



Kensington Around Town

January/February 2012

CALENDAR

County Council
PHED Committee
Sector Plan
Discussion

Mon., Feb. 6th 2pm
*Council Hearing
Room
100 Maryland Ave.
Rockville, MD*

Town Council
Meeting
Public Hearing
Mon. Feb. 13th, 7pm
Info on p.3

Town Offices Closed
Mon., Feb. 20th
Presidents' Day

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

www.tok.md.gov



Mayor Fosselman's Report

I attended the Make Some Noyes fundraiser party for the Noyes Children's Library on Saturday, January 21st. Very large turnout - both adults and kids. Thanks to all of the volunteers who helped with the event.

The Kensington Farmers' Market has been voted one of the best Farmers Markets by the readers of *Bethesda Magazine*. Thanks to Shirley Watson, former Council Member Mary Donatelli, the vendors and public relations firm Maier Warner for their continued efforts.

Please let the staff know about any winter potholes in the Town as well as any prohibited commercial signs. You may call 301.949.2424 or email Matt Hoffman at mjhoffman@tok.md.gov.

The new parking lot on Metropolitan Avenue, built for shoppers, is still being monitored by the staff to get a feel for the demand in use: commuter vs. retail shoppers.

The street tree lights along Howard Avenue continue to be installed. The Crew only decorated a few initially to see how they would look. The lights are intended to add a sense of liveliness as well as safety for evening activities.

The Town received word that our funding request from the State for a new tennis court at St. Paul Park has made the final selection process. If chosen we could receive up to \$85K for construction.

MAYOR FOSSELMAN'S REPORT (CONT')

I would like to thank the **Audit Committee**, consisting of Jeff Capron, Leslie Olson, and Kerry Thompson, for their continued service to the Town.

We have learned about a Federal, State and Local grant program for flood prone areas and it appears **Silver Creek** fits the description. The program is called the Hazard Mitigation Plan and Kensington is applying. Estimated costs to repair the flooding issues are \$2 million dollars.

Regret to report the Town **lost two more businesses**: Curves Fitness on Connecticut Avenue and Itsy Bitsy Bakery on Armory Avenue.

County Council will conduct another **PHED Committee** meeting on Monday, February 6th at 2pm to continue discussions on our **Sector Plan**. The meetings are open to the public, but testimony will not be taken.

New Crew Member **Jason Swain** took over as the Town's **Crew Chief** last fall and he has proven to be a great addition to the team. Many of you know Jason from his former landscaping and lawn service business or his incredible artwork. His Australian accent and sense of humor bring a smile to folks' faces. The Crew has become more efficient and able to catch up on long overdue maintenance. Please say hello to Jason or the other three members: Jamie, Rick, and James.

The **Kensington Arts Theatre** is entering their 10th year and will be kicking off the season with "Sunday in the Park with George" on February 10th through March 3rd. For information please go to their website: <http://katonline.org/> or call 206.888.6642.

The **3rd Thursday Night Out** has been a great success and will be back on February 16th from 5-8pm. Marcie Lovett, author of *Clutter Book: When You Can't Let Go*, will be at the Kensington Row Bookshop. Please visit www.facebook.com/KtownThirdThursday for more information.

Please send in or email your **Directory Information** to Matt Hoffman: MJHoffman@tok.md.gov.

Pete Fosselman

Public Hearing—Monday, February 13th

Town Permits

3948 Baltimore Street
Dumpster

10441 Metropolitan
Avenue Sign

3514 Plyers Mill Road
Interior

3605 Farragut Avenue
Fence

10537 Wheatley Street
Fence

10800 Connecticut
Avenue
Interior

3904 Washington Street
Washington Gas

10013 Frederick Avenue
Washington Gas

10204 Kensington
Pkwy.—Addition

10613 Wheatley Street
Exterior

Ordinance O—01—2012

An Ordinance of the Mayor and Council of the Town of Kensington, Maryland amending Chapter 5, "Housing and Building Regulations", by adding Article 6, "Moderately Priced Housing", to the Code of the Town of Kensington to incorporate by reference Chapter 25A, "Housing, Moderately Priced" of the Montgomery County Code, to provide for low- and moderate-income housing to meet existing and anticipated future employment and housing needs. This law would require moderately priced units to be included for future development by any applicant that:

(1) submits for approval or extension of approval a preliminary plan of subdivision under Chapter 50 of the Montgomery County Code which proposes the development of a total of 20 or more dwelling units at one location in one or more subdivisions, parts of subdivisions, re-subdivisions, or stages of development, regardless of whether any part of the land has been transferred to another party;

(2) submits to the Planning Board or to the Director of Permitting Services a plan of housing development for any type of site review or development approval required by law, which proposes construction or development of 20 or more dwelling units at one location; or

(3) with respect to land in a zone not subject to subdivision approval or site plan review, applies for a building permit to construct a total of 20 or more dwelling units at one location.

