

Mayor Tracey Furman

**Council Member Darin Bartram
Council Member Nate Engle**



**Council Member Conor Crimmins
Council Member Ann Lichter**

Released: September 9, 2024

**Tuesday, September 10, 2024
Town Council Meeting, 6:30 pm**

To be held via Zoom Only

The Town Council Meeting will begin at 6:30 pm and be held via the Zoom Video Conferencing application only. Access to the meeting is available through the following link:

<https://us02web.zoom.us/j/89955625508?pwd=12hfi9shyRfo5pfD3JVQjVEKTdcea0.1>

Meeting ID: 899 5562 5508

Password: 711286

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

Important – The Mayor and Council will briefly discuss [Montgomery County's Attainable Housing Strategy](#) proposal, which would allow two-unit and multi-unit living within certain residential detached zones. This discussion will take place during item 2, "Maryland Land Use Code Legislation", under the Mayor and Town Council. **Please note** that the Attainable Housing Strategy is a Montgomery County Zoning proposal, and we encourage all residents to sign up for one of the upcoming listening sessions [here](#).

Montgomery County's Attainable Housing Strategies Initiative – Listening Sessions

- Wednesday, Sept. 11, from 7 to 9 p.m. at the Silver Spring Recreation and Aquatic Center (1319 Apple Ave., Silver Spring, MD)
- Thursday, Sept. 12, from 7 to 9 p.m. at the Wheaton Community Recreation Center (11701 Georgia Ave., Wheaton, MD)
- Tuesday, Sept. 17, from 7 to 9 p.m. at the White Oak Community Recreation Center (1700 April Lane, Silver Spring, MD)
- Monday, Sept. 23, from 7 to 9 p.m. at the Germantown Community Center (18905 Kingsview Road, Germantown, MD)
- Wednesday, Sept. 25, from 7 to 9 p.m. at the Bethesda-Chevy Chase Regional Services Center (4805 Edgemoor Lane, Bethesda, MD – Wisconsin Room)
- Wednesday, Oct. 2, virtual on Zoom 12-1:30 p.m.

The Town will schedule an event following the County's listening sessions to provide further information on the Attainable Housing Strategies Initiative proposed by Montgomery County.

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895
Phone 301.949.2424 Fax 301.949.4925
www.tok.md.gov**

CALL TO ORDER

MOMENT OF SILENCE

APPROVAL OF MINUTES

Town Organizational Meeting Minutes of July 10, 2024

Town Council Meeting Minutes of July 10, 2024

THE MAYOR AND TOWN COUNCIL

1. Acknowledge:

- a. The Town received a Community Parks and Playgrounds grant to expand the existing playground area and provide ADA surfacing improvements at St. Paul Park.
- b. The Town received the Monetary Contribution (\$100,000) in accordance with the Settlement Agreement between Knowles Manor Senior Housing, LLC, and Neighbors for an Improved Kensington, which was accepted by the Town via Resolution No. R-20-2023.
- c. The Town will be working with the Maryland Transit Administration (MTA) on a Rail Crossing Elimination grant to seek funds to provide engineering and design for an above grade pedestrian crossing at the Kensington Train Station.
 - i. Discuss providing matching grant funds.

2. Maryland Land Use Code Legislation:

- a. The Council will review language for a joint letter from Montgomery County's municipalities requesting legislation to amend the Maryland State Code to confirm that municipalities have the authority to regulate all residential housing types within their corporate boundaries, without impeding any specific housing type.

3. 3417 Plyers Mill Road (Variance Hearing – Fence):

- a. The Council will consider providing a Variance to allow a six-foot (6') fence to be placed within the front plane of the property, in accordance with Section 5-109, "Fences, Walls and Retaining Walls", of the Town Code.

4. Parking Task Force:

- a. Council Member Lichter and Council Member Crimmins will provide an update on plans for the Parking Task Force.

THE TOWN MANAGER AND STAFF

1. 10528 St. Paul Street – SERVPRO Lease:

- a. Discuss extending a sixty (60) day lease to SERVPRO until December 31, 2024, at 10528 St. Paul Street, as the business may not move into their new location until January 1, 2025.

2. Town Hall – Office Renovations:

- a. Update on the proposed plans to renovate the Town Hall Office area.

ORDINANCES, RESOLUTIONS, AND REGULATIONS

(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)

PUBLIC APPEARANCES

(The public is invited to speak on any subject that is not a topic on tonight's agenda)

ADJOURNMENT

(The Mayor and Council may move to close the meeting and may move to reopen the meeting)

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

Thursday, October 10, 2024, 7:00 pm



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

August 30, 2024

Via Electronic Delivery to

Ms. Susan Engels
Clerk-Treasurer
Town of Kensington
3710 Mitchell St
Kensington, MD 20895
susan.engels@tok.md.gov

RE: CPP 7723-15-743 St. Paul Park - Playground Expansion and ADA Surfacing Improvement
Town of Kensington, Montgomery County

Dear Ms. Engels:

It gives me great pleasure to inform you that the Board of Public Works has approved your request for Community Parks and Playgrounds (CPP) funds for the above referenced project. A copy of the agenda item is attached for your reference.

