accessory Buildings. The current RR-1 & RR-2 zones both contain a significant number of lots that are inconsistent with the established parameters. After a re-examination of standards within the Town's Zoning Ordinance, it has been concluded that a realignment of building coverage for residential zones to be based on lot area rather than zone would better protect the character of existing residential areas while creating more equitable opportunities for renovations. The current definition of "half story" allows for an enclosed storage area above a garage or an accessory building in a residential zone. This is in conflict with the current Schedule of Standards and thus should be amended to read 1.5 stories for an accessory building.

4

Town Will Participate in Geocache Trail

A resolution (No. 2008-08) was approved by the Town Council to authorize Town participation in the Maryland Municipal League Geocache Trail. Geocaching is a rapidly growing form of family recreation where people use GPS units to find hidden caches -- no "treasure", just the fun of looking and stamping a "passport" for this program. Town's cost: less than \$30 for water/animal proof container, spiral notebook, and a rubber stamp.

5

Planning Commission News

Next meeting: Wednesday » 11.05.07 @ 7:30 p.m. in Council Room.
The public is invited to attend.

6

Building Permits

If you are going to erect a building or structure (including fences), make structural alterations to, or move any existing building or other structure, you must first obtain a building permit from the Washington Grove Planning Commission. The Town zoning ordinance governs setbacks, lot coverage and height. Applications are available at the Town Office at 301-926-2256. The permit fee for a major building permit (addition/renovation) is \$40.00. The fee for a minor building permit (fence/shed) is \$10.00. Checks should be made payable to the Town of Washington Grove. Interior renovations, which involve electrical, plumbing, or load-bearing changes, generally require a County permit. A shed requires a County permit as well. The Town must first sign off all applications for County-required building permits. The Historic Preservation Commission will review most permit applications as well.

7

Historic Preservation News

Next meeting: Tuesday » 11.18.07 @ 7:30 p.m. in Council Room.
Meetings are open to the public. The HPC encourages residents to come for an early consultation when planning a renovation. They can offer valuable advice BEFORE you spend money on architectural drawings.

8

Recreation Committee News

Next meeting: Wednesday » 01.21.07 @ 7:30 p.m. in Council Room.
The public is invited to attend. New members always welcome!

9

Film Society News

November 9: Cautiva (Captive)

Directed by Gaston Biraben, 2003, Argentina, subtitled, 115 minutes. At the age of 16, Cristina is forcibly returned to her birth family and learns the shocking truth about the seemingly loving people who raised her. Director Gaston Biraben grapples with the horrors of Argentina's military regime and the willed amnesia that followed it. An extraordinary young actress, Bárbara Lombardo, plays the central role in this passionate, excoriating, award-winning film.

10

November Ceili Dance

Saturday, Nov. 22, 2008; McCathran Hall

Dance workshop - 6:00 - 7:00 p.m.

Ceili - 7:00 - 11:00 p.m.

Music by the Common Ground Ceili Band For more information call 301-990-0184.

11

Town Holiday Concert Planned...

When: December 13, 2008

Where: McCathran Hall

Who has "the skinny"? Carolyn Rapkiewicz

E-mail hyecarolyn@yahoo.com or 301-519-2021 This year's theme is "The Washington Grove Chautauqua".

12

Yoga Classes Continue on Tuesday Nights

De-stress with Yoga on Tuesday nights from 7-8:30 p.m.. All levels welcome.

\$10.00 per session. For more information, call Terry Strother at 240-631-2759.

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Neighborhood Watch News

Report Crimes & Suspicious Activity!

Mont. Co. Police non-emergency: 301-279-8000

Town Office: 301-926-2256

Joe Clark: 301-869-7944

Keith Gillis/Leigh Partington: 301-208-1437

Incident Report:

October 4: Vandalism. 300 block Locust La - Resident reported door handle ripped off car sometime in the evening. Nothing taken from vehicle.

October 7: Theft. 400-500 block Brown St - Multiple residents reported political signs from both parties stolen from yards.

October 9: Theft from vehicle. 500 block Washington Grove La. - Theft of rear tag from vehicle. Unknown where and when the theft actually occurred. Police report filed.

