

**Mayor Tracey Furman**

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



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

Released: January 6, 2025

**Wednesday, January 8, 2025  
Town Council Meeting, 7:00 pm**

The Town Council Meeting will begin at 7:00 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/89688132315?pwd=uAxSihnjiOiMAUHINMhZDHSWaihr7i.1>

**Meeting ID: 896 8813 2315**

**Password: 754551**

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

**CALL TO ORDER**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Town Council Meeting Minutes of December 18, 2024

**THE MAYOR AND TOWN COUNCIL**

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

**1. Town Curbside Food Waste Collection Program:**

- a. Andrew Cassilly, Maryland BioEnergy Center, will provide an overview of the type of items that may be collected within the Town's Food Waste Collection program and answer questions.

**2. Noyes Children's Library Foundation:**

- a. Discuss making a contribution to the Noyes Children's Library Foundation in the amount of \$25,000 from the FY25 Budget.

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

## **THE TOWN MANAGER AND STAFF**

### **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)*

1. **Ordinance No. O-01-2025 (Introduction)** – Introduction of an Ordinance of the Mayor and Council of the Town of Kensington Authorizing the Sale of Certain Real Property located at 3420 Plyers Mill Road, Kensington, Maryland, that is no longer needed for a public purpose.
  - a. *This is the formal Introduction of Ordinance No. O-01-2025. All discussions and public comments will be directed to the Public Hearing.*
  - b. *The Public Hearing will be scheduled for Wednesday, February 12, 2025, 7:00 pm.*
2. **Resolution No. R-01-2025** – A Resolution of the Mayor and Town Council of Kensington approving a Variance to allow a driveway width of 17 feet, 8.5 inches (17', 8.5") for the property located at 10609 Wheatley Street, in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code.

### **PUBLIC APPEARANCES**

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

### **ADJOURNMENT**

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

***Wednesday, February 12, 2025, 7:00 pm***

*Please check the Town Calendar to confirm the Council date and time.*

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON**  
**AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED**  
**AT 3420 PLYERS MILL ROAD, KENSINGTON, MARYLAND, THAT IS**  
**NO LONGER NEEDED FOR A PUBLIC PURPOSE**

**WHEREAS**, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the Town; and

**WHEREAS**, pursuant to §5-204 of the Local Government Article, Annotated Code of Maryland, the Town pursuant to State law is authorized to sell, at public or private sale, and convey to the purchaser any real property belonging to the Town if the Mayor and Council determine that the property is no longer needed for public use; and

**WHEREAS**, Section 602 of the Charter of the Town of Kensington implements and authorizes the Mayor and Town Council to exercise the authority granted under State law, including the sale of real property when no longer needed for a public use, after 28 days’ public notice; and

**WHEREAS**, the Mayor and Town Council have determined that the real property located at 3420 Plyers Mill Road, Kensington, MD 20895 (“Property”), currently owned by the Town, as further referenced in a deed recorded at Liber 2284, Folio 67, in the Land Records of Montgomery County, Maryland, is no longer needed for a public use and should be sold

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

consistent with current zoning to support a public purpose, including to acquire other real property; and

**WHEREAS**, the Mayor and Town Council desire to use the authority granted to the Town under State Law and the Town Charter to sell the Property.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that the sale, consistent with current zoning, of the property located at 3420 Plyers Mill Road, Kensington, MD 20895 at public or private sale at a price to be determined be and it is hereby authorized.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service;  
and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least twenty-eight (28) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

This Ordinance shall become effective on \_\_\_\_\_ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service;
- and
- d. Published once in the town newsletter.

If any part of provision of this ordinance is lawfully declared to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof or of the Code.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_  
Susan Engels, Clerk-Treasurer

By: \_\_\_\_\_  
Tracey Furman, Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney

**Resolution No. R-01-2025****Adopted:**

A Resolution of the Mayor and Town Council of Kensington approving a Variance to allow a driveway width of 17 feet, 8.5 inches (17', 8.5") for the property located at 10609 Wheatley Street, in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code.

**WHEREAS**, the Town received a retroactive permit application for the installation of a 17-foot, 8.5-inch (17', 8.5") driveway from Kabir and Lindsey Archuletta, ("the Applicants"), for certain real property located at 10609 Wheatley Street, ("the Property"); and

**WHEREAS**, the driveway would exceed the allowed width of eleven feet (11') in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code; and

**WHEREAS**, the Applicants have filed a Variance request before the Town Council to allow for a 17-foot, 8.5-inch (17', 8.5") driveway, using turfstone permeable concrete pavers, for the property located at 10609 Wheatley Street; and

**WHEREAS**, the Town Council may grant a petition for a Variance after a Hearing in which the Council finds that:

1. Strict application of the Town regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and
2. The Variance is the minimum reasonably necessary to overcome any exceptional conditions; and
3. The Variance can be granted without substantial impairment of the intent, purpose, and integrity of this article.

**WHEREAS**, the Mayor and Council conducted a Public Hearing on the Variance request at the December 18, 2024, Council meeting, after due notice to the public and to the adjacent neighbors, and received testimony on the requested Variance. The Council closed the record following the Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Kensington, based on the testimony presented at the Public Hearing on December 18, 2024, and evidence submitted, adopts the following findings of fact and conclusions of law:

**Findings of Fact:**

1. Kabir and Lindsey Archuletta, (“the Applicants”), are the owners of 10609 Wheatley Street, Kensington, Maryland, which is zoned single-family residential (“the property”).
2. The Applicants have requested a Variance and retroactive permit to install a 17-foot, 8.5-inch (17’, 8.5”) driveway, using turfstone permeable concrete pavers, due to the width, grade, and curvature of Wheatley Street.
3. The property at 10609 Wheatley Street has an existing curb cut for a driveway, and the Applicants installed the turfstone permeable concrete pavers in conjunction with the width of the existing curb cut.

**Conclusions of Law:**

1. The Strict application of the Town’s regulations would result in peculiar and unusual practical difficulties due to the width, grade, and curvature of Wheatley Street along the 10600 block.
2. The proposed Variance is the minimum necessary to overcome the width, grade, and curvature of Wheatley Street, and would allow two vehicles to park off-street.
3. The Variance can be granted without impairment of the intent, purpose, and integrity of this article, especially considering that turfstone permeable concrete pavers were used instead of an impermeable surface.

**BE IT FURTHER RESOLVED THAT** the Variance request to install a 17-foot, 8.5-inch (17’, 8.5”) driveway, using turfstone permeable concrete pavers, for the property located at 10609 Wheatley Street be and it is hereby granted.

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 8th day of January, 2025.

**EFFECTIVE** the 8th day of January, 2025.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor