

**Master Plan**

**For**

**The Town of Barnesville, MD**

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**Barnesville Planning Commission**

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## Summary of Recommendations in the 2005 Barnesville Master Plan

### Land Use

- Retain the residential character of the Town of Barnesville, including support for residential and agricultural uses in combination, and commercial uses of a non-intrusive nature
- Continue use of Rural-Agricultural (R-A) zone and Barnesville Rural Density Transfer (BRDT) zones, with no changes to the zoning of any property
- In both zones, change minimum lot size for a new residence from 2 acres to 4 acres
- In both zones, reduce the maximum building height from 50 feet to 40 feet (except agricultural buildings)
- In both zones, require 150 feet minimum frontage on a public street
- In the Subdivision Ordinance, clarify that this road frontage requirement may not be waived even if the Planning Commission creates a new subdivision that allows new lots located on a private street.
- Restrain the bulk of new buildings by limiting the size of the façade that faces the public street
- Educate individuals who seek a new building permit or a new subdivision on the importance of scenic values in the Town
- Document the status of all businesses within the town to determine which were formed prior to the adoption of the 1991 Master Plan, which were formed after that date, and which need to be brought into compliance with the Special Exception requirements of the town's current Zoning Ordinance
- Modify the Zoning Ordinance to bring more consistency to the list of business or service uses that must seek special exceptions
- Recommend against the conversion of entire residential structures to business use
- Clarify the range of conditions that may be attached to a Special Exception approved by the Board of Appeals
- Clarify which development standards may be modified by the Board of Appeals in a variance
- Support the existing land use and zoning recommendations of Montgomery County Government that stress preservation of agriculture on all the land surrounding the Town of Barnesville

### Transportation

- No changes to roads in town
- Support new sidewalks for walking to the Post Office and funeral home, the Town Hall and the Barnesville Baptist Church; set a goal of providing sidewalks throughout the town
- Oppose the "Tech-Way" proposal (being promoted by interests in Virginia) that would link roads in Virginia to Maryland, crossing the Potomac River

### Public Facilities

- Renovate the Town Hall for community use and public meetings
- Build minimal parking on the Town Hall site; enter into an agreement with Barnesville Baptist Church for parking during Town Hall events
- Monitor enrollment changes at Monocacy Elementary School

### Environment

- Inform Town residents of the importance of water quality: we all use a common source of drinking water
- Encourage residents to monitor their well water and waste water systems
- Suggest that the Town organize group purchase of water testing
- Encourage Best Management Practices at all agricultural sites
- Change the Zoning Ordinance restriction on location of buildings near streams or water courses to match the reality of what we already have
- Inform residents about methods to reduce glare and excessive night lighting
- Continue beautification projects that plant new trees, bushes and protect those that we already have

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## **Chapter 1 Present Conditions**

### **1.1 Introduction**

This chapter describes the history and provides a general description of the present conditions in the Town of Barnesville, including the methods used by the Town to regulate land uses.

### **1.2 Purposes and Goals of the Plan**

Throughout the years, Barnesville has emphasized its efforts to remain small, quiet and well preserved. In the midst of current public debate about transportation corridors, land use and development matters, the citizens are committed to achieving a spirit of mutual respect with the county and state governments that will allow the town to maintain its undisturbed boundaries and simplistic way of life as a rural residential community. Barnesville, "A Caring Community," seeks to preserve its heritage and control its future growth through its own thoughtful and intelligent actions.

This legacy, if it is to be protected for future generations, requires vigilance and dedication on the part of the citizens of the Town and their elected and appointed officials. Part of that vigilance involves careful planning to anticipate the pressures for change, which the Town inevitably will face in the near future. Therefore, the Planning Commission and the citizens of the Town of Barnesville have prepared this Plan, as well as revisions to our Zoning Ordinance and Subdivision Ordinance, to guide the town into the 21st Century.

### **1.3 Barnesville 1747 to Present**

The earliest reference to the settlement of Barnesville is a survey for a land patent to Jeremiah Hays, recorded on December 10, 1747. Barnesville was named for William Barnes who owned land and built the first house within its boundaries. The town is located at the top of a hill. Throughout the town, this hilltop location allows views of the mountains across the Potomac River, of Sugarloaf Mountain, and of the valleys and rolling farmland on all sides. Situated in the midst of what was once a rich tobacco-growing region in Montgomery County, Maryland, Barnesville was incorporated as a municipality (formally known as "The Commissioners of Barnesville, Maryland") by an act of the General Assembly of Maryland in 1811. (For a more detailed description of the history of Barnesville, see Appendix 1.)