MAYOR

Peter C. Fosselman

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COUNCIL

Mackie Barch

Sean McMullen

John Thompson

Lydia Sullivan

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Monday ~ Friday

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TOWN MINUTES

December 12, 2011 Council Summary

- Approved Town Meeting Minutes from November 28, 2011.
- Introduced Ordinance No. O-01-2012 to adopt the County's Affordable Housing Policy, a Public Hearing was set for January 23rd.
- Adopted Resolution R-17-2011 to execute an agreement with the Montgomery County Police.
- Adopted Resolution R-18-2011 approving LGIT's 9th Amended Trust Agreement.

December 12, 2011—Mayor Fosselman, Council Members Barch, McMullen, Sullivan and Thompson, Town Manager Daily, Clerk-Treasurer Engels and Assistant Town Manager Hoffman were present. The Pledge of Allegiance was recited and a Moment of Silence observed.

Jack Gaffey noted the importance of supporting businesses and also suggested a letter be sent to the businesses shown in the Kensington Business District photo to clean up their areas.

Stowe Teti requested the Village Center Concept be an agenda item at a Town Meeting. The Mayor stated the Revitalization Committee, after hearing Mr. Teti's presentation on the Village Center Concept, would determine if there was a recommendation to bring before the Town Council.

John Morris stated MTA is proposing elimination of two trains stopping in Kensington and suggested sending a letter to MTA opposing this; and he also suggested additional spaces should be made available to commuters since there is available parking on Howard Avenue.

John Bailey stated the frequency of the train is more important to customers than on time service and with the proposed MTA cuts a larger percentage of riders will be lost than the 15% cut in frequency.

Julie O'Malley stated the Women's Club and the Women's Community Club have

decorated the Victorian room; questioned oversight of a building permit on Frederick Avenue, she stated it was important to have oversight when redevelopment in Town occurs; and suggested the Village Center, and Design Guidelines that are part of the Sector Plan, be part of a Town Meeting.

Steve Cohen discussed the recent PHED Committee Meeting, he stated there were a lot of issues important to the Town brought up, and questioned how the Town planned on engaging Resident's in understanding the issues and how timely decisions would be reached. He stated it was important to have a vibrant inclusive discussion within the Town to help people understand the vision.

The Mayor stated the Town has started working on the directions from the PHED Committee which include an Affordable Housing Policy, which is on the agenda tonight for introduction and will be discussed at a public hearing; review of the Village Center Concept and Design Guidelines, which the Revitalization Committee will be meeting Dec. 21st to discuss, any recommendations will be brought before the Town Council; and Marlene Michaclson's proposal to start at 65 feet and work up to the maximum 75 feet height based on criteria, which the County staff and Town will be working on.

Council Member Sullivan stated the process should be inclusive and the Village Center and Design Priorities should not be discussed at a Revitalization Committee Meeting but should have input by the whole Town.

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The Mayor and Council Member Barch explained the process has always been for an issue to be brought before the Revitalization Committee first for review before recommendation to the Council.

Al Lacey informed the Town the light is out on the flag in front of the Armory; thanked Council and staff; and explained how the recent scavenger hunt was a great idea and welcomed by the businesses.

The Mayor thanked the staff for the successful Tree Lighting Event and the Kensington Volunteer Fire Dept for fire trucks and Santa; attended the County Executive Arts Ball on Dec 4th; attended the PHED Committee Meeting on Dec 5th; attended the Historical Society's Holiday Party; and met, prior to this meeting, with the Town Audit Committee to review FY11 Audit in which the Town received a favorable report.

Council Member Sullivan attended both PHED Committee Meetings, Nov 28th and Dec 5th; the PHED Committee tabled the Sector Plan until the Planning Department has rationale per property for the density proposed; Council Staff recommended protective language in the Sector Plan to allow the mapped density to be lowered unless it is proved the development is beneficial for the Town, citizens are concerned about this discretionary language, lowering the density on neighborhood edges would be preferable; attended Kensington Historical Society Holiday Party; attended the Town Tree Lighting; and encouraged everyone to visit the Two Pears Cafe in Town.

The Mayor clarified that what is being proposed by Ms. Michaelson is not to lower density but to lower the height.

Council Member McMullen met with the Audit Committee and thanked the staff for

meeting prior years Audit Committee requests; he will be circulating a letter regarding the proposed MTA cuts; and was the person behind the successful scavenger hunt and thanked all the merchants for their participation.

Council Member Thompson attended both PHED Committee meetings; the curb cut was completed at Kensington Parkway; some traffic committee suggestions to eliminate cut through traffic on Lexington Street will be implemented after the holiday; in reference to proposed extension of Lexington Street he stated it is premature for the Traffic committee to discuss a street that doesn't exist yet; attended the Historical Society Holiday Party; and will ask the Town Attorney for a definitive answer on whether any exceptions to the time restrictions can be made for Residents.

Council Member Barch stated a Revitalization Committee Meeting will be held on Dec. 21, Fred Boyd and Michael Brown from Park Planning will be present to go over the Design Guidelines which will be followed by Stowe Teti's presentation on the Village Center Concept.

A list serve will be sent out with the agenda for the Revitalization Committee Meeting and material provided to the Committee prior to the meeting.

Ordinance No O-01-2012 to adopt the Montgomery County Code for moderately priced housing was introduced and set for a Public Hearing on January 23. The Mayor explained the County has asked us to adopt a housing policy and the Town Attorney has recommended adopting the County's current policy rather than creating our own policy.

Resolution R-17-2011 to allow the Town Manager to execute a new police service agreement was discussed. from 2004. There was no public comment.

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Town Manager Daily explained Montgomery County Police have proposed a revision, which the Town Attorney has reviewed, to an old agreement Resolution R-18-2011 for the Town, as a member of LGIT, to accept the Ninth Amended Trust Agreement which modifies the Board of Trustees for LGIT was discussed. There was no public comment.

Upcoming agenda items noted were possibility of review of Village Center Concept, discussion of criteria from County Council Staff for ability to increase heights in Town, and updating the fee schedule.

Town Manager Daily gave an update on the new parking lot. Council Member Barch requested limited signage.

Council Actions:

Council Member McMullen moved to approve the minutes from the November 28, 2011 Town Meeting. The motion passed unanimously.

Council Member Thompson moved to introduce Ordinance No. O-01-2012 amending Chapter 5, "Housing and Building Regulation" by adding Article 6 "Moderately Priced Housing" to require that future residential construction include a requirement for moderately priced housing. Council Member McMullen amended the motion to set a Public Hearing for Monday January 23rd. The motion passed unanimously.

Council Member Sullivan moved to adopt Resolution No.R-17-2011 authorizing the Town Manager to execute a new police Service Agreement between Montgomery County and the Town of Kensington. The motion passed unanimously.

Council Member Barch moved to adopt Resolution No. R-18-2011 to approve and accept the Ninth Amended and Restated Trust Agreement of the Local Government Insurance Trust (LGIT). The motion passed unanimously.

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

January 17, 2012

Council Summary

- Approved Town Meeting Minutes from December 12, 2011.
- Approved the Closed Session Public Minutes from January 5, 2012.
- Marlene Michaelson and Fred Boyd discussed recommended changes to the Sector Plan and answered questions.
- Rescheduled the Public Hearing on Ordinance O-01-2012 to February 13, 2012
- Adopted Resolution R-01-2012 to update the schedule of fees.
- Adopted Resolution R-02-2012 supporting the Planning Board's Proposed Design Guidelines as amended.
- Adopted Resolution R-03-2012 supporting the Village Center Concept.

January 17, 2012—Mayor Fosselman, Council Members Barch, McMullen, Sullivan and Thompson, Town Manager Daily, Clerk-Treasurer Engels and Assistant Town Manager Hoffman were present. The Pledge of Allegiance was recited and a Moment of Silence observed.

Jack Gaffey stated Itsy Bitsy Bakery had closed and noted the importance of supporting and recruiting businesses.

Sean Neary questioned whether the open meeting laws applied to the closed sessions, the reason for the closed sessions, and whether litigation was involved at cost to the taxpayers.

Town Manager Daily stated the closed sessions were to seek legal advice from the Town Attorney regarding an issue of broken confidentiality and approximately \$25,000 has been spent to date on all attorney costs, he will research the amount spent specifically on this issue.

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Council Member Barch stated the issue before the Town with the closed meetings pertains to violation of confidentiality, we have to be careful how we address it, it does involve Council Member Sullivan and we are not at liberty to discuss the issue; people pick up the Gazette and see that Mr. Flyger is representing a client in a lawsuit against the Mayor; we are seeing escalations in tension among the Council; this is a volunteer position and if we have to be concerned about being sued outside of the office for offending someone it affects the entire Town, people do not want to invest in a community where the Mayor and Council are at odds with one another; freedom of information acts are costing the Town money, being focused internally has stopped us from working on other issues, and at the end of the Sector Plan process we are all neighbors and have to be respectful of one another.

