



Minutes of the Planning Commission Work Session
November 16, 2022

Approved: January 18, 2023

Chairman Peter Nagrod called the meeting to order at 7:30 p.m. This meeting took place via ZOOM videoconference. In attendance were Commissioners Peter Nagrod, Georgette Cole, Christine Dibble, Dave Hix, Robert Johnson, and alternate Jonathan Dail; also residents Paula Puglisi and Susan Van Nostrand.

Item #1: Approval of Agenda: The agenda was accepted by consensus with the addition of approving the October 19 minutes.

Item #1b. Approval of minutes from prior meeting – October 19th

Georgette Cole Moved, Robert Johnson 2nd. Robert, Christine Dibble abstain, motion passes 4-0

Item #2. Discussion of regulating rentals in the Grove

Peter looked at Gaithersburg for guidance. Among requirements there are a valid two-year license, inspections, and parking, lead abatement and carbon monoxide rules. It was asked how Washington Grove could implement something similar with essentially no staff. Some options posed were to hire subcontractor or require a license from Montgomery County. Commission agreed it would be more effective to adopt the Montgomery County ordinance, require a license from the county.

A question was posed if we could wrap rental process into ADU process for inspection and enforcement. Peter and Georgette mention the rental process would come first as the town already allows and has rentals.

A question was posed if we would want or need the revenue from licensing. It was agreed we do not need the direct revenue from licenses, and as long as taxpayers are filling out their taxes correctly, the town does see a form of revenue from renters. We agreed that the safety concerns (egresses, lead paint, etc) that would be addressed by licensing are more pertinent.

During the meeting it was determined WG invokes using the county license but seemingly does not enforce it. It was asked if municipalities are exempt; regardless, discussion moved to the fact that in article 13, Washington Grove invokes Chapter 29 of Montgomery County code. Once the commission agrees on the process, we should present it to the town that a license is required under Chapter 29, that rental units need to comply.

Next step: Chairman Nagrod to talk to John Compton, pass on PC discussion, is it in alignment with what Mayor was thinking?

Item #3. 404 4th: Continue discussion of request from Van Nostrand/Ambrose for purchase of town land adjacent to their property at 404 Fourth Avenue.

Peter listened to HPC meeting on the relevant topic. Conversation focused on 2 issues:

Issue #1 Front of house: this portion of the property is covered under special ordinance that properties with a portion on town land can be purchased from the town.

Issue #2: Side of house next to Acorn. The question for this parcel is whether the ordinance created for prior owner is still in effect, though it named prior owner by name.

It was suggested in prior PC meeting to refer the issue to mayor to get ruling on issue #2. We noted that the Town government has not sold town land since 1994. The PC would therefore recommend the residents be allowed to buy land using Article XVII which is designed to specifically address encroachments under the historic cottages.

Georgette shared a draft of the letter, subject "PC Recommendation Regarding Request to Buy Town Land – 404 Fourth Ave", that the PC would propose giving to the Mayor and Council. The letter includes some of the issues that PC has brought up during the current meeting, as well as a suggestion for the owner of 404 Fourth to get a boundary survey to ensure that sufficient information has been submitted to document dimensions and degree of non-compliance on town land.

Susan asked for clarification if just the property under the stoop and chimney (along Acorn) could be purchased under the same special ordinance suggested for the front of her property. Commission agreed it could. A boundary survey would be required. Susan will wait to see what decision is made by the town. Discussion followed on what would happen if nothing was done, which includes possible objection by potential buyers at the time of sale of the property.

Discussion - Do we want to amend the PC recommendation? Peter's understanding is the HPC would request from mayor and council a ruling on whether the ordinance (referenced in issue #2 above) is still valid or not. Regardless of decision by Mayor and Council on the ordinance, PC can make a recommendation not to sell any surplus land, in accordance with current practice.

Next Step: Table final discussion until next meeting – December 7th so members can review the PC recommendation letter before approval.

Item #4. Updates on action items from last meeting:

Reviewing setbacks in RR2: There is a need to go over individual house files at Town Hall. Background: over three years, Georgette, Brenda, Deb went over house files to make a compliance sheet that shows what are and are not in compliance with town. Much of the document needs to be modified now that we're using section 3.141 for setbacks. The need is mostly in RR2 and under 7500 feet.

Question was asked if setbacks are inaccurate or encroachments wrong? Georgette answered that we only know (non-)compliance but not distance of setbacks which now should be determined for applying section 3.141.

Next Step: Robert would be interested in helping but has a time crunch, as do others. Discussed tabling until Spring.

Limiting shape/footprint of house: Robert mentions discussion on what ½ story meant, including defining "mass" of the structure. Some communities have handbook with requirements

– e.g. half of the wall can have height restriction. Another possibility is a percent restriction of floor space.

Next Step: Discuss looking into this in conjunction with HPC. Dave will talk with Bob Booher to create a meeting with interested parties listening.

Disincentive for knocking down houses: In a conversation between Georgette and Charlie the potential for demo permit came up. They posed the question: what if we pass an ordinance that you can renovate but not demolish a certain age? Robert mentions it is common in certain municipalities to have the HPC approve demolition permits, and could be required that our HPC do the same.

Possible reluctance with HPC to have the authority to issue the demo permit. It was noted that there may not be consensus in town on dis-allowing demolition due to some issues like neglect causing irreparable damage (demolition by neglect). It may be cost prohibitive to repair.

Next Step: Continue discussion at next PC meeting.

PC to talk to BZA about variance conditions being relaxed to make old homes more livable – Peter will talk to Marc H. Table to next meeting.

MC Fire Code – Background: Fire Code has resulted in requirements for updates to houses that may not comply to Washington Grove standards. Some reasons we discussed why this is ok:

- Robert mentions Montgomery County invokes international building code,
- Applying fire code would increase livability and safety of house,
- Overriding laws supersede Washington Grove rules,
- In BZA, variances are granted if safety is an issue.

Next Step: None, all agreed no issue.

Demolition by neglect: Peter looked into DC ordinance – it is in alignment with what PC is going for.

Next Steps: Peter can send a link to DC ordinance for all to review. Peter and Jonathan to meet to discuss offline findings, share DC ordinance, California technical guide discussing demolition by neglect, and other findings. Intent on presenting again next meeting in 3 weeks.

Lot of record vs lot: Discussion came about because of concern with 2 lots being purchased and combined into a large house. We should be able to accept the definition of lot as based on **historic precedent** and compatibility with surrounding properties; or alternatively if lots are described on a single deed.

It is noted that Montgomery County says if you want to build something that spans lots, they need to use **minor subdivision procedures**.

Georgette clarifies: We do have a subdivision process – if we could add to that something like a minor subdivision procedure for combining lots for the purposes of building, it should resolve this question.

Next Step: Robert to present verbiage on changing the definition of a lot; Georgette can assist if needed.

Item #5. Other Business

No other business.

Meeting adjourned at 9:18pm.

Submitted by Jon Dail