



KENSINGTON

AROUND TOWN

JANUARY - FEBRUARY 2011

CALENDAR

Town Offices Closed
Monday,
February 21st
Presidents' Day

Coffee with the Mayor
Saturday,
February 26th
9:30am

Town Council & Revitalization Committee Meeting
Public Hearing
Monday,
February 28th
6:30pm
(Info on Page 12)

Day Of The Book
Sunday,
April 17th

Please check the Town's website for up to date information.

www.tok.md.gov

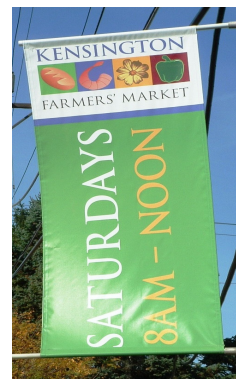
2010 TAX RETURNS

The Town's second largest revenue source is a repayment of the State's income tax to the municipality. In order for the Town to acquire its share of the income tax and to continue to help fund the services the Town provides, it is necessary the Town's name is filled out, Town of Kensington, in the appropriate box. A sample of the form is shown below with the appropriate box labeled.

FORM 502 MARYLAND RESIDENT INCOME TAX RETURN		
OR FISCAL YEAR BEGINNING		2009, ENDING
SOCIAL SECURITY #		SPOUSE'S SOCIAL SECURITY #
Your First Name	Initial	Last Name
Spouse's First Name	Initial	Last Name
PRESENT ADDRESS (No. and street)		
City or Town	State	Zip Code
Name of county and incorporated city, town or special taxing area in which you were a resident on the last day of the taxable period. (See Instruction 6)	Maryland County	City, town or taxing area

FARMERS' MARKET

The Farmer's Market will continue to be open Saturday from 8am—12 noon during the winter months. Additional information regarding the Market can be found online at: <http://www.tok.md.gov/c/318/Farmersmarket>. The Market has several new vendors. Special thank you to Council Member Mary Donatelli and Staffer Shirley Watson for their continued efforts to improve the Market.



TRASH, BRUSH, & RECYCLING SCHEDULE REMINDER

Tuesdays: Trash, Brush, and Recycling (comingled) **Fridays:** Trash

3710 Mitchell Street Kensington, MD 20895
Office: 301.949.2424 www.tok.md.gov

COFFEE WITH THE MAYOR

Please join me for another Coffee with the Mayor on Saturday, February 26th 2011 @ 9:30am; on the second floor of Town Hall. These gatherings are open to all community members and have no set agenda—open forum. Come hear about the latest news in Kensington. Ask questions on matters important to you.

PASSING OF TWO GREAT KENSINGTON RESIDENTS

We recently lost John S. Stubbs and Wat Stewart. Both men were longtime residents and served our community in many ways. The Council and I extend our sympathies to their families. A brick will be purchased in Mr. Stubbs name for the planned Kensington Volunteer Fire Department's 9-11 Memorial; a tree will be planted in a Town Park for Mr. Stewart.

WHEATON COSTCO

Costco is coming to Westfield Wheaton, but the timetable is not finalized yet. Originally Costco said they would not build a store if a Costco gas station was prohibited. The gas station was met with resistance by local residents so Costco decided to separate the store and station applications. Their plans for the store are almost completed with Westfield. The store would be located on the second floor of a two-story building that would replace the currently empty Hecht's building on the back side of the Mall, and would extend its footprint out to Ring Road. Other retailers would be located on the first floor; specific tenants have not yet been revealed.

Costco is pursuing placement of the gas station on the south side of the Mall, past Target at the bend on Ring Road. All proposed gas stations in Montgomery County must go through the Special Exception process. Costco plans 16 nozzles (8 pumps, each with nozzles on two sides) and projects selling 12 million gallons of gas per year, which translates to 3-4 tanker trucks per day. Concerns of the nearest neighbors include air pollution caused by the long lines of idling vehicles, potential water pollution that could compromise Silver Creek, and noise pollution caused by the operating hours of 6 a.m. to 9 p.m., seven days a week.

Source: Kensington Heights Civic Association www.KensingtonHeightsMD.org.