Sabina Emerson questioned whether a conflict of interest exists with Council Member Sullivan because of the confidentiality issues and because her husband is representing a client in a lawsuit against the Mayor, in which they stand to gain financially.

The Mayor stated he could not comment on the personal lawsuit and whether a conflict of interest exists would have to be asked of the Town Attorney.

Al Lacey stated how wonderful the lights on the trees on Howard Avenue look and his wife, Elisenda Sola-Sole, will be having the Book Festival on April 22nd and looks forward to support received in the past.

David Silver requested an update on whether traffic signs could be changed to allow entrance by local residents during restricted times. The Town will check to see if exceptions are available since other communities are doing this.

Sharon Roelvink stated she and her husband filed a complaint with the Ethics Commission regarding Council Member Sullivan and breaches of confidentiality and filed a request with the Town Clerk to see how much money is being spent on freedom of information acts to see how much money Council Member Sullivan is incurring to taxpayers that may be unnecessary.

Lorri Simmons reported there is soil erosion at the footings of the bridge between the shopping center and Kensington apartments. The Town Manager will review the erosion and bridge inspection reports.

The Mayor reported the Town facebook page is up and operating; the new parking lot is 99.9% finished, he appreciates staff and Building Inspector Stablow's effort; the Town is hosting Council Member Roger Berliner tomorrow night at 7 p.m., the Town's new County Council representative since the Town has moved into Voting District 1; Noyes Library Foundation is holding a fundraiser event on Saturday, "Make Some Noyes" at the Town Hall; and the Farmers Market was recognized in the Bethesda Magazine as one of the best, he thanked Shirley Watson, Former Council Member Mary Donatelli, Matt Hoffman, the Vendors, and public relations firm Maier Warner.

Council Member Barch requested the bases of the lights match in the new parking lot.

Council Member Thompson reported just outside of Town was a serious pedestrian accident on the curb of Summit Avenue, this has generated interest in narrowing the lane to slow cars and create a pedestrian buffer; and he is waiting for an opinion from the County Fire Marshall's office on egress to convert the garage into a museum.

Council Member McMullen reported after MARC's informational meeting, they have

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decided to delay the change in the schedule, which he will continue to follow and he will also be attending the site selection meetings for the proposed Bethesda Chevy Chase middle school in Rock Creek Hills.

Council Member Sullivan reported she attended events for Delegates Carr and Waldstreicher; agrees with Delegate Carr that MARC service should be increased; she is following the middle school selection process and objects to using Rock Creek Hills site; and will be attending Roger Berliners meet and greet.

Fred Boyd stated he is also following the new middle school site selection process and a representative of the task force for Park and Planning.

Marlene Michaelson, Senior Legislative Analyst for the County Council, and Fred Boyd, Planner for MNCPPC, were present and explained recommended changes and answered questions on the Sector Plan. Ms. Michaelson explained the changes were to add transition language to limit the height where properties are adjacent to single family homes and change some zoning. She stated both the Council Staff and Planning Board Staff agree on the changes. (See memo and chart from Marlene Michaelson dated January 13, 2012.)

Council Member Sullivan stated she supports the changes to allow for townhouses and the transition language; she would like to see the language include confronting and wants to insure mixed use and eliminate dead zones; and disagrees the house at Lexington and Perry should be changed to commercial.

Council Member Barch stated there was already language to protect transitions from commercial to residential in the Sector Plan; he is concerned density is too low in the central business areas to overturn current uses; adding confronting would make it extremely

difficult for commercial properties to redevelop; and noted the importance of development being economically achievable and the zone not being too cumbersome.

The following comments were made on the Sector Plan: Lorri Simmons questioned whether streets would be wider for increased density; Barry Peoples stated protecting neighborhoods with the transition in height while still having density is a good compromise, it is important to maintain mixed use on the street front, losing commercial property will hurt the tax base, two homes that are currently R60, the Kaiser property and the home at Lexington and Perry should remain residential, and agrees with the Planning Board that Konterra redevelop with the suggested height limit; Sabina Emerson questioned Council Member Sullivan's request for confronting language when page 32 of the Design Guidelines refers to maintaining compatibility with adjacent and confronting properties; Jack Gaffey suggested a buffer between the sidewalk and curb and stated the recommended 60 foot height should be tried before allowing more; Duane Rollins stated he agrees with Council Member Barch's statement that density is too low to encourage commercial property owners to redevelop, he suggested elevating FAR's for the true commercial properties, and he stated confronting should not be used anywhere in Sector Plan because it would discourage redevelopment over the life of the Sector Plan; Pat Mulready (not a Town Resident), speaking as individual, stated Capital View Residents do not want anything that would cause Route 192 to be straightened, she supports the transition zones and 50 foot or greater is too high near historic areas, and she stated Konterra's proposal is for 90 feet on the side to Capital View; Mick Mizell stated development of his property is encumbered by regulations and site problems, and he agrees with Konterra that you cannot develop at 60 feet; John Anderson stated taller buildings

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actually buffer the sound, he supports a quality proposal for the house at Lexington and Perry which could be a transition within a transition and not a high intensity commercial use; Tracey Furman stated her neighbor, the 10400 building, although not attractive, provides a needed buffer, and she stated there needs to be incentive to developers to make the numbers work, it is not our money and our risk but the developers; Bill Kominers (Attorney) stated the zone already requires setbacks adjoining single family residential and if transitional language is added it should be clear, the site plan review process already addresses height, density and compatibility, need to make sure density still works in the building envelope that is left from stepping down the height, the whole Town is a mixed use development, areas today zoned C-2 with no constraints haven't redeveloped and some incentive or increased density is needed to justify development, and supports the Village Center Concept which should not necessitate the same design; Julie O'Malley stated this is the only part of the county where a 2.5 FAR is suggested without a Metro; Judy Higgins (not a Town Resident) suggested listening to the transcript on the Konterra property and noted there are places that do not require site plans; Berle Chernoy (not a Town Resident) stated he does not want the congestion of Bethesda, questioned projected population growth, and expressed concern over traffic, parking and adequate planning; Theresa Rickman (not a Town Resident) stated it was important to fix infrastructure and traffic issues before development; Gloria Capron stated with good design and planning good development can be achieved, she enjoys a robust Town of businesses and residents living together, and there needs to be unity among the Council and Town; Chris Bruch stated the reason Parkwood Elementary has portables is because matchbox homes have been developed into six bedroom homes, he supports the Sector Plan changes, he does not support 75 feet for

Konterra which is on the edge of the commercial core, 75 feet should be reserved for the core commercial area, density should not be awarded because the economics don't work in a bad economy, and suggested deleting the whereas clause to explore 75 foot in the Village Center Resolution and rely on the exports; Lorri Simmons stated transportation in and out of Town and parking is needed to support businesses, and we all have to give a little to have the Sector Plan passed.

The Mayor reminded Residents in the Design Guidelines Meeting in 2010 Sandy Wilkes, a well respected member of community, stated densities are far too low in the Kensington Sector Plan and they should be more like 3.5 to 4.0 FAR's; the Mayor stated we have compromised from the beginning of the Plan which was at 125 feet, 4.0 FAR, to 75 feet, 2.5 FAR, the feasibility and economics need to be taken into consideration if we want to spark interest in the Town, we are losing businesses and no one is interested in developing, Residents have been saying they want new services and do not want to have to drive other places, everyone around Kensington that has gone through the sector plan process has new development, there is a huge difference in height and density than the other communities, there may be varying opinions but people in the business do not think it is high enough, our Town Council is supporting a very nice compromise of 75 feet and 2.5 FAR and it has been over a four year process.

The Mayor explained there were no proposed 90 foot buildings in the Sector Plan and that all development, before receiving permits, must pass traffic and school impact tests as well as builders will be required to pay for many of the infrastructure improvements as part of their public amenity contributions to the community; the Mayor stated traffic and school population is going to increase whether Kensington develops or not because areas

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around Kensington such as Wheaton, White Flint, Silver Spring and Bethesda are developing; we do not wish to be a Bethesda that is why we don't have 200 to 300 foot heights.

Fred Boyd explained the rationale for changing the zoning for the house at Perry and Lexington, he stated it is the last remaining house in a residential zone on that block, the block is in individual ownership, given the ownership pattern on block the likely scenario would be a fairly modest form of non residential use such as doctor, lawyer or accountant office. He also stated the Sector Plan has a mechanism which will enable true mixed use development and first floor retail along designated streets.

Ms. Michaelson stated they did not receive any testimony from property owners for increased density except Konterra, she stated confronting is not the specific word used in other master plans but the intent is there, the specific wording and terminology will be looked at to make it consistent and easy to understand.

The Public Hearing for Ordinance O-01-2012 to amend Chapter 5 to add moderately priced housing was changed from January 23rd to February 13th.

Resolution No. R-01-2012 updating the schedule of fees was discussed. Town Manager Daily recommended fees be increased by approximately 3.6% and noted some fees for use of the Armory were not changed. Council Member Sullivan stated it was not the time to be raising fees when people have financial hardships and would rather see expenses cut.

