



KENSINGTON AROUND TOWN JOURNAL

Date of Publication: **DECEMBER 2010**

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

TOWN CALENDAR

Town Offices Closed

Fri., Dec. 24th *(No Trash Pick-Up)*

Town Offices Closed

Fri., Dec. 31st *(No Trash Pick-Up)*

Coffee with the Mayor

Sat., Jan. 8th 9:30am—Town Hall

Town Meeting

Mon., Jan. 10th 7pm

Town Offices Closed

Mon., Jan. 17th

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

www.tok.md.gov

NEW TRASH, BRUSH AND RECYCLING SCHEDULE

JANUARY 2011

TUESDAYS-
Trash, Brush, and
Recycling

FRIDAYS-
Trash

Additional Info on Page 9.

NOTES FROM MAYOR FOSSELMAN

Kensington Holiday Festivities



Photo By
Brittany Horton

The Town held its annual Christmas Tree and Menorah lighting on Sunday, December 5th with over 200 in attendance. Kensington was delighted to have Santa Claus and six-year-old Theresa, from the local Make-A-Wish Foundation, to help me light our Tree and Menorah. Although the weather was colder than in past years, the apple cider helped keep everyone warm! I would like to thank the Kensington Arts Theatre for their caroling, the Kensington Volunteer Fire Department for chaperoning Santa, and Theresa - along with her family and all of the Make-A-Wish staff for a wonderful evening. If you would like to know more about Theresa and how to help Make-A-Wish, please visit: <http://www.midatlantic.wish.org/>.

Help Save Noyes!

Noyes Library foundation held another successful Family Dance Party on December 18th. Thank you to all the volunteers and Culkin Irish Dance School for their entertainment. Additional dance parties will be held to help raise the necessary \$70,000 to keep Noyes' doors open. See their website for more details: NoyesLibraryFoundation.org. Upcoming Events . . .

Family Dance Party
Saturday, January 22, 3-5pm
Town Hall

Illustration Workshop
Saturday, February 12, 11am-1pm
Noyes Library



Cyndy Bragg
helping decorate for
Noyes event; Photo By Katie Rangos



EXPLOREKENSINGTON.COM

NOTES FROM MAYOR FOSSELMAN (cont')

CR ZONE AND SECTOR PLAN UPDATE

Amendments to the CR Zone were approved by the Town Council in November and a slightly different version by the Planning Board in early December. Wheaton, Takoma Park and Kensington all support the zone, but have expressed varied opinions. Upon meeting with the County, it was decided the Planning Board should further fine tune the zone to better accommodate each region. Revised amendments entitled CRN (neighborhood) and CRT (town) will be introduced by the Board. It is the Town's hope that by exploring these options, we will get a superior form of the CR Zone; which will only benefit the Sector Plan and the community. As a result of this decision, the County Council's review of the Sector Plan will most likely not proceed until spring 2011. In the meantime, the Revitalization Committee and the Town Council will take the amendments up in January 2011.

COFFEE WITH THE MAYOR

Please join me for another Coffee with the Mayor on Saturday, January 8th 2011. 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 your choice matter.

SPECIAL THANK YOU TO HARLEY HIGGINS!

Long time resident Harley Higgins has been tirelessly researching Town history, land use issues, and charter/code information in order to help the staff with various projects. Thank you to Harley for his dedication to Kensington.

SAFEWAY

Thank you to all who submitted concerns about Safeway. Issues ranged from lack of product choices, hours of self-checkout, crowded aisles, and condition of parking lot. The comments have been shared with their management and improvements are being made.

CARRY OUT BEER & WINE BILL (MC9-11)

On December 6th the Montgomery County State Delegation held their annual hearing for new bills. Council Member Barch testified on behalf of the Town in support of the proposed bill. More information may be found at <http://www.montgomerycountydelegation.com/MC9-11.html>.

KONTERRA PROPERTY

Konterra LTD held a community meeting on November 15th. They are proposing multi-family housing on their property, which is located on Metropolitan Avenue, adjacent to the Town's future parking lot. The Sector Plan proposes a 60 foot height, but Konterra is considering a request for 75 feet. This decision will be made by the County as the Town does not have zoning authority, but the Town has requested a courtesy review by the Town Council when the Konterra project is ready. There is currently no formal application that has been submitted.

