

January 2006

News from Allied



2005-2006 Allied Officers and Board Members

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Time to Tackle the Planning Process

Is there anyone in the Montgomery County civic community who is not aware of the problems that have been uncovered with the Clarksburg development? Or the fact that it revealed some, shall we say, interesting practices and relationships within the Planning Board staff? Somewhere, someone must be channeling the old comedy line, "That's a fine mess you've got us into now, Ollie."

Well, it's an election year and the potential solutions being bandied about are undoubtedly colored by political considerations (to a greater extent than might otherwise be the case) and the rhetoric is ratcheted up.

Inside, we've tried to summarize the issues and a bit about where the county might be headed. We've been in touch with a number of officials over the past several months to share views and concerns, and now the time seems right to begin to seriously consider how the county should address the problems and issues, which are bigger than Clarksburg alone—they affect all of our

neighborhoods, not just new developments.

Councilmember Nancy Floreen, a former Planning Board member, has been active on this issue and will be at our next meeting to discuss her proposals.

In addition, Derick Berlage, chairman of the planning board, will be there to explain actions taken so far to address the problems, as well as what is under consideration. Councilmember Marilyn Praisner expressed her interest in coming as well. It should be an interesting meeting.

Meeting Location in January

Our next meeting will be January 30 in the Crossway Community Center, 3015 Upton Dr., in Kensington (the former Pleasant View Elementary School). Crossway is off University Boulevard. Turn on East Avenue at the McDonald's across from Wheaton Plaza. Turn left at the fork onto Upton and go to the end of the street (www.mapquest.com also has directions).

Upcoming Allied Meetings

General Membership Meetings

Please note that our next meeting is on a **Monday** night, Jan. 30.

We also would like your input on topics for future meetings. One suggestion is the Beltway widening issue (see inside for more information). Your thoughts are welcome. Please contact a Board member via phone or e-mail.

Allied Board Meetings

The Allied Civic Group Board meets when there is a need to get together on an issue. Otherwise, we've been conducting most of our discussions via e-mail. If you have an agenda item that you would like the Board to discuss, please contact [Mike Diegel](mailto:mikediegel@verizon.net).

Something's Clearly Flawed, But How to Fix It?

Caution: While the current Allied president has traditionally approached the preparation of this newsletter as the straight, stick-to-the-facts journalist he once was, the article you're about to read is full of opinions, and should not be considered to constitute any official Allied positions.

Much has been made in the press in recent months about how ordinary, concerned citizens uncovered the site plan violations of the development in Clarksburg. Without taking anything away from the long, hard work that people did in this case, those of us who've been involved in development issues over the years know that's not a unique situation.

Whether looking at potential violations that should be dealt with by the Department of Permitting Services, the Department of Community and Housing Affairs, Park and Planning or someone else, experienced activists know that when they report a potential violation, residents are invariably asked to gather the evidence themselves, as there aren't enough inspectors to chase down all the reports.

This, of course, is time-consuming and difficult, as the Clarksburg residents discovered. And in many cases down county, when you're looking at zoning code violations, or an addition that could be violating setbacks, you're pitting neighbor against neighbor—not a pleasant situation for anyone.

So if resources are the issue, then we should be talking about finding those resources. At least, that was one of the messages conveyed by the Allied Civic Group's board to Derick Berlage in a meeting a couple of months ago.

But in more than a few board members' minds, there's a more disturbing pattern at work. That is the deep level of suspicion and mistrust that seems to exist in all of these agencies when those "ordinary, concerned citizens" report apparent violations.

Admittedly, the civic community may have brought some of that attitude upon itself. We all know people who can be pests to county officials, who don't marshal their facts, whose arguments are fatally flawed and/or have no basis in reality, or simply don't do their homework. However, that is no reason to scoff at every concern raised by residents, and to wholly trust developers, which all too often appears to be the case.

The fact is that there are many intelligent, reasonable, knowledgeable, concerned people in neighborhoods and in civic groups who do know the applicable codes and laws. These people, the Allied Board told Berlage, should not be subjected to knee-jerk dismissals. A culture of "trust, but verify" would go a long way toward improving relationships with the citizens, especially if the expectation that they will act as site plan and permitting police continues.

At the same time, developers should be treated the same way—with the emphasis in their case on "verify." Did they do what they said they would do under the law? At the very least, there needs to be an end to the ambiguity surrounding just which agency is responsible for enforcement of these issues, whether it's a site plan, an accessory apartment, a home-based business or an addition to an existing home.

Right now, there are numerous cases of alleged site plan violations under investigation; a recent letter from the Montgomery Civic Federation to the Planning Board cites 12 developments of various sizes. In addition, the letter calls for a freeze on any amendments to the site plans until there have been public hearings on the allegations. MCF also has recommended a number of changes to address eight problems identified in a recent Office of Legislative Oversight report (for a copy of the letter, which is far too long to summarize here, contact [Mike Diegel](#)).