The Mayor noted most of the changes to the fees were for permits requested for construction projects that are luxuries and therefore if one can afford the construction, they can afford the fee increase as well.

Resolution No. R-02-2012 to support the Planning Board's Design Guidelines was discussed. Council Member Barch explained the Planning Board's Design Guidelines will not reach the level the Town desires so the Town also wants to pursue its own set of Design Guidelines which will provide additional resources and marketing information to developer. The Town also desires to have a formal agreement with the Department of Permitting Services to be notified of any redevelopment activity.

Council Member Sullivan requested removing the "significant investment" wording in the Resolution so it can be discussed separately and removing "continued support of the draft Sector Plan" because she does not support everything in the draft Sector Plan.

The Mayor stated the Town's official position is in support of the Sector Plan.

Pat Harris from Lorch, Early, and Brewer stated they have been focusing on the Planning Board's Design Guidelines and expressed concern over the Resolution stating the Town will have another set of Design Guidelines which they haven't seen.

Council Members McMullen and Barch explained the Resolution is to support the County's Design Guidelines and to indicate the Town wants to pursue its own set of Design Guidelines, which stakeholders would be part of; it would not make the process more complicated but provide additional resources to investors. The wording was changed from "significant investment" to "diligently pursue with stakeholders". See Council Actions.

Julie O'Malley stated Residents may not have read the Design Guidelines and questioned whether they would be discussed at a meeting and which ones would be inserted into the Sector Plan.

The Mayor explained the Guidelines have

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already been discussed, have been available on the website, and have been talked about at many meetings for months.

Resolution No. R-03-2012 expressing support of the Village Center concept was discussed. The Mayor noted that Stowe Teti, who is proposing the concept and was to be here to formally present, was absent for unknown reasons. Council Member Barch explained Diana and Stowe Teti presented this at the Revitalization Committee Meeting, it would create a pedestrian thoroughfare or pedestrian mall. It can be accommodated under the current plan without changes except adding a paragraph that the area is culturally important. Council Member Barch explained part of the Resolution is supporting exploring additional height not to exceed 75 feet for the Konterra project. The Village Center Concept cannot be accommodated without additional parking which can be provided by Konterra's investment in that part of Town.

The Mayor clarified a rumor and stated Konterra would only be holding a charrette for their building and development; not for the Village Center Concept.

Jack Gaffey stated he supports the Village Center Concept and suggested the paragraph regarding height of Konterra be part of a different resolution and questioned whether the Planning Board supports the height.

Fred Boyd stated the Planning Staff initially recommended the 75 feet because of the greater possibility the project would occur at 75 feet outweighed concerns, Commissioner Dreyfuss convinced the Planning Board that the project was likely at 60 feet and the Planning Board accepts this.

Duane Rollins stated the Planning Board does not walk by the site everyday and it has been deplorable over past seven years and will become that way again unless we remain

flexible enough for development; he stated the majority of the foundation will be hidden on south side of tracks because of the slope.

Barry Peoples stated through a charette process, working with all parties, and with the grade of the site, it is possible to have the connectivity and development within the guidelines. He suggested passing the Resolution without stating support for exploring the 75 feet. He also stated Stowe and Diana Teti and Miche Booz have also suggested designing a walkway along the warehouse to tie the two sides together.

Sabina Emerson questioned providing additional height for only a clock tower. Council Member Barch explained that it was just one of the suggestions; however to allow additional height a significant investment in public amenities would be needed.

Ms. Michaelson explained that language would need to be refined as to the specific criteria to be met for the 75 feet, she stated this is a property with unique issues, she would like to see the possibility of a higher height work with additional standards to get the height, she stated if the Town is silent on exploration of the 75 feet then a super majority of the County Council would be needed to zone it to 75 feet, because it is a controversial issue it is not likely to occur, she also stated County Council Members have indicated that they would like to defer to the Town Council when possible.

Council Member Barch suggested passing the Resolution and continuing to work with Ms. Michaelson on the language. He noted the importance of Konterra providing public amenities needed such as pedestrian connectivity across the tracks.

Council Member Sullivan requested the language to explore 75 feet be removed from the resolution and explored in a separate resolution.

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The Audit Committee Report was presented. The Town is in good financial standing and the Mayor commended the Committee volunteers, Town Staff and Council Member McMullen for their work on the finances.

Town Manager Daily gave an update on the parking lot. He stated all the commuter spaces are being used along with some of the other spaces and he is reviewing the seven spaces next to the bioretention pond to determine if some type of fence is needed.

Council Actions:

Council Member Sullivan moved to approve the minutes from the December 12, 2011 Town Meeting. The motion passed unanimously.