CARRYOUT BEER & WINE Bill

The Montgomery County State Delegation continues to hold hearings on MC9-11. Council Member Barch has been chaperoning the State bill on behalf of the Town. The Town Council recently voted to continue backing the bill with minor amendments. More information may be found at <http://www.montgomerycountydelegation.com/MC9-11.html>. BILL (MC9-11). Senator Rich Madaleno is the key sponsor in Annapolis.



Mayor Peter C. Fosselman

**Council Member Mackie Barch
Council Member Mary Donatelli**



**Council Member Sean P. McMullen
Council Member Lydia Sullivan**

January 28, 2011

Hon. Valerie Ervin, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: CR Zone Amendments and Kensington Sector Plan Schedule

Dear Ms. Ervin,

Thank you for your telephone call last week when you, your Chief of Staff and I discussed the CR Zone Amendments currently before the Planning Board. To summarize our conversation, it appears a delay is valid for the Kensington, Takoma Park and Wheaton Sector Plans until the amendments are complete. While disappointed in another postponement - as the Town has not sought these delays and wishes to move forward - I understand and agree with your decision. It is necessary in order to properly achieve our goals for the revitalization of our town.

It is my understanding that after the Planning Board has approved the CR Zone Amendments, they will be taken up by Council Member Floreen and her PHED Committee sometime in late winter/early spring 2011; then onto the full Council for approval. Due to upcoming budget deliberations in the spring, the three Sector Plans (Kensington, Takoma Park and Wheaton) may not be revisited until the summer; at which time the Council will have to make a decision as to which Plan will proceed first. In addition, with all three Plans being affected by the CR Zone, some (at least Kensington) may be reevaluated by the Planning Board to determine the impact of the new zoning.

The fiftieth (50) open public meeting pertaining to the Kensington Sector Plan was held last week. It has been approved unanimously (and recently reconfirmed approval) by the Coalition of Kensington Communities, the Kensington Revitalization Committee, the Town Council and the Planning Board. It is important to note that since our Town approval, we have a new Council Member who does not support the Sector Plan in its current form; however, the remaining four members of the Town Council continue to back the Sector Plan as they have been involved in the process and are assured of the support by our the majority of constituents (a separate letter of support will be sent to you from our Council and me following the zoning amendments).

On January 10th, our Town Council approved a resolution endorsing the exploration of the new CRN and CRT zoning categories as they appear to cater to Kensington's requests. Marc and Metro parking ratios are more in line with realistic commuter usage so more parking will be required. The amendments reinforce the concept of a municipal parking district as well as Building Lot Termination fees are optional. The language pertaining to the Design Guidelines has been changed to a "must" for the site plan process (this is the biggest achievement thus far as the Guidelines will be an important tool along with Article 28 of the State Law for supermajority vote and the County's school capacity regulations such as building moratoriums).

I have enjoyed working with you, the other County Council Members and your staff throughout the Kensington Sector Plan process. It's been a three year endeavor as we have together crafted a blueprint for our community that meets their desires of new services, pedestrian safety, transportation solutions, new green space, and other public amenities while protecting the Town's charm.

Sincerely,



Peter Fosselman

Cc: Town Council Members
François Carrier, Planning Board Chair
Fred Boyd, Community Based Planning
Suellen Ferguson, Town Attorney
Coalition of Kensington Communities Board

Hon. Nancy Floreen, PHED Chair
Rollin Stanley, Planning Director
Sanford Daily, Town Manager
Revitalization Committee Members

WWW.EXPLOREKENSINGTON.COM



TOWN STAFF CONTACTS



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Council President, Personnel, Strategic Planning

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Mackie Barch, 10303 Montgomery Avenue
Business Development, Farmer's Market, Green Task Force & Trees, Revitalization, Traffic

Mary Donatelli, 10400 Montgomery Avenue
Arts Council, Business Development, Farmer's Market, Revitalization

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Jaime Simms

Crew
Rick Moten
James McDonald

TOWN PERMITS

3505 Kent Street
Dumpster

10566 Metropolitan
Avenue
Sign

3601 Plyers Mill Road
Porch

Reconstruction of Cedar Lane @ Rock Creek to Commence



Cedar Lane will be Closed between Beach Drive and Parkhill Avenue From June 17, 2011 through August 24, 2011.

