



Minutes of the Planning Commission Work Session
January 18, 2023

Approved: February 15, 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, and Dave Hix.

Item #1: Approval of agenda

Dave Hix moved to accept the January 18 agenda, seconded by Christine. The agenda was slightly revised, reversing items 3 and 4, and adding an update on fence at 100 McCauley St. under Other Business. All of the members approved the agenda as revised.

Item #2. Approval of minutes from November 16 and December 7

Georgette Cole moved to approve the minutes of the November 16, 2022 Work Session, seconded by Dave. All of the committee members approved the revised minutes as presented. Peter Nagrod moved to approve the minutes of the December 7, 2022 monthly meeting, seconded by Georgette. All of the members approved the revised minutes as presented.

Item #3. Updates on action items from the November 16 meeting

- **Reviewing setbacks in RR-2:** This topic was not discussed, since at the November 16 meeting, the members agreed to table this until Spring 2023.
- **Limiting shape/footprint of house:** The members engaged in a lengthy discussion about different approaches to prevent the construction of inappropriately massive new dwellings/additions to existing dwellings.

A. The members:

- agreed that the need to discourage such construction is particularly critical in the historic RR-2 zone around the Sacred Circle;
- acknowledged that Grove residents should have some latitude to expand the size of their residences so that those residences continue to meet their practical needs;
- recognized that Grove residents want a measure of control over what they do with their properties, enjoy the eclectic, “no two houses are the same” nature of Grove streetscapes;
- acknowledged that any new ordinances might be considered an expansion of governmental bureaucracy and intrusion, and that there may be little political will among residents to support the passage of new ordinances;
- considered the ease of implementing and enforcing possible approaches to prevent inappropriate massing, and the equity implications of each approach;

- agreed that existing setbacks and height restrictions already give a level of protection against inappropriate massing, but that that level may be insufficient in certain future scenarios.

- B. The members discussed the potential for an overlay district, which would superimpose an additional set of regulations over an existing zoning district (such as the RR-2 district). Although overlay districts are often used in zoning regulations, the members considered:
 - that developing a set of ordinances that would apply to an overlay district would be difficult and time-consuming;
 - that the decision about which dwellings to include within the overlay district might be controversial (e.g., how do you define which cottages are historic?);
 - that enforcement of these ordinances would be problematic; and
 - that there may be simpler, more easily enforced ways to achieve the goal of preventing inappropriately massive construction.

- C. For the reasons set forth in the bullet points under items (A) and (B) above, the Commission members dismissed further discussion of creating an overlay district.

- D. The members considered another possible approach to preventing inappropriately massive construction: developing a specific ordinance tailored to discourage the construction of flat or nearly flat roofs.
 - **TO DO: Christine Dibble agreed to conduct a web search to find examples of other municipalities that prohibit or discourage the construction of flat roofs.**
 - The members considered that in some instances, a homeowner may need to expand the size of their dwelling, and that the only practical way to do so may involve constructing a flat (or nearly flat) roof over all or part of the dwelling. A “no flat roofs” ordinance would most likely prohibit any flexibility that the Commission might, from a policy perspective, wish to grant a homeowner in this situation. Homeowners, of course, may apply to the Board of Zoning Appeals for a variance from such an ordinance, but the Code of Ordinances’ strict parameters for granting a variance make it difficult for a homeowner to receive a variance. However, the members agreed that a “no flat roofs” ordinance, *combined with a loosening of the parameters for granting variances*, may achieve what the Commission seeks: a successful and relatively enforceable method to prevent inappropriate massing that entails minimal controversy and bureaucratic expansion. **TO DO: Christine Dibble agreed to discuss with Marc Hansen the possibility of loosening the parameters by which the BZA can grant variances.**

- **Demolition by neglect:** The members briefly discussed appropriate next steps to develop a demolition permit:

- A. **TO DO: Peter Nagrod will send a link to the District of Columbia ordinance for all to review.**
 - B. **TO DO: Peter Nagrod and Jonathan Dail will meet to discuss their offline findings, including a California technical guide that pertains to demolition by neglect.**
 - C. **TO DO: Georgette Cole will review the Montgomery County demolition process, including the permit application.**
- **Lot of record vs lot:** The members continued their discussion of revising the definition of “lot of record” so that the definition will effectively prevent a property owner/buyer from buying two adjacent lots, declaring them a single lot under one owner, and then constructing an inappropriately large dwelling on the new, larger lot.
 - A. Georgette Cole noted that the current definition of “lot of record” in the Code of Ordinances is “The land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed among the land records of Montgomery County” and that the County refers to the process of combining lots of record as a “subdivision.”
 - B. **TO DO: Georgette Cole agreed to review the Montgomery County subdivision process for combining lots of record.**

Item #4. Dealing with demolition by neglect

The members agreed that this subject had already been discussed earlier in the meeting.

Item #5. Other business

- **Update on fence at 100 McCauley St.:** The fence has been repaired, but still stands. **TO DO: Peter agreed to contact the mayor so that the mayor can issue a follow-up letter to the homeowner.** Issuance of the letter would indicate the beginning of a 30-day period in which the homeowner must remove the fence; if the fence still stands at the end of the 30 days, the Town will have it removed.
- **Guardrail at 411 Grove Ave.:** Christine Dibble reminded the other members that the metal guardrail in front of 411 Grove Avenue has not yet been replaced by a more attractive wooden guardrail. **TO DO: Peter agreed to contact the homeowners to determine whether they are still interested in having it replaced, and if so, to then contact Steve Werts and RJ Landscaping about performing the replacement.**

Adjournment

The meeting was adjourned at 9:34 pm.

Submitted by Christine Dibble