In the meantime, Berlage has begun to implement a number of process changes within Park and Planning, and has promised more to come. This work is being led by former Planning Board Chairman Royce Hanson and Robert Kendal, who directed the County's Office of Management and Budget from 1987 to 2002, both of whom were appointed as special advisers in the effort. In addition, Faroll Hamer, development review chief for the Prince George's County Department of Planning, was named acting director of the Montgomery Planning Department and will be responsible for day-to-day operations while a national search is underway to fill the position.

At the same time, the board is trying to deal with at least one other area of ambiguity that contributed to (if not outright cause) the Clarksburg problems—how much authority a staff member has to make changes, with so-called minor amendments, to an approved site plan without board approval and/or public notice and hearings.

With even Planning Board commissioners publicly admitting that any definition of "minor" involved arbitrary decisions, the board nevertheless adopted these guidelines, and are planning for the opportunity to gather public comments on proposed changes.

Under the new interim guidelines, as published in *The Gazette*, “minor” changes to site plans may not:

- Increase height more than 5 percent.
- Increase floor area more than 5 percent.
- Change setbacks more than 5 percent.
- Decrease green space more than 5 percent.
- Redesign recreation facilities to decrease capacity or the quality of equipment.
- Redesign parking or loading areas to put them closer to a property line.
- Redesign landscape significantly or to lesser quality.
- Modify grading, utilities or storm water management in way that looks significantly different.
- Change roadways or walkways to affect capacity, safety, access or on-street parking.
- Require a change in binding requirements in zoning or the project or preliminary plan.

One of the concerns we have with this approach to the problem is that anything along these lines is subject to interpretation and therefore vulnerable to potential loopholes (which, of course, is what attorneys get paid to find). All of the proposals we’ve seen so far remain tinkering at best. As long as the county’s residents are unable to hire the legal firepower builders can afford, they will remain at a disadvantage in any process, whether it involves the Planning Department, DPS or DHCA.

Somehow, we as a county must find a way to level the proverbial playing field, arm residents with equal knowledge and power, and no longer expect them to give up many hours of their personal lives to monitor projects large or small in the name of enforcement. What remains to be seen is whether this county’s elected leadership can put aside political concerns, posturing and personal ambitions to truly grapple with this very big picture, and change the culture with which we have been stuck.

Supersizing the Beltway

The following was submitted by Tony Hausner (tthausner@yahoo.com) and Ben Ross, who are representatives of a group called Citizens Against Beltway Expansion

The Washington Post had a recent front-page article that talked about express toll lanes all around the Washington Beltway. (<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/11/AR2005121101368.html>)

The governors of Maryland and Virginia had struck a deal on this plan. The State Highway Administration has been working on a study for this part of the county for several years and made a presentation to a number of civic associations last winter. SHA proposes to widen the Beltway to ten lanes by adding a privately financed toll lane in each direction. In addition, an existing lane on each side would be converted into a toll lane. Where the Beltway is six lanes wide now, four lanes would be added.

This proposal will one, increase pollution and noise in our neighborhoods beyond their already excessive levels and two, dozens of homes will have to be taken. Residents who do not lose their homes will in some ways be even worse off than those who do, because they will not be compensated for the loss of property value caused by pollution and noise. In addition, widening the Beltway will add even more traffic to already congested secondary roadways; it will be harder to enter and leave many of our neighborhoods, and widening the Beltway will have a negative impact on Rock Creek Park.

This proposal makes no sense as a transportation solution. The project’s leaders have acknowledged that the four lanes will not solve congestion on the present non-toll lanes of the Beltway, which will remain at least as congested as they now are. Lower-income commuters, already hard-hit by the rising cost of gas, will have to choose between paying exorbitant tolls and risking their jobs by coming late to work. The toll lanes would be located in the center of the Beltway.

There is a better answer: The Purple Line, a proposed light rail Metro line, would connect downtown Bethesda, Silver Spring, the University of Maryland, and New Carrollton. Long term, public transportation will ensure higher quality of life for residents living near the Beltway. Additional highways will encourage more sprawl, more traffic, and unsightly strip development.

Beltway widening can be stopped. Citizens Against Beltway Expansion (formerly called the Rock Creek Coalition), a coalition of the civic associations in Maryland along the Beltway, has twice succeeded in blocking plans to expand the Beltway. Aroused and well-organized neighborhoods will not be ignored in an election year. But we can only succeed with your help. Please become an individual member of Citizens Against Beltway Expansion.

For more, see <http://capitalbeltway.mdprojects.com/> or <http://www.actfortransit.org/beltway051211.html>.

Fiscal Year July 2005-June 2006

Allied depends on membership contributions to support its annual activities, including this newsletter. **Dues for FY2005-6 are \$40 for civic associations, \$35 for umbrella groups and \$10 for individual members.** (Please also name delegates below: total three for Civic Associations, two for umbrella groups)

Association Name: _____

Representative: _____

Address: _____

Phone: _____

Email Address: _____

Designated Delegates (name, address, phone, email)

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Mail to: Allied Civic Group, P.O. Box 13238, Silver Spring, MD 20911

Next Meeting: Jan. 30, Crossways Community Center

Topic: Park and Planning Issues

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