You may proceed with this project at your earliest opportunity. When the project commences, please have your staff contact the Local Grants Administrator with whom they have been working so that arrangements can be made to coordinate reimbursement.

Thank you for your interest in improving the quality of our parks and recreation for the citizens of Maryland. It is a pleasure to be able to provide these funds and to assist you with this important project. If I may be of further assistance, please do not hesitate to contact me at 443-534-8255.

Sincerely,

Carrie R. Lhotsky
Grants and Stewardship Manager
carrie.lhotsky@maryland.gov

Attachment

cc: Michael McQuarrie, Local Grants Administrator, Michael.mcquarrie@maryland.gov

September XXXXX, 2024

[Montgomery County State Delegation]

Dear State Senators and State Delegates,

We are writing to request an important technical amendment to the State code (Md. Code Land Use Art. Section 20-509 of the Regional District Act). This amendment seeks to confirm that municipalities have the authority to regulate all residential housing types within their corporate boundaries, without impeding any specific housing type.

As you know, State law currently grants municipalities in Montgomery County the right to control certain features of residences within their boundaries, including setbacks, height, and massing, to protect “the use and enjoyment of neighboring properties in terms of light, air, privacy, and quality of life” (Dept. Legis. Serv. Fiscal Policy Note, HB 1232, 2006 Session). Notably, guidance from the State Attorney General’s office to local State legislators in 2020 suggests that it is reasonable to interpret the law such that municipal rights extend to any form of residential construction.

To fulfill the State law's intent, and in anticipation of Montgomery County Council’s consideration of zoning reforms to facilitate a wider variety of housing types, we seek assurance that municipalities can regulate all residential buildings, both single family and multi-family. It is important to note that we are not seeking zoning authority, nor do we intend to prohibit or impede the construction of multi-family housing in our municipalities. Our collective goal is to support multi-family housing by ensuring it harmonizes with existing single-family housing.

Below is the proposed wording for the technical amendment to Md. Code Land Use Art. Section 20-509 of the Regional District Act, reflecting our commitment to supporting Montgomery County’s housing expansion efforts:

"(b) A building requirement adopted under this section:

◀ (1) shall be imposed for:

- (i) the protection of the public health, safety, and welfare; or
- (ii) the preservation, improvement, or protection of lands, water, and improvements in the municipal corporation or governed special taxing district; and

(2) may regulate only the construction, repair, or remodeling of ~~single family~~ residential houses, buildings, or other structures on land zoned for ~~single family~~ residential use as it relates to:

- (i) fences, walls, hedges, and similar barriers;
- (ii) signs;
- (iii) residential parking;
- (iv) residential storage;
- (v) the location of structures, including setback requirements;
- (vi) the dimensions of structures, including height, bulk, massing, and design; and
- (vii) lot coverage, including impervious surfaces. **and**

(3) must be adopted and applied without regard to the type of use of the building, except that regulations that apply to buildings with more than one residence may be less restrictive."

We believe that this revised language clarifies the application of existing building regulations, without dictating uniform standards across all housing types.

There are two significant benefits to passing this technical amendment. First, it would provide a consistent regulatory framework for all residential housing types within municipalities. Second, by providing this assurance, this clarification should increase support for greater residential density in our communities.

Thank you for your attention to this important matter. We look forward to your support in advancing this technical amendment.

Sincerely,

City of Takoma Park

Chevy Chase Village

Section 3 of the Village of Chevy Chase

Section 5 of the Village of Chevy Chase

Town of Chevy Chase

Town of Chevy Chase View

Town of Garrett Park

Town of Glen Echo

Town of Kensington

Town of Somerset

Village of Martin's Additions

Village of North Chevy Chase

Dear Town of Kensington,

As long-standing homeowners in the Town of Kensington since 2011, we are seeking approval for a variance for the installation of a high-quality, 6-foot vinyl privacy fence. Please note this new fence has been approved by Montgomery County Permit Office.

This will replace the current 6-foot cedar wood privacy fence that was installed in 2012 and was in full compliance with all Montgomery County and Town of Kensington permit code requirements at the time of original installment.

Our existing wood privacy fence has suffered through the years from termite damage and exhibits signs of deterioration and warping to several of the panel sections.

This upgrade will improve the aesthetics of our yard and the overall neighborhood, by matching with other upgrades made to the exterior of our home since purchase, particularly the covering of dated exterior asbestos siding which we have covered with modern high-quality vinyl siding consistent with the materials currently being used in rebuilds and additions throughout the neighborhood. This will also allow us to invest in a better looking, higher-quality fence with far greater durability, easier care and maintenance, all while maintaining the traditional look of our property and the adjacent homes in our neighborhood.

The proposed replacement fence will be situated 26 ft from (4 ft back from the property line) Plyers Mill Road. Furthermore, the edge of the privacy fence will be under a tree-covered section of the property that sits approximately 8-10 feet higher than the sidewalk and street level below. Consequently, there will be no line-of-sight issues or concerns with road or pedestrian traffic on the street level below. The type of vinyl fence we've selected does not allow for the tapering on the corner as our current fence has.



APPROVED
 Department of Permitting Services
 Permit # FENCE-1074615
 Date 07/30/24

