

TOWN OF GLEN ECHO
Town Council Meeting
April 8, 2013

ATTENDANCE: Deborah Beers, Mayor
Nancy Long, Councilmember
Eve Arber, Councilmember
Steve Matney, Councilmember
Mark McCaffrey, Councilmember
Nicole Fraser, Clerk-Treasurer

VISITORS: Aaron LaRocca, Acting Site Manager of GEP¹ & CBNHS
John Barrett, Resident
Nick Lambert, Resident
Jim Shaut, Resident
Alex Romero, Acting Superintendent of GWMP
Stephen Hathaway, Resident
Matt McFarland, Resident
M. Edith C. Springuel, Resident
Gerry Bodlander, The Echo reporter
Matt Stiglitz, Community Police Advisory Board Representative

Mayor Beers called the meeting to order at 8:00 pm

GLEN ECHO PARK REPORT

Acting Site Manager Aaron LaRocca introduced Acting Superintendent of GWMP, Alex Romero. Mr. Romero, formerly Superintendent at National Capital Parks East, reported that he was delighted to have GEP-CBNHS as one of his sites as it is a great resource. Mr. Romero said that there is a small chance that his four-month post at GWMP will become permanent; if it becomes available he might apply for the position. However, with sequestration, his current and former positions are both open. Mayor Beers said that she hoped that Mr. Romero could stay as it would be nice to have someone with a long range view. Mr. Romero concurred, while identifying pressing issues before GWMP, one recommendation was that GWMP, which includes GEP-CBNHS needs permanent leadership. Mayor and Council expressed their wish that Mr. LaRocca would be able to stay in his current position at GEP-CBNHS as he has done an exemplary job. Mr. Romero reported that former acting GWMP superintendent, John James, announced his retirement.

¹ Abbreviations used in this document include Assessment of Effect (AoE), EA (Environmental Assessment), GEP (Glen Echo Park), GEPPAC (Glen Echo Park Partnership for Arts & Culture), GWMP (George Washington Memorial Parkway), CBNHS (Clara Barton National Historic Site), MC (Montgomery County), MML (Maryland Municipal League), NHP (National Historical Park), NP (National Park), NPS (National Park Service), PHED (Planning, Housing and Economic Development) and WG (Washington Gas).

Mr. LaRocca announced that at present there was no change in the status of the shared-use path, specifically the section proposed to pass through GEP-CBNHS. The public comment period on the EA/AoE has closed. When there is a decision, a decision document will be signed. If the decision is to approve that section of the shared-use path, then MC will need various permits from GWMP. MC will need to meet with a NPS project coordinator and meet all NPS requirements (*e.g.* maintenance, ownership, archeological and environmental review, *etc.*). Mayor Beers noted that MC has announced that they will begin shared-use path construction. Mr. LaRocca said that they cannot start in GEP until all reviews are completed. Councilmember Arber asked if the proposed shared-use path near Clara Barton Child Center was on NPS land. Mr. LaRocca offered to check into this [*N.B.* – Mr. LaRocca sent a follow up email on April 20th indicating that the shared-use path does not go through NPS land: “The GWMP lands manager assured me that ownership of this portion of the path was discussed during the initial planning meeting with MOCO (Montgomery County).]

Councilmember Long suggested that if the proposal is approved the path through GEP and CBNHS be cantilevered so as not to give up any NPS land. Mr. LaRocca said that he and Ms. Long had discussed this idea.

Mr. LaRocca announced that the 80th anniversary of the Spanish Ballroom will take place with a possible dance-a-thon. NPS interpreters will work with GEPPAC staff to create special programs (*e.g.* Living Classrooms). All GEP co-operators are encouraged to have some sort of NPS activity in their programs. Interns will be trained to give programs at GEP-CBNHS. Opportunities to do research about GEP-CBNHS will be provided. A GEP-CBNHS ranger will work with the Latin American Youth Center (an organization that works with high school aged children from underserved communities, to give them art experiences in national parks). Permit processing is ongoing for Family Day and the Washington Folk Festival. NPS has asked the folk festival organizers not to use staked tents and to research other ways to secure the tents. Mayor Beers said that she would appreciate a letter from the folk festival organizers requesting permission to use Town property on Tulane Avenue; in past years they have used that area to conduct commercial activities that are not allowed on NPS land; until last year, when festival organizers did not request such permission.

Mr. LaRocca requested that the Town trim the bamboo on the corner of Oxford Road and MacArthur Boulevard to afford a line of sight for vehicles and pedestrians using Oxford Road to enter GEP.

STRUCTURE AT 6005 PRINCETON

Matt McFarland, resident at 6005 Princeton, presented plans for modification of a structure on his property, specifically what is being called a playhouse. Mayor Beers expressed that she still has concerns about the structure and had contacted the Town Attorney about its height and location on the property. The structure is 5 feet from the property line and approximately 17 feet 9 1/2 inches in height. Mr. McFarland said that

when he originally approached MC last year for a permit they denied him a permit because the County does not issue permits for play structures. Mr. McFarland said he recently met with Malcolm Spicer the County Attorney. According to Mr. McFarland, Mr. Spicer said that if the walls were removed from the ground level it would not be classified as an accessory structure and he would lower the height of the structure as directed. Mr. McFarland has said that he will complete these modifications and will not be applying for a permit as a result. Mayor Beers said that she appreciates his dilemma but she did not understand why these plans or letters from the County were not presented to the Council; she noted that residents did not think it was a play structure because of the type of construction (e.g. concrete slab, windows) and it was unlike the three other tree houses in the neighborhood. Councilmember Matney asked if there was electricity to the building. Mr. McFarland said no. Councilmember Long asked how Mr. McFarland would lower the structure. Mr. McFarland said he could do so by extending the retaining wall and regrading around the structure or by cutting the piers but he did not wish to alter the roof as he had spent considerable resources on it. Councilmember Long asked if the structure complied with the setbacks. Mr. McFarland said that the setbacks are 5 feet and the balcony and stairway protrude into the setbacks. Councilmember McCaffrey said that from his point of view, Mr. McFarland had done due diligence. Mayor Beers said that the Town started to investigate this due to complaints; she asked if the changes were made if Council would be satisfied. Mr. McFarland said that he needed resolution for his project. Mayor Beers said that she didn't feel that Council had to make a motion on this but the Town would continue to monitor this and will drop it at this point. Mayor Beers noted that if a resident builds an accessory structure, you need a permit; if it looks like a shed then a MC permit is necessary.