SILVER CREEK

The Town Manager, Attorney and I met with County representatives on December 16th to discuss the ongoing flooding issues of Silver Creek. Although the flooding is stipulated in the 2011 Sector Plan as our number one environmental problem, there is a need for more immediate action. The County has pledged to begin a study reviewing the Creek and possible solutions. There is a federal grant program under review that may assist with funding.

November 1, 2010 Council Summary

- Approved the minutes of October 11, 2010
- Approved Resolution R-26-2010 to pursue and execute a contract with Unity
- Disposal and Recycling upon reaching satisfactory terms
- Approved Resolution R-27-2010 to purchase recycling totes
- Deferred on approving the resolution amending the CR Zone until November 8th
- Approved Resolution R-28-2010 recommending changes in Zoning categories for certain parcels
- Approved Resolution R-29-2010 as amended to support Option 2 including the Kensington Parkway Bridge in the Environmental Setting
- Approved Resolution R-30-2010 requesting the County to prevent flooding of Silver Creek
- Approved Resolution R-31-2010 to execute a contract for Fire Alarm Modifications

A recording of the Council Meeting can be found here: <http://www.tok.md.gov/c/387/>

November 1, 2010 Minutes 7:05 p.m.

Mayor Fosselman, Council Members Barch, McMullen and Sullivan, Town Attorney Ferguson; Town Manager Daily, Clerk-Treasurer Engels, and Assistant to the Town Manager Hoffman were present. Council Member Donatelli was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed for Mary Donatelli's father who is ill, Peter Rickman's mother who passed away, Dennis McCurdy's family member who is ill; and Donna Kenny's stepfather who passed away.

The Mayor reported the following: represented MML on a panel before the Organization Reform Commission on ways to improve county government; attended MML Chapter Meeting; met with Council Member Barch and an architect on the Design Guidelines; attended internal meeting with Council Member Barch and the Town Attorney to discuss the CR Zone amendments; met with

local landowner to discuss a proposal on a property north of the railroad tracks; hosted a fundraiser for Delegate Rice; met with Secretary of Transportation with other MML representatives to discuss the priorities for transportation funding; attended MML Fall Conference; attended Revitalization Committee meeting to discuss CR Zone amendments; attended Celebration of Giving; attended the Town Attorney and Council Member Barch's testimony at Park and Planning on CR Zone amendments; and attended breakfast meeting on CR Zone.

Council Member Sullivan reported she attended KHS Meeting; the MML Chapter Meeting, she is serving on a committee that will be making a video on municipalities; spoke at Planning Board Hearing; and recommended the Itsy Bitsy Bakery.

Council Member McMullen thanked those responsible for a successful "Scary Perry" and stated his children will be reporting on type of playground equipment needed at Kensington Cabin.

The Code Enforcement Report was available.

A public discussion was held on outsourcing trash, recycling and yard waste.

The Town Manager stated information has been posted on the website; the Town would save approximately \$83,000 a year which would be offset the first year by the purchase of wheeled totes; trash pickup would be done by Unity Disposal and remain on Tuesdays and Fridays, brush, bulk pickup and recycling would also be on Tuesday; and if approved service would begin in January.

Jayne Plank expressed concerns over security, noted problems with contracts, requested more notice and information on agenda items, stated the current recycling contractor is not cooperative, inquired about packers and the last survey; Connie Kelly stated many people have expressed desire to keep trash service as is, the contractor will increase prices and not give their employees adequate benefits; Rudy

Uberman urged the Mayor and Council to outsource; Duane Rollins stated the current recycling contractor has been responsive; Alison Oppenheim stated she was against outsourcing but now supports it due to crew having to lift heavy cans and work with temporary workers; John Flyger questioned when the survey was done, the results, and whether there was consideration of doing another survey; Martha Deale reminded residents of a security issue with a Town crew member 20 years ago and supported the savings from outsourcing; and a Resident suggested keeping a truck temporarily until outsourcing is assessed.