Barnesville grew up slowly through World Wars I and II, while remaining a rural small town. The wide mix of housing styles in town reflects the many decades of construction, including new homes and additions to existing homes. In the mid-1920s, a group of residents formed an organization to build the Town Hall, a wood frame at the corner of Barnesville and Old Hundred Road (formerly known as Stone Street). By the 1950's, Barnesville felt the effects of a growing population, business enterprises, and surrounding government intervention. Properties were annexed and building and business permits became a necessity. The first Master Plan and Zoning Ordinance were adopted in 1959. Threats of removing the post office were halted by petitions to Senator J. Glenn Beall. The Post Office, formerly in the Barnesville General Store, subsequently moved to the Price home (see Appendix 1) and later still, to a stand-alone building across from the Hilton Funeral Home. Barnesville made its debut in Hollywood when portions of the film "Lilith", featuring Warren Beatty, were filmed here during the summer of 1963.

Barnesville was a proud participant in our Country's Bicentennial Celebration. The Town commissioned a commemorative coin for the occasion, held a ceremony to dedicate the Town Flag, and concluded a year of celebration on July 4, 1976 with a grand parade and community picnic. Celebrations continued with a 100th anniversary of incorporation celebration in September of 1988, highlighted by a Civil War reenactment. The Town also buried a "Time Capsule" in 1998 that contains mementos from many of the citizens. Buried at the site of the well, a landmark located at the corner of Barnesville and Beallsville Roads, its plaque announces the intention that it remain buried for 100 years, although noting that it may be "opened before that time if desired".

Currently, in addition to a variety of civic and church-sponsored events, the Town holds an annual town dinner for all its citizens. It supports Halloween activities sponsored by the Lions Club, hosts an evening of Christmas

caroling and treats around the Town Christmas Tree, and continues as the scene for the annual July picnic sponsored by St. Mary's Catholic Church. The Town now has a website on the Internet that includes links to the elected Town Commissioners, notices, official documents and other useful material.

Although the population of Barnesville has been quite stable throughout the 20th Century, there have been changes in the makeup of it. Through the first half of the century, there was a large minority of black families in the town, many dating back many decades. However, apparently as a result of improved transportation and the wider availability of jobs, many of these families have dispersed. One result has been a greatly decreased minority population in Barnesville by the end of the 20th Century.

The 2000 Census indicates that Barnesville has a population is 161 persons in 59 households. 155 persons are white, while six are of other races and various ethnic backgrounds. The median age is 41 years, and 30% of the population is under 21 years.

There are 65 housing units (all single family), of which 59 are occupied. The population is relatively highly educated, with 50% of the adults having a bachelor or higher degree. Of the 80 persons in the workforce, 50 are in management or professional work, 23 in sales or service work. Interestingly, only 2 are in agricultural work as a full-time occupation. The median household income is approximately \$79,000. No citizens are listed as being in poverty status.

The census data support the view of Barnesville as a stable, bedroom community, with a fairly large number of young families.

#### **1.4 Existing Land Use and Zoning**

The Town of Barnesville at the present time has only two zones, designated "Residential-Agricultural" (R-A) and "Barnesville Rural Density Transfer" (BRDT). The purpose of the R-A zone has been to preserve and nurture the agricultural nature of the small rural village that is Barnesville. The R-A zone currently requires a minimum area of two acres and a minimum road frontage of 150 feet on a publicly maintained road. Area coverage under the R-A zone is limited to twenty percent of the lot. Permitted uses are generally restricted to agricultural purposes, single-family dwellings, farm tenant homes, greenhouses and horticultural nursery, guest house, and home occupation.

The BRDT zone is designed to match the Montgomery County zoning that was in place when a property in that zone was annexed into the Town in 1987, and from which development rights had already been sold.

In addition to the permitted uses in these zones, the current (1991) Barnesville Zoning Ordinance provides that other uses as set forth may be authorized by special exception granted by the Board of Appeals. Although some jurisdictions may limit residential, agricultural and limited commercial activities to defined and distinct separate areas, the juxtaposition of such uses within the Town of Barnesville is a reflection of its rural heritage.

The four streets within the Town boundaries, Barnesville Road, Beallsville Road, Old Hundred Road and West Harris Road, are lined for the most part with residences. The density decreases as distance increases from the main intersection of Barnesville Road and Beallsville Road. The predominant style of architecture is a two-story colonial farmhouse, built fifty to one hundred or more years ago. West Harris road is a partial paved/gravel road, and residences along this road are not as closely spaced as on the remaining three main streets and, for the most part, represent new farm residences and outbuildings built within the last fifteen years.

There currently exist 65 single-family detached homes, most of which have accessory buildings. Other than two churches and the town hall, only four main buildings are not used as residences. Of the housing units, 2/3 were built before 1939, and the large majority are owner occupied. All residences have plumbing, and the average value in 2000 was approximately \$250,000. There is a wide mix of housing styles, from farmhouse to Victorian to small rambler, reflecting the designs that were affordable or in fashion when the homes were built.

There are a variety of small businesses and other uses of residences and accessory buildings in the town. These include a computer software company; one large family house with an apartment; antique stores; art and/or craft studios; a small professional business operated from a converted garage on residential property; four separate small

buildings used for workshops; and a variety of "cottage industries" operated from homes, such as the growing, preparation and sale of herbs and a sign engraving business and home office businesses.