Special points of interest:

- Construction will commence this winter.
- The project is expected To take 10 months to complete.
- *Cedar Lane will be closed* between Beach Drive and Parkhill Avenue from June 17, 2011 through August 24, 2011.
- For more information, please visit www.dpwt.com.

Montgomery County Department of Transportation (MCDOT) Division of Transportation Engineering (DTE) will soon commence construction activities for the reconstruction of the bridge that carries Cedar Lane over Rock Creek. The purpose of this newsletter is to notify you of the upcoming project and to inform you of the project schedule and impacts to traffic.

The project site is located in Bethesda, Maryland. Bridge No. M-0074 currently carries four lanes (two in each direction) of Cedar Lane over Rock Creek. It was originally constructed in 1959. The Average Daily Traffic (ADT) crossing the bridge currently is 12,565 vehicles per day.

Montgomery County conducts biannual inspections of its bridges. Based on evaluation of the bridge during past inspection cycles, the bridge is classified as structurally deficient and is posted for load restrictions. In 2007, the biannual Bridge Inspection Report indicated that the concrete beams and piers were in poor condition. In 2008, DTE conducted concrete core tests, removing samples of concrete from the structure and testing them. The results confirmed that reconstruction of the superstructure and pier caps would be necessary.

The project entered the Facility Planning Bridges Program and design commenced in 2008. Construction funding was appropriated in the FY11-16 Capital Improvements Program Budget. The completed project will provide a safe roadway for the traveling public and prolong the service life of the structure.

Source: Montgomery County Dept. of Transportation; Resident Chris Bruch



November 29, 2010 Council Summary

- Approved Minutes from November 1 and November 8, 2010
- Approved additional criteria to be added to proposed Bill MC 9-11 regarding Off Sale Beer & Light Wine.
- Generally supported County Bill MD 13-11 to allow customers to bring their own wine to restaurants.
- Presented a Proclamation to St. Paul United Methodist Church in honor of 125 years.
- Approved Resolution 33-2010 proclaiming November Municipal Government Works Month.
- Amended Resolution R-28-2010 to change the recommended height at 3906 Knowles Avenue to CR 50.

A recording of the Council Meeting may be found here: <http://www.tok.md.gov/c/412/>

December 13, 2010 Council Summary

- Approved Minutes from November 29, 2010
- Discussed a Proposed Charter Amendment which will be introduced January 10th with a Public Hearing on February 28th.

December 13, 2010 Minutes 7:05 pm

Mayor Fosselman, Council Members Donatelli, McMullen and Sullivan, Town Manager Daily, Clerk-Treasurer Engels, and Assistant to the Town Manager Hoffman were present. Council Member Barch was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed.

Stephanie Warlick, from Warlick Enterprises (Colorworks Promotions), explained the hardship for her company from retroactive tax bills from the Town of Kensington for personal property taxes for their manufacturing process which is exempt from state taxes. She requested the Town exempt manufacturing as the state does. The Mayor suggested she send a letter in with her request. Julie O'Malley displayed new shirts KHS is selling. Dick Ward inquired on the status of Konterra parking lot.

Council Member Donatelli reported she attended the Park and Planning Meeting and the Committee for Montgomery Breakfast. Council Member Sullivan reported she also attended the Park and Planning Meeting to oppose the Zoning Text Amendments.

The Town Manager explained the status of the Town's 1994 Ford Diesel Packer Truck which has a severely damaged engine. He stated two offers were received for the Truck and recommended transferring it to Marco Difranseco of Marco's Towing who offered \$2,500 which will be deducted from several invoices the Town owes. The Council concurred with his recommendation.

The Town Manager explained the proposed Charter Amendment to amend Article IV Section 409 and Section 411 to clarify procedures for adoption of ordinances, change the period of time required for adoption of ordinances and to delete Section 411b with respect to referendum on land use. He

also noted he was waiting for additional language to amend procedures for charter amendments in Section 1307 at the same time. He stated that Section 411b which requires a referendum on more intensive land use was outdated because it refers to Park and Planning which does not approve such land uses.