In response to questions and concerns, it was noted Gaithersburg, Somerset, and Chevy Chase Village have used Unity and given favorable reviews; there is an escape clause in the contract; there will be a way to handle complaints; the same pool of workers will be used; recycling will be single stream with wheeled toters; the trash survey was skewed; however the one result that was clear was more chose outsourcing if money could be saved; the savings would help to offset the reduction in State highway user revenue; the price in the contract with Unity will be set for three years; and the Town Manager stated he was comfortable with the company's reputation.

Council Members Sullivan and McMullen noted they were leaning towards outsourcing and the savings but suggested waiting until the next meeting; Council Member McMullen stated the outsourcing resolution could be approved pending successful inquiry of the company; the Mayor stated Council Member Donatelli supported outsourcing; and Council Member Barch stated he supported outsourcing. See Council Actions.

In public appearances, Barbara Scharman thanked everyone for support of Noyes Library Foundation and reminded residents of the Gala Event; Duane Rollins expressed praise for the expansion of the Farmers' Market and questioned what was being done about Ayoub

Carpet's dumpster; Sharon Scott suggested reminding businesses of snow removal especially Pepco and the car repair shop at St. Paul and Metropolitan; and Jack Green suggested letting county/state know too about clearing snow they put on Knowles Avenue sidewalk. The Mayor explained Ayoub Carpet's dumpster will be torn down once parking lot construction begins and a new enclosure will be constructed.

The resolution recommending amendments to the existing CR Zone was discussed. Council Member Barch explained the CR Zone needs to be amended because of smaller parcels and more fragmented ownership; amendments include broadening the language from a parking facility to a municipal shared parking program so each owner would not have to build their own parking lot; more incentives for density that fit with the Town; and elimination of BLT (payments to agriculture reserve for density) to encourage revitalization in Kensington.

The Mayor corrected misinformation by stating the Town has not committed any additional residential parking anywhere to developers or future projects in the Town, including train lot and town hall parking lot; and MARC stations are not treated equally with Metro stations and will yield less credit for density and transportation purposes.

The Town Attorney stated the resolution contains suggestions developed from internal meetings and revitalization committee meetings, it is consistent with the presentation made to the Planning Board; it is the same version from June, the only other version is the Planning Boards which came out October 15th to move some amendments back into the Sector Plan where it is referenced; and the Town's resolution tonight requests the amendments be kept in the CR Zone itself.

Fred Boyd from Park and Planning explained the process for the amendments, the Planning Board first has to determine whether to introduce the amendments

Continued on Page 5 . . .

and then consider the substance of the amendments, once forwarded to the County Council there will be opportunity for public comment at a public hearing.

Residents commented as follows: Jack Gaffey stated he supports a CR Zone light for Kensington, does not support parking waivers or reduction in parking requirements, and the CR Zone needs to be resolved before the Sector Plan; Julie O'Malley stated importance of resolving amendments to CR Zone prior to Sector Plan and recommended reviewing Sector Plan after CR Zone is completed; Barry Peoples stated he supports revitalization but due to the complexity of the amendments requested a separate meeting for clarification and questions, he questioned how residential parking would be affected in the historic district and who would be exempt from parking requirements; John Flyger questioned who was on the Revitalization Committee and whether they owned property; Jayne Plank requested clarification on the approval process of CR Zone and Sector Plan, expressed concern over passing this tonight, this was the first she had heard of a municipal parking district and questioned where it would be located; and asked how a Central Business District was different than the CR Zone.

In response to Residents' questions Fred Boyd stated the CR Zone will be concluded before the County Council approves the Sector Plan; the Planning Board would have to request the County Council to review any new language in the Sector Plan; the county's MPDU program is not low income but based on median income; requests for parking waivers do not necessarily mean they will be granted; there is language that permits parking on land if available, not street parking spaces, in the residential portion of the same historic district as the business; explained the differences of Commercial Business District Zone vs. CR Zone; and stated the parking waiver language is from May.

The Mayor stated the majority of the Revitali-

zation Committee is residents and also includes property owners, businesses, and attorneys; he did not know whether all the attorneys represented property owners.