October 14: Theft. 10 block Center St. - Resident reported bicycle stolen from car port on or about this date.

October 17: Traffic accident. 500 block Washington Grove La. - Hit and run with minor damage. Vehicle and driver were located, information exchanged. Police report filed.

Please report criminal or suspicious activity to your Neighborhood Watch Block Captain or Coordinators. Filing a police report, too, helps the police department keep track of criminal incidents and is necessary for police to take action. Of course, for emergency situations call 911.

14

Woman's Club News

Next meeting: Thursday » 11.20.07 @ 7:30 p.m. in Clubhouse.

We will be "Holiday Decorating with Native Greenery." Attendees will have the choice to make a door wreath or a table centerpiece. Materials will be provided but there will be a charge of \$8.00 to cover the cost. Please call Joan Mahaffey 240-631-8064 or email joanmahaffey@hotmail.com by Monday, November 17, if you plan to attend so that we will have enough materials. All town residents are welcome. Club elections will, also, be held at this November meeting. Town directories are still on sale at the Town Office for \$5.00.

15

WGUMC News

November 2nd--The Canned Goods Sunday school collection will come by most of the main streets in town, collecting foodstuffs for Gaithersburg Help. Current Food Needs at Help: canned fruits, cereal, instant potatoes, boxed rice mixes, spaghetti sauce with meat (26.5oz can), canned beef stew, canned chicken, tuna, peanut butter, and large paper grocery bags. Please place your donation curbside in a bag. If we don't get to you, a wagon will stay in front of the church for additional donations, many thanks for leaving them there.

November 9th 11am, Anniversary service for our 98th anniversary, which we'll celebrate with a pot-luck lunch following the service. All welcome! We mean it when we say "Open hearts, open minds, open doors--the people of the United Methodist Church!"

Spirituality/Meditation Group Continues Nov. 11th 7-8:30 pm. After a week off for Election Night, the Spirituality/Meditation Class will continue meeting as a group, beginning on November 11th. A simple meal will be provided at each class, and speech and song will be part of our gatherings, along with meditation. Donations are appreciated and optional. Catch your breath in the busy middle of the work week. "Contemplation is part of our deep belonging to a sacred Earth..." -Conrow Coelho

Thanksgiving "basket" purchase and delivery, Nov. 23rd -- Teens and adults will use funds raised at the church anniversary to purchase items requested by families participating in the City of Gaithersburg "Thanksgiving basket" program. Then the group delivers the groceries to the families, who receive what is needed to bake their Thanksgiving meal. When things are tough, they're toughest for the poorest. Donations towards the baskets, and/or for Gaithersburg Help, can be made out to the church with the charity specified on the lower line and sent to box 115. Thanks!

Interfaith Thanksgiving Service, Nov. 26th--Come to the third annual Thanksgiving service specifically designed for, and run by, Grovers from various religious backgrounds. Lincoln's Thanksgiving address will be read, amid Grove music and photos. Then chat with neighbors over apples and pumpkin bread...

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Memorial Tree to Honor Susie Cox

This year, we lost a long-time resident of Washington Grove. Susie loved this Town and it seems appropriate to honor her with a tree. If you would like to make a contribution towards the purchase of a memorial tree, please send your check (made out to the Town of Washington Grove) to P.O. Box 216 or drop it off at the Town Office. The tree will be planted in Wade Park, across from the Cox home. If you have questions or suggestions, please

contact Carole Huberman at rchuberman@verizon.net or call 301-926-4786.

17

Halloween Thanks

A big "Thank You!" to Emily Cavey for her volunteer efforts in organizing the annual Halloween parade and party and "kudos" to the other volunteers who lent a hand. Despite the weather, a good time was had by all.

18

Leaves Are Falling

New and long-time residents alike are reminded of the Town contract for the removal of leaves in bulk each autumn. US Lawns will make regular but unscheduled pickups of leaves raked or blown into windrows within six feet of any walkway or roadway, excluding Railroad Street, 2nd Ave., 3rd Ave., 4th Ave., 5th Ave., and Boundary Street. This service begins November 1 and ends January 1, 2009, or as soon thereafter as we agree that the work is complete. This is your opportunity to have leaves removed without the additional work and expense of bagging.