Council Member McMullen suggested waiting for introduction for the complete amendment, considering a public hearing requirement after an ordinance is adopted by emergency provision, and a minimum number of days by kept in the Charter for adoption of an ordinance. He also noted that in reference to Section 411b, which requires a referendum on more intensive land use, he does not think approval of all member of the Council and Mayor should be required; does not support the original reasoning for adding this to the Charter; noted the language was obsolete; and didn't think it was appropriately located in the Charter.

Council Member Sullivan expressed concern over changing the Charter and didn't think an ordinance should be passed sooner than 28 days; suggested more opportunity should be given for public notifications; and expressed concern over removing the referendum provision for more intensive land use which she stated was originally put in the Charter by a 1960 Referendum because of concern over the Council recommending large buildings in Town.

Julie O'Malley suggested the Town Journal should be the official notice for ordinances not the Gazette; Jack Gaffey suggested notice should be in both the Gazette and Town Journal, stated the referendum provision on land use should be kept and stated he does not see any reason to shorten time requirement from 28 days; John Flyger suggested a referendum should be considered on whether the requirement should be deleted from the Charter; Jayne Plank stated the number of days should not be reduced, if using Town Journal as notice it should come out every month with complete information and stressed the importance of Charter amendments along with adequate public notice; and Lorri Simmons stated this should not be rushed, noted other projects the Town is working on and stated she would like to hear more from Council Members than the Town Manager.

Council Member McMullen suggested introducing the proposed Charter amendment on January 10th with a Public Hearing on February 28th.

Council Actions

Council Member McMullen moved to approve the minutes from the November 29, 2010 Town Meeting. The motion passed unanimously.

Council Member McMullen moved to adjourn the meeting at 8:06 p.m. The motion passed unanimously.

January 10, 2011 Council Summary

- · Approved Minutes from December 13, 2010.
- · Supported the proposed addition at 10202 Kensington Parkway with letter of recommendation to HPC.
- · Approved Resolution R-01-2011 supporting further exploration by the Planning Board of CRN and CRT Zones.

January 10, 2011 Minutes 7:10 pm

Mayor Fosselman, Council Members Barch, Donatelli, McMullen and Sullivan, Town Manager Daily, Clerk-Treasurer Engels, and Assistant to the Town Manager Hoffman were present. The Pledge of Allegiance was recited and a Moment of Silence observed.

Ellie Sola-Sole suggested the appointment of a poet laureate who would record important events in Town through poetry. The Mayor and Council supported the idea.

Duane Rollins questioned whether the January 5th Gazette article was correct which stated that Konterra had made a request to the Town to exceed the 60 feet height limit for their development. Council Member Sullivan noted there were some errors in statements attributed to her and that

Konterra had a meeting to obtain public input on a height increase. The Mayor and Council Member Barch stated Konterra has not made a decision to request this of the Town or the County. Duane Rollins also questioned whether it was ethical and appropriate for Council Member Sullivan's website, listed in a Gazette article, to seek donations. Council Member Sullivan noted she was not connected with the bank account and has spoken with people at the county council level on this; she also mentioned that only one point of view is presented on the Town's website. The Mayor suggested that if Council Member Sullivan wished, and Council Member Sullivan concurred, she could request a formal opinion from the Town Attorney on seeking donations.

Ken Timmerman questioned the accuracy of a map and story in the Washington Post which showed the maximum height for the townhouse area of Warner Street at 90 feet. The Mayor stated he had not seen the map, but the height in the area of the townhouses was currently at 75 feet which should be lowered (the Mayor sponsored a resolution to lower the heights along Knowles Avenue, which was passed by the Council November 1, 2010)

A courtesy review of plans for an addition at 10202 Kensington Parkway was held. The property owners, Mark and Patience Ball, were present and explained the proposed addition. They stated their property is two lots and they plan to build an addition on the north side of the lot which would cross the internal lot line and prevent any further development on the second lot. The Council concurred to send a letter of support to the HPC.

The Mayor reported the following: he met with representatives for the 2011 Day of Book which will be held on April 17th; had "Coffee with the Mayor" on Saturday; testified at the Planning Board on the CR Zone Amendments; attended the Revitalization Committee Meeting; met with the Planning

Board Staff on CRN and CRT Zones; attended the Noyes Library Fundraiser, the next Noyes event will be February 12th; had coffee with Senator Madaleno; met with the Town Manager, Town Attorney, and representatives from County Council Member Ervin's office along with the County Department of Transportation to discuss Silver Creek flooding issues, a grant from the federal government may be possible; attended the MML Holiday Dinner; will be having preliminary discussions with Park and Planning on parking districts and then the Traffic Committee will be convening on this; received positive feedback on the new trash/recycling company, stated the company came back to pick up recycling put out by residents on the wrong day and also picked up a large scrap wood pile cut down by a private tree service.

Council Member Barch and McMullen noted there were some proposals before the County Council to cut municipal tax revenues including property taxes and income taxes; stated even a small cut would have a major effect on the Town's funds; and the importance of opposing this through MML and representation in Annapolis. The Mayor noted they had formed an MML team last year to testify at the County Council.

Council Member Donatelli reported she attended the Revitalization Committee Meeting on January 5th.

The Mayor and Council Member McMullen noted, in response to the request received from Colorworks Promotions at the last meeting, the Town does not have the ability to grant tax relief to one individual business, but has asked the County to provide the business with a payment plan. The Mayor suggested an overall change to the personal property tax is an option to consider.

The Council concurred to discuss a change to the personal property taxes for manufacturing at a future meeting. The Town Manager stated he would research the date required by the County for a change.

Council Member Barch requested the Town Manager to research the entrance to Flinn Park which he believes goes through his property to determine if an easement is needed by the Town. He also suggested we begin planning how to use the Town Crew for maintenance now that trash is outsourced.

Council Member Sullivan reported she attend the MML Dinner, the Revitalization Committee Meeting, spoke at the Planning Board Meeting on concerns over CRN family of zones, and suggested a Town Spelling Bee for a community event.

A Resolution supporting further exploration by the Montgomery County Planning Board of an alternative set of commercial/residential zones to include two additional zones, CRN (neighborhood) and CRT (town) was discussed. The Mayor explained the two new zones would be used in the Town and the generic CR Zone would be used for more urban areas

such as Bethesda and White Flint; the height is still capped at 75 feet; the zones strengthen the use of design guidelines; and change the parking ratios. He stated the Resolution does not approve any details since the zones have not been designated but encourages the County to explore this further.

Council Member Barch spoke in favor of the zones; however, he noted a lot of parking was still needed under the CRT zone which works in some sections of the Town, but not others.

Council Member McMullen stated the generic CR Zone did not fit the Town and that he was in support of exploration of these two zones.

Council Member Sullivan stated she thought the Resolution is premature; the Town will not know exactly what the zones mean until they are mapped; the maximums in the CRN zone are still high for both height and floor area ratio; and too much uncertainty exists. She suggested the Council hold off on approving this Resolution until they see how the zones will be mapped.

The Mayor stated the Resolution was not premature, but has been requested by Park and Planning to determine the general direction the Town wishes to take (the Sector Plan, not the zone, will determine the ultimate density and height).

Jack Gaffey noted he supported the Resolution in general; however, he objected to reducing parking requirements and also suggested an overlay zone.

Barry Peoples commented that the information presented on the CRN and CRT zones recommends a height of 80 feet and goes against the recommendations for floor area ratio, parking, and maximum height made in the ULI study the Town had done.

The Mayor stated the height in the Town is capped at 75 feet (as the Sector Plan, not the zone, will determine the ultimate density and height) and the 80 feet referred to is for other places in the County that may receive the designation.

William Kominers from Holland and Knight stated the January 7th draft is improved from the December draft; he still supports an overlay which would be clearer; has some concerns over which zones go on which sites; and he feels tonight's Resolution in moving in the right direction which the Council should support.

Julie O'Malley expressed concerns over the CRN Zone not requiring a site plan. Mr. Kominers explained in some circumstances a site plan would be required depending on the number of units, square footage, height, and location.