William Kominers, an attorney from Holland & Knight spoke in favor of the proposed amendments to the CR Zone stating that they preserved the character of Kensington; noted language referring to number of incentives could be clearer; the importance of the amendments being in the ordinance itself; and reviewing how the Sector Plan will reference the amendments.

Council Member Barch stated he was in full support of the resolution; Council Member McMullen stated the amendments are not new and the importance of sending in the Town's recommendation to the Planning Board; however, he suggested leaving the record open for another week for residents questions and comments; Council Member Sullivan stated the CR Zone is very complex, she spoke at Planning Board Hearing as a citizen against amending the CR Zone because she feels the amendments will increase density; she felt there was more than one version and they lacked clarity; received this resolution only on Friday; and suggested the Planning Board needs to review the Sector Plan again. See Council Actions.

The resolution recommending changes in the suggested zoning categories with regard to heights for parcels adjacent to residential areas was discussed. The resolution recommended parcels located at 4000 Knowles and 10408 Detrick remain in current zoning classifications; recommended parcels at 3906, 3910, and 3930 Knowles Avenue be rezoned CR with a lower height limitation of 45 feet; and the southern portion which contains the parking garage at 10400 Connecticut Avenue be rezoned to the CR zone with height limit of 45 feet.

Council Member Sullivan questioned how lowering the height would affect FAR's. Fred

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Boyd stated because of size and ownership pattern he doesn't see any ability to achieve maximum density.

Steve McHale requested the Council include the southern portion of the Bakers Union property along Warner Street in the amendment to remain as open space and the height lowered to 45 feet if it needs to be in a zone. Fred Boyd stated this is shown in the Sector Plan as open space; however, there is no open space zone so any zone will allow development and suggested adding it to the resolution. Jayne Plank explained the history of the "donut" around the Bakers Union. The Town Manager stated the Town owns the two out lots and is researching any other legal agreements that may exist. Council Member Sullivan recommended leaving the two out lots the Town owns as R-60. See Council Actions.

Barry Peoples suggested asking the Bakers Union to add the area adjacent to Warner Street to an open space easement.

A resolution opposing the inclusion of any portion of Kensington Parkway in the environmental setting for Kensington Cabin was discussed. The three options were Option 1 to include the bridge and portion of parkway, Option 2 to include the bridge only and Option 3 to not include the bridge or parkway in the environmental study. The Town Attorney recommended Option 3, not for a legal reason, but because it has the least restriction for the Town. She stated normally right of ways are not put into historical designations, normal maintenance would not require a HAWP but any type of change would require one. Council Member Sullivan and McMullen spoke in favor of the stone bridge being designated part of the environmental setting. Council Member Barch stated he doesn't see the Town changing the bridge anyway and including the bridge adds another layer of bureaucracy. The Mayor stated Council Member Donatelli was in favor of Option 3.

Julie O'Malley stated the reason Option 1 was

recommended was because it was part of the original parcel the park was built on, she noted the bridge at south end was changed from stone to concrete. Barbara Scharman questioned whether there were any downsides and availability of federal grant money. Jennifer Gurney read information relating to the environmental study and requested the portion of the bridge that is stone work and the timber rails remain intact. Jack Gaffey spoke in favor of the stonework being preserved. See Council Actions.

A resolution was discussed to urge the County to implement solutions to the flooding problem from Silver Creek. The Mayor stated Residents living along Silver Creek have had floods resulting in costly damage and the problem is from rapid development north of the Town without adequate storm water management. Silver Creek is in the Sector Plan as the number one environmental issue, several steps are recommended as a long term solution. Barry Peoples spoke in support of resolution and suggested the County replant creek. Jack Gaffey spoke in support of the resolution and noted part of the problem is debris in the Creek. Fred Boyd suggested including a reference to the Sector Plan in the resolution. Delegate Carr spoke in support of resolution and also stated on storm water management in general the Town should research how other municipalities handle storm water management fees which are on the tax bill. See Council Actions.

A resolution was discussed to approve Fire Marshall required modifications to the Towns fire alarm system. See Council Actions.

Council Actions

Council Member McMullen moved to approve the minutes from October 11, 2010 Town Meeting. The motion passed unanimously 3 to 0.