Council Member Thompson moved to approve the public minutes from the January 5, 2012 Closed Session. The motion passed. Council Member Sullivan abstained.

Council Member Thompson moved to change the Public Hearing Date for Ordinance No. O-01-2012 amending Chapter 5, "Housing and Building Regulation" by adding Article 6 "Moderately Priced Housing" to require that future residential construction include a requirement for moderately priced housing from January 23rd to February 13, 2012. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-01-2012 codifying and updating a schedule of fees, charges, and expenses as provided for in the ordinances of the Town of Kensington. The motion passed 3 to 1. Council Member Sullivan opposed the motion. Council Member Sullivan stated she opposed raising fees when people are having financial hardships and would rather see expenses cut.

Council Member Barch moved to approve Resolution R-02-2012 supporting the Montgomery County Planning Board proposed Design Guidelines for the Town of Kensington as amended to replace in the third whereas clause "will make a significant investment in" with "diligently pursue with stakeholders". The motion passed unanimously.

Council Member Barch moved to approve Resolution R-03-2012 supporting the Village Center Concept. The motion passed 3 to 1. Council Member Sullivan voted against the motion because she did not support the exploration of 75 feet for the Konterra property which was part of the Resolution.

Council Member Barch moved to adjourn the meeting at 10:50 p.m. The motion passed unanimously.

Kensington 2012—A Vision

This is a homogenous, friendly town
A community made up of myriad back-
grounds,
Faiths, ideologies; we have come gath-
ered together . . . Here in this place to
put our hands, hearts, spirits, ideas in
a common bond for the betterment of
our town, our neighborhoods, our coun-
try and our entire state to make a
statement; a goal that no matter what
obstacles may come toward us and at
us; YES WE CAN AND YES WE WILL!
TOGETHER THEN LET US JOIN
HANDS, BOW OUR HEARTS AND
PRCLAIM AMEN!!!

Richard H. Rice
~Poet Laureate

PUBLIC RELATIONS - Generating Buzz

January
2012

Maier
Warner

Public Relations/Marketing

As 2012 begins, Maier & Warner PR is pursuing new ways to attract positive atten-

tion – and new visitors to Kensington. A walking tour and an excellent magazine article lead the list. And the *Explore Kensington* campaign is gaining momentum.

The agency is engaging merchants, customers and visitors through social media efforts, highlighting and promoting unique aspects of the Town. The agency has created a flicker page www.flickr.com/explorekensington, which features photos of store fronts, parks, historic sites and the farmers' market. Each photo has a brief and interesting description to encourage visits.

An exciting new video featuring many interesting and distinct town characteristics was posted to the *Explore Kensington* YouTube channel www.youtube.com/townofkensington. The video attracted 128 views in just two weeks! Currently, Maier & Warner is working on a video to specifically promote shopping, dining and the farmers' market – which *Bethesda Magazine* recently named one of the best in the area. The *Explore Kensington Facebook* response continues to grow: the agency has connected with 92 merchants through Facebook, featuring their special, promotions and events through weekly postings.

Maier & Warner also continues to promote town events such as Third Thursday and merchant sales and specials through the eBlast campaign.

Merchants are welcome to contact Jessica at Maier & Warner to be included in the campaign (Jessica@maierwarnerpr.com). And agency staffers continue to attend the farmers regularly, telling visitors about the campaign and collecting email addresses.

Still to come: an upcoming article in *Chesapeake Home + Living Magazine* and promotion of the Walking Tour of Kensington, guided by a Kensington Historical Society map to tour visitors through the architecture, history, and charm of Kensington.



The Kensington Farmers' Market has been voted one of the best Farmers Markets by the readers of *Bethesda Magazine*.



FARMERS' MARKET VENDOR SPOTLIGHT

Les Caprices de Joelle is owned and operated by Joelle Coats. Joelle received a De-



Photo by KATIE RANGOS

gree from The Culinary School of Namur in Belgium. Joelle prepared gourmet meals in her own restaurant in Mons, Belgium for 10 years. She has always been passionate about food from all around the world, but always prepared with a Belgium touch. She is very conscious of her customer's desire for healthy choices and always prepares her food using as much organic produce as available, only fresh ingredients and low sodium to meet her customer's expectations.

One of her most popular items is the Liege Belgium Waffles, which are prepared using Pearl Sugar, made from beets, farm fresh eggs and real butter. These are made fresh and served hot. Her husband, after spending some time in Granada, Spain, came back with a paella pan and delicious recipes for Paella, which has become another of her trademark dishes.