Council Actions:

Council Member Sullivan moved to approve the minutes from the December 13, 2010 Town Meeting. The motion passed unanimously.

Council Member Barch moved to approve Resolution R-01-2011 supporting further exploration by

the Montgomery County Planning Board of an alternative set of commercial/residential (CR) zones to include the two additional concepts of CRN and CRT. The motion passed 2 to 1. Council Member Donatelli abstained. Council Member Sullivan voted against the resolution.

Council Member Barch moved to adjourn the meeting at 8:15 p.m. The motion passed unanimously.

TOWN COUNCIL INTRODUCES CHARTER AMENDMENTS

The Town Council introduced three Charter Amendments at its January 24th Council Meeting. The Amendments were re-introduced separately to help clarify the intent of the Amendments after some confusion at the December 13th meeting.

The three Amendments consist of a Charter Resolution amending Article IV, Section 409 to change the period of time required for adoption of ordinances; a Charter Resolution amending Article XIII, Section 1307 amending procedures for adopting Charter Amendment Resolutions; and a Charter Resolution amending Article IV, Section 411(b) by deleting the referenda of land use (*The Public Hearing for Article IV, Section 411(b) will be held on Monday, March 28th*).

The Town will hold a **Public Hearing** on the first two proposed Charter Amendments above at their scheduled Council Meeting on **Monday, February 28, 2011**. An overview of the Charter Amendments are available below or they may be viewed in their entirety online:

<http://www.tok.md.gov/c/432>

Excerpt from Town Meeting Minutes January 24, 2011: Town Attorney, Suellen Ferguson, explained the three charter amendments. She stated changes to Section 409, procedures for adoption of ordinances, and Section 1307, procedures for adoption of charter amendments, were intended to provide uniformity between the adoption of ordinances and charter amendments as to the number of days required after introduction and publication requirements which have been changed to a newspaper of general circulation and if time permits the Town's newsletter. She stated the State Code 23A imposes requirements for Charter Amendments after adoption but anything prior to adoption would be a self imposed regulation of the Town. She stated the provisions for adoption of an emergency ordinance has been left in Section 409; however, an additional requirement has been added to allow for publication after an emergency ordinance is adopted. Ferguson stated changes to Section 411(b) were to delete an outdated process relating to land use and explained Section 411(b) is unique and unusual; it is a response to something that happened years ago; it is cumbersome because it requires unanimity of all members of the Council and the Mayor, not just those present; it requires the Mayor's approval which he is not a voting member in the entire Charter except in this provision; it references approval by Park and Planning which does not approve land use, only the District Council approves land use; and the provisions do not have an effect on anything in front of the Town including the Sector Plan and Zoning Text Amendments.

**Mark
Hudson**
301.641.6266




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THANK YOU FOR YOUR SPONSORSHIP

TRAFFIC TIME RESTRICTIONS ARE BEING ENFORCED

The Police are enforcing the Do Not Enter time restrictions. Areas are on the north and south sides of Town between 7 and 9am; and 4 and 7pm. Tickets are \$90.00 and 1 point.

DOGS MUST BE ON A LEASH AT ALL TIMES - IT'S THE LAW

Please do not let your dog off the leash in Town parks or areas outside of your private yard.

IF IT SNOWS PLEASE REMEMBER . . .



The Town requires all of its residents and businesses to clear a path on the sidewalk in front of their properties within 24 hours of each snow fall. If a path has not been cleared within 24 hours, a notice will be sent to the resident or business reminding them it needs to be done. If a path still has not been cleared, a citation will be issued—\$65 for residential and \$195 for businesses. Exceptions: residential sidewalks located on Connecticut, Summit and Knowles Avenues will be cleared by the Town due to safety concerns. If you are traveling during the winter months, please make arrangements before leaving to have someone clear your sidewalk. The Town is also accepting names of individuals who wish to be contacted to help with snow removal by residents. If you are interested, please contact the Town at 949.2424.



KENSINGTON AROUND TOWN

Date of Publication: January/February 2011

3710 Mitchell Street Kensington, MD 20895 Office: 301.949.2424 www.tok.md.gov

To Kensington Residents