Council Member McMullen moved to approve Resolution No. R-26-2010 as amended to pursue a contract with Unity Disposal for trash,

brush and recycling upon reaching satisfactory terms. The motion passed unanimously 3 to 0.

Council Member Barch moved to approve Resolution No. 27-2010 to purchase toters for recycling. The motion passed unanimously 3 to 0.

Council Member McMullen moved to defer voting on the resolution presented on certain amendments to the CR Zone until November 8th to allow residents more opportunity to send in questions and comments to the Mayor and Council. The motion passed unanimously 3 to 0.

Council Member McMullen moved to amend Resolution No. 28-2010 to maintain the open space designation of the southern portion of the property located at 10401 Connecticut Avenue in the CR Zone with a maximum height of 45 feet. The motion passed unanimously 3 to 0.

Council Member Barch moved to approve Resolution No. 28-2010 recommending changes in the suggested zoning categories with regard to parcels with the Kensington Sector plan as amended with the above amendment. The motion passed unanimously 3 to 0.

Council Member Sullivan moved to approve Resolution No. 29-2010 as amended to include the Kensington Parkway Stone Bridge in the environmental settings (Option 2). The motion passed 2 to 1; Council Member Barch voted against it. The Mayor noted this was a mistake as it adds another layer of bureaucracy.

Council Member Barch moved to approve Resolution No. 30-2010 to request that Montgomery County take storm water management measures necessary to increase the capacity to acceptable levels and prevent flooding at the Silver Creek/Oberon Street culvert. The motion was amended to include reference to Silver Creek in the Sector Plan. The motion passed unanimously 3 to 0.

Council Member McMullen moved to approve Resolution No. 31-2010 to execute a contract with Emcor Services to provide Fire Marshall required fire alarm system modifications to the Town Hall fire alarm system. The motion passed unanimously 3 to 0.

Council Member Barch moved to adjourn the meeting at 10:25 p.m. The motion passed unanimously 3 to 0.

November 8, 2010 Council Summary

- Approved Resolution R-32-2010 amending the CR Zone
- Deferred reconsideration of Resolution R-28-2010 regarding the height at 3906 Knowles Avenue

A recording of the Council Meeting can be found here: <http://www.tok.md.gov/c/387/>

MAYOR

Peter C. Fosselman, 3607 Dupont Avenue
Mayor.Fosselman@tok.md.gov

TOWN COUNCIL

Mackie Barch, 10303 Montgomery Avenue

Mary Donatelli, 10400 Montgomery Avenue

Sean McMullen, 3423 Wake Drive

Lydia Sullivan, 10310 Detrick Avenue

Mayor.Council@tok.md.gov

TOWN MANAGER

Sanford W. Daily
SWDaily@tok.md.gov

Town of Kensington

3710 Mitchell Street
Kensington, MD 20895
8am-4pm Monday-Friday
301.949.2424

TOWN PERMITS

10603 Lexington Street—Interior
10308 Montgomery Avenue—Addition

November 8, 2010
Special Town Meeting Minutes 7:00 p.m.

Mayor Fosselman, Council Members Barch, Donatelli, McMullen and Sullivan, Clerk-Treasurer Engels, and Assistant to the Town Manager Hoffman were present. Town Manager Daily was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed for the Town Manager's mother in law who has been ill.

The Historic Designation of the Kensington Parkway Bridge on the agenda was not discussed; the Mayor noted the issue had been resolved. The Mayor shared a recent study of the bridge indicating \$30K of needed repairs.

The Resolution amending the CR Zone was discussed. Council Member Barch noted he read all the input from residents both pro and con and he supports the amendments. Council Member McMullen in response to a question received on parking waivers, stated there were not any specific areas designated in the Sector Plan; in response to a question received on MARC and Metro Stations he stated for parking they are treated the same and did not see how they could be changed since the amendments will affect other areas of the county and not just Kensington. He stated the comments and questions received were issues already considered; he recognized both Council Members Barch and Sullivan's views; he didn't see specific ways to improve the amendments; and suggested moving forward with the amendments. Council Member Sullivan expressed her understanding of the amendments: density will be increased because of proximity to MARC; it is a brand new zone and there have not been any site plans; parking requirements will be reduced; public amenities will be cut in half; traffic has not been taken into account; and the character of the Town will be changed by a significant increase in multifamily units.

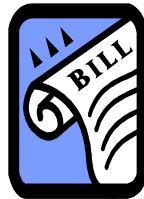
Resolution R-28-2010, approved on November 1, recommending changes in zoning categories for certain parcels was discussed for reconsideration of the 45 foot height designation for 3906 Knowles Avenue. The property owner,

Jack Green, requested the height remain at 75 feet and noted the property did not abut residential property. Delegate Carr spoke in favor of the approved resolution lowering the heights in residential areas, he stated a potential building with a height of 75 feet would be very visible from the historic district and suggested the Council view the area. The Council concurred to look at the area and defer a decision until the next meeting.

Council Actions

Council Member Barch moved to approve Resolution R-32-2010 amending the CR Zone. The motion passed 2 to 1. Council Member Sullivan voted against it. Council Member Donatelli abstained.

Council Member Barch moved to adjourn the meeting at 7:25 p.m. The motion passed unanimously.



Charter Amendment

Since coming on board with Kensington, Town Manager Sanford Daily has been working with Town Attorney Suellen Ferguson to update Kensington's Charter and Codes. The most recent recommendation for revision will be introduced by the Town Council on January 10, 2011; with the intent of amending Article IV, Sections 409 and 411 to help clarify procedures for adopting Ordinances; by changing the period of time required for adoption of Ordinances, and to delete Article IV, Section 411(B) with respect to a referenda on land use. This Charter Amendment brings Kensington more in line with the practice of other municipalities.

The Town Charter is available at:
<http://www.tok.md.gov/c/282/Charter>

A copy of the proposed Amendment is available at:

<http://www.tok.md.gov/c/398/>
*The Public Hearing will be held Mon.,
February 28th.*



NEW TRASH SCHEDULE

With the transition to outsourcing the Town's solid waste, please adhere to the following calendar of waste collections beginning the first week of 2011:

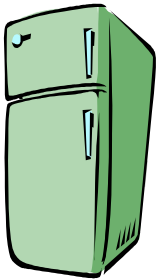
**TUESDAYS-
TRASH, BRUSH AND RECYCLING**

**FRIDAYS-
TRASH**

HOLIDAY SCHEDULE:

- Brush—Monday, December 20th
- Trash—Tuesday, December 21st
- Recycling—Wednesday, December 22nd
- No Trash—Friday, December 24th
- Brush—Monday, December 27th
- Trash—Tuesday, December 28th
- Recycling—Wednesday, December 29th
- No Trash—Friday, December 31st

Bulk Pick-Up Items



Bulk pick-up will continue to be collected every week on Tuesdays at no extra cost. Possible items include appliances, mattresses, and furniture. Please call the Town Hall at 949-2424 by 12 noon on Mondays so we know of any items to be collected.

New Recycling Toters



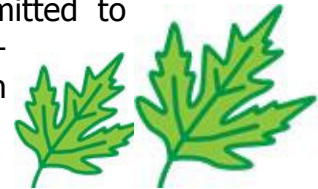
All single family homes will receive a new 65-gallon recycling wheeled toter. These toters are the property of the Town and should remain with each home if a family relocates. The toters will be delivered in early January. A toter serial number will be assigned to keep track of each barrel.

Town Leafing

Staff would like to thank the residents for their patience throughout the leafing season. Crew injuries and mechanical problems led to many delays.

Unfortunately the Town's equipment is antiquated and frequent repairs are needed. This year a special account was started, through municipal taxes, to help build a Vehicle Replacement Fund; instead of rehabilitating old equipment, well past its prime.

Kensington is committed to providing the necessary services in an efficient manner.



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, 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.

The Kensington Farmers' 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/>



Street Light Out?

Please report any street light outages to PEPCO at 1-877-737-2662 or to the Town. When calling, you will need the pole number, or the nearest landmark and/or intersection.



KENSINGTON AROUND TOWN JOURNAL

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To Our Kensington Neighbors