At the local markets, Joelle and Les Caprices has become a favorite. Joelle prepares and offers a variety of quiches, soups, paella and of course, her signature Belgium Waffles. Over the next few months she will also be offering Brittany Crepes, made with buckwheat flour, stuffed with fresh vegetables, and a variety of salads. Les Caprices also is available to cater private parties.

We'll see you at the Market!!!

BE A SMART PLASTIC USER

Here are ways to make your plastic use healthier and more environmentally friendly.

Reduce and Reuse: There are a few cases—such as that of medical supplies—in which it's necessary to use plastic once and then discard it, but it's often possible to find a better alternative. Avoid single-use items such as disposable bottles, plates, and cutlery. Carry a refillable bottle or mug for beverages on the go, and bring reusable cloth bags to stores. For leftovers and takeout food, reusable containers are better than foam boxes or plastic wrap and bags. If you regularly buy products that are only available in plastic packaging, buy the largest container available, rather than the multiple smaller ones, to cut down on the total amount of plastic used. **Take precautions:** When you do use plastic, it's best to choose those labeled #1, #2, #4, and #5 and avoid those labeled #3, #6, and #7. Even if you're choosing the best plastic, though, there are still chemical leaching concerns associated with long storage or heat. The Institute for Agriculture and Trade Policy has issued a "Smart Plastics Guide" that includes the following recommendations for using any type of plastic:

Avoid using plastic containers in the microwave. Instead, use glass or ceramic containers free of metallic paint.

Beware of cling wraps, especially for microwave use.

If you do use plastic water bottles, take precautions. If you use a polycarbonate water bottle, to reduce leaching of BPA, do not use for warm or hot liquids, and discard old or scratched water bottles. Water bottles from #1 or #2 plastics are recommended for single use only. For all types of plastic, you can reduce bacterial contamination by thoroughly washing daily. However, avoid using harsh detergents that can break down the plastic and increase chemical leaching.

"Greener Paths for Plastics" by Liz Borkowski at: <http://www.greenamerica.org/livinggreen/plastics.cfm>

Advertisements

Help Your 20895 Neighbors Defeat an Environmental Threat!

As a resident of Kensington outside the Town, I am making a plea for TOK residents to contribute to our legal defense fund to fight the Costco mega gas station proposal. You folks in TOK are uniquely qualified to understand the negative effects of gas stations on homes, quality of life, and the local environment.

Kensington Heights is facing a 16-nozzle Costco gas station proposal for the SW corner of Westfield Wheaton, projected to pump 12 million gallons a year, open 15 hours a day with many idling cars waiting in line -- right in our backyards, next to the Kenmont Swim & Tennis Club, near the Stephen Knolls School for children with significant disabilities County-wide, and at the headwaters of Silver Creek and Sligo Creek. Not to mention 4/10ths of a mile from the Wheaton Metro platform (not exactly "smart growth," is it?!). The Costco store will be opening regardless of what happens with the gas station; both Costco and Westfield have confirmed this fact publicly.

Westfield Wheaton land is not zoned for a gas station, so Costco is requesting a special zoning exception. Two public hearings -- at the Planning Board and at a Hearing Examiner hearing -- are scheduled for mid and late February. We must fight this legal maneuver with legal firepower. To do so, we need the help of everyone in the Kensington area, including those in TOK, to make this zoning exception proposal go away. Our fundraising goal is \$30,000. Please contribute. We'd do the same for you....

Send contributions to:

KHCA Legal Defense Fund c/o Karen Cordry 10705 Torrance Drive Silver Spring, MD 20902

Thank you! -- Donna R. Savage, 10804 McComas Ct., Kensington 301-942-2447; Intingers@aol.com

For more information, go to <http://www.kensingtonheightsmd.org/costco/index.html>

Mark
Hudson
301.641.6266



Make Some Noyes Dance Party

Thank you to all of the volunteers and the Noyes Library Foundation Board for another successful fundraising event on January 21st - a big turnout! Noyes Library is committed to raising \$70,000 to help keep the doors open. For more information, please visit noyeslibraryfoundation.org.



If It Snows. . .

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 within 24 hours of the notice, a citation will be issued—\$65 for residential and \$195 for businesses. Businesses are reminded to NOT pile the snow at sidewalk corners or block pedestrian right-of-ways.

Exceptions: residential sidewalks located on Conn., Summit and Knowles Avenues will be cleared by the Town.

If you are traveling during the winter months, please make arrangements before leaving to have someone clear your sidewalk.

The following individuals are available, for a fee, to help with your snow removal this winter:

Chris McCurry
240-750-5043

Brett McCurdy
240-447-5921

Al Lacey
301-922-9507



Kensington Around Town

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To Kensington Residents