Some of these businesses were in existence when the 1991 Zoning Ordinance was adopted (on November 18, 1991) and were "grand-fathered" by that ordinance. In the 1991 Zoning Ordinance, the Town also specified a list of commercial and other uses that would require a special exception from the Board of Appeals. In the years since 1991, various business uses in accessory buildings have been initiated without applying for and receiving the required Special Exception from the Board of Appeals. This issue will be discussed in more detail in Chapter 4.

On larger agricultural parcels in the West Harris Road area, ancillary agricultural services and activities are offered, such as horse boarding, training and riding lessons.

Although a substantial number of the "older" improved residential properties (e.g., homes greater than 50 years old) near the center of Town are smaller than the minimum required lot size prescribed by the existing zoning ordinance (2 acres), these are affirmed as non-conforming. There are a number of properties with substantial acreage, ranging from 6 to 35 acres, all but one of which are in the R-A zone. The greatest concentration of large parcels is in that area between Barnesville Road and West Harris Road. There are also large parcels towards the southern edge of town on either side of Beallsville Road, and on the northern edge of town off Old Hundred Road. All of these larger parcels adjoin land in the Montgomery County Agricultural Reserve where land is zoned for agriculture, requiring a minimum of 25 acres per residence.

Despite increasing pressure for "farmettes" and large lot residences in our agricultural part of the County, further subdivision of the Town's larger parcels is expected to be difficult, at best, given the constraints of the soil characteristics in and about the Town on the approval and installation of new septic systems. In addition to factors of poor soil conditions, State and County standards for a new septic system now require that the parcel be of sufficient size to allow one approved primary drainage field for the system, plus two approved back-up fields. In addition, the septic system must be located more than 100 feet from the well(s) on the parcel. These standards indicate that R-A lot sizes will need to be increased from two acres to four acres in order to achieve sufficient land area for septic approval associated with new residential construction in the town. This Plan does in fact recommend an increase in the minimum lot size for new residential construction.

### **1.5 How land use in Barnesville is regulated.**

As an incorporated municipality in the State of Maryland, Barnesville has the authority to control its own land use in accordance with Maryland law. The town is required to coordinate its plans and policies with other jurisdictions in Maryland.

The Town of Barnesville affirms its support for land use policies that have been adopted by the State of Maryland and Montgomery County Government that favor agricultural uses, preservation of open space and sound environmental practices. In particular, the town supports zoning for the Montgomery County Agricultural Reserve, which completely surrounds the town. The town also supports state-wide plans and policies that are known under the general heading of "Smart Growth." -- i.e., directing new housing and commercial uses toward areas that already served by substantial roads and public transit, existing educational facilities and public water/sewer service.

In 2004, the Town of Barnesville adopted the following special technical amendment to the 1991 Master Plan. In doing so, the Town affirmed its desire to be included with other areas and communities in the Montgomery County Heritage Area. The Heritage Area Master Plan identifies the Town of Barnesville as being within the "Farming History" heritage area boundary.

"The Montgomery County Heritage Area has important environmental, recreational and cultural resources, as well as significant historical sites and districts, and the Montgomery County Heritage Area Management Plan presents strategies for enhancing these resources, improving linkages, advancing economic development strategies and providing for stewardship and preservation.

The Management Plan will complement other local, State and County initiatives in the Certified Heritage Area, and is consistent with the approved and adopted Master Plans for the areas of

Montgomery County included in the Heritage Area.

Therefore the Town of Barnesville ratifies the recommendations and strategies in the Montgomery County Heritage Master Plan and the same are incorporated into the Master Plan of the Town of Barnesville.

The Town of Barnesville, under the Laws of the State of Maryland, has the following authorities and mechanisms available to control local land use and development:

- Master Plan
- Zoning Ordinance
- Subdivision Ordinance
- Building Permits

The Master Plan describes the overall visions for the town's future, goals for use of land and how new uses and new development will be guided. Maryland Law requires that Barnesville conduct a Master Plan review approximately every six years. Thus, the next review process is scheduled to occur in 2011. The goals of Barnesville's Master Plan are implemented through legislation adopted by the Town Commissioners.

The Zoning Ordinance is one piece of legislation that the Town has adopted to enforce its Master Plan goals. It defines the R-A and BRDT zones for the town, lists what land uses are permitted in each zone by right and by special exception, outlines specific requirements for lot sizes, building heights, distances from neighbors, and so forth. Barnesville's first Zoning Ordinance was adopted in 1959.

The Subdivision Ordinance is a second piece of legislation that the Town has adopted to regulate development. This ordinance controls the process of dividing large parcels into smaller lots, or of combining small lots into a larger lot. Barnesville's first Subdivision Ordinance was adopted in January 2004.

Building permits are required for any new construction or any renovation to an existing structure. Building permits must be