APPROVAL OF MINUTES

Motion 2013-08 to accept the March 2013 Council Meeting minutes as presented. Motion made by Councilmember Arber; seconded by Councilmember Matney. Motion passed unanimously.

POLICE REPORT

Councilmember Matney reported that on the previous weekend, an estate sale was held at 44 Wellesley Circle, however it was not just for the Brintnalls' (former owners of 44 Wellesley) items it was combined with items from other homes as well. 44 Wellesley became a *de facto* retail store and commercial venture for three days. The result was terrible traffic, virtually no parking available for residents on Wellesley Circle, dangerous parking practices, "No Parking" signs, yellow curbs and fire hydrants were ignored. Councilmember Matney suggested that when Council revisits the ordinances, limits should be placed on such kinds of commercial activity. Councilmember Matney requested that the Town paint curb striping all around Wellesley Circle on the "No Parking" side. Mayor Beers asked if residents are planning a big event, to plan parking accordingly by asking the church to borrow the lot, or informing neighbors in advance). Mayor Beers also noted that the Town may issue parking tickets.

Mr. LaRocca reported that there was a car break-in in the upper parking lot at GEP. An arrest has been made. Mr. Romero noted that NPS Park Police have been hit with furloughs as a result of sequestration; this could impact park patrols in GEP and CBNHS.

TOWN HALL USE

Councilmember Long noted that several residents plan to use the Town Hall for private events in April. FSGW will continue their Wednesday evening events in addition to one Family Dance on Sunday, May 14, and a Scottish Fiddle Club program on May 21. Report attached.

NATURAL GAS

Mayor Beers noted that it has been a frustrating experience dealing with WG and she wrote a stern email after learning that the engineering firm (EN Engineering) hired by WG had erroneously concluded that the Town did not own the right-of-way. She furnished WG and EN with documents proving the Town's ownership of the right-of-way. She did receive a reply from Mr. Higgins of WG. She would like to have a phone conversation to straighten out these issues. Unfortunately, the Town does not have input on whom WG hires. Mayor Beers said that while EN is moving forward, she wishes it to be clear to WG that the Town must be kept in the loop. Mr. Lambert noted that the Town has actually not committed the \$25k for the survey; the Town needs a written estimate for the work. Mayor Beers said that it is unlikely that natural gas will reach Glen Echo in 2013; 2014 at the earliest.

ZONING AND ZTA 12-16

Mayor Beers updated Council on the status of ZTA 12-16, a proposal to build on small infill lots. The PHED committee will amend the ZTA with the new language supplied by Town Attorney, Norman Knopf. Mayor Beers said that residents have inquired about houses and structures (6005 Princeton accessory structure/playhouse; 6100 Princeton's height; 26 Wellesley Circle's addition) being currently built but nothing can be done about houses being built now; the Town does not have zoning authority, it relinquished that in the 1950's. Mayor Beers read from a 2012 amendment to the Annotated Code of Maryland Land Code (Section 20-509. Municipal building requirements; regulation of signs):

“The legislative body of a municipal corporation or governed special taxing district may impose an additional or stricter building requirement than is required by a State, regional or county unit that exercises zoning or planning authority over the municipal corporation...(the municipal corporation) may regulate only the construction, repair, or remodeling of single family residential houses or buildings on land zoned for single-family residential use as it relates to:....(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.”

While the Town has previously had setback authority, Section 20.59 allows more authority for the Town on such matters. The Town may choose to have stronger rules, about height in particular (re: 6100 Princeton). Mayor Beers said that a number of people have suggested that the measure of maximum height be measured from the sidewalk instead of the grade around the house (6100 Princeton has a retaining wall surrounding it that elevates the grade around the

house). Mayor Beers noted that if the Town does choose to exercise authority and regulate it, the Town must allow for appeals and hearings. Councilmember Matney said that he would ask around MML with some of the other municipalities, maybe the Town could “timeshare” with an inspector or a committee that is already in place. Mayor Beers said that it is very difficult to get volunteers to serve on any committees related to Town issues (*e.g.* animal or vehicle control); it would be difficult to get residents to serve on a new architectural committee.

ADDITIONS TO THE AGENDA

1. Jim Shaut announced that he has received the required number of signatures to be the Glen Echo representative to the Conduit Road Fire Board.
2. Budget hearing was set for Wednesday May 22nd, 7:00 p.m. and budget meeting to follow immediately. Comments to be submitted by May 20th.
3. Town Summer Picnic was set for July 14th at 5:00 pm.
4. Two maps of Glen Echo (one 1966 topographic map; the other an aerial map) were gifted to the Town by Eleanor Balaban.
5. April is Maryland Archeology Month. A program on the “C&O Canal: From Tide Lock to Terminus” will be held at Frederick Community College on April 26th, 7 pm.

Meeting adjourned at 9:35 p.m.

Deborah M. Beers, Mayor

Date

Attached: Police citation report
Town Hall use report
Annotated Code of Maryland Land Use Section 20-509