Weather frequently affects this process, as rain can restrict movement of large trucks on the avenues. Also, one or two spectacular fall weekends in November or early December usually see most of us raking at the same time. As the contractor will time pickups based on the availability of full truckloads for vacuuming, if you rake when most other people rake the windrows will probably disappear relatively quickly. If you feel that a particular pile has been ignored for an inordinate amount of time, please call Kathie Evans at 301-869-7816 or e-mail her at virgoevans@yahoo.com

Please place your windrows with an eye towards traffic visibility and flow, and don't include brush or limbs that foul the vacuum. Happy raking! It's the rite of autumn, particularly in a town graced by so many beautiful deciduous trees.

19

Final Recyclable Yard Waste Pick Up

Per our contract with Montgomery County Sanitation and Recycling, November 28th will be the last date for collection of your big brown bags, bundles, or containers of recyclable yard waste for this year. This service will resume in early March. Town Maintenance will continue to collect your reasonably-sized brush piles.

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Holiday Trash & Recycling Pick-up Schedule

Trash & recycling pick-up scheduled for Thursday, Nov. 27th will occur on Friday, November 28th. This includes recyclable yard waste.

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Bulk Trash Pick-Up Scheduled

A bulk trash pick-up is scheduled for Saturday, November 8, 2008. Collection may include furniture, appliances (nothing with freon like air conditioning units), rugs, large toys, small auto parts, etc... Materials may NOT include construction by-products, large automotive parts, or tires. Items should not contain gasoline or motor oil. Please place all items "curbside" by 7:00AM.

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Town Garden Plot to Be Reclaimed

Because of many reasons--deer, groundhogs, drought, and too much shade--the Town garden plot will be dismantled sometime after the first freeze this year (late November or early December). In addition, the old tool shed will be removed. Anyone who has materials, tools, or other items in the garden plot area needs to have them removed by November 15. A group of residents will be meeting to determine what the Town should do with the former garden plot. More on that as information becomes available.

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Attention Grove Hikers!

We are starting a Grove hiking group and are planning two outings a month. All are welcome to hike with us, whether old or young, slow or fast.

Mark your calendars for upcoming hikes:

Saturday, Nov 15: Billy Goat Trail (contact is Dick Cavicchi)

Saturday, Dec 6: Lake Frank (contact is Birgit Henninger)

Saturday, January 3: (TBA) (contact is Sylvie Favret)

Saturday, March 7: Harper's Ferry (contact is Nancy Helme)

These hikes are still in the planning stages and subject to change. So contact the person listed for details, meeting times and rain dates. In general though, we expect to meet at the Hall before each hike and carpool from there.

We're also considering an April bike trip with an optional overnight at a B&B. And we may even plan a canoeing/kayaking trip or cross-country skiing on occasion. So stay tuned!!

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Who Let the Dogs Out?

The Town of Washington Grove adopted Montgomery County's animal control legislation some time ago. The phone number for reporting stray dogs or cats is 240-773-5960. Here's what the County code says about animals at large and about noise.

At Large

Any dog is at large if it is outside the owner's premises and not leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital park and Planning Commission, or is participating in an approved activity. Any other animal (i.e., cat or livestock animal) is at large if it is outside the owner's premises and not leashed or immediately responsive to verbal or non-verbal direction.

Animal Noise

An owner must not allow an animal to cause noise that is loud enough and persistent enough to disturb another person's quiet enjoyment.

25

Clerk's Corner

Reminder... When you put up a sign on a telephone pole, street sign or tree that advertises an upcoming event, please remember to take the sign down after the event is over.

DRIVE 15 ENJOY THE SCENE!!

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Did you know...

a 100-watt light bulb can burn for 4 hours on the energy saved from recycling ONE glass bottle? In a recent cooperative community effort, Washington Grove and Town Crest volunteers pulled out an estimated 6,250 bottles during the October 26th trash clean-up in our West woods. All went to the recycling center at the County Transfer Station. Energy in, energy out... YOU do the math! Many thanks to all those who participated in this monumental cleaning project. Now, go take a hike in the West woods and see the fruits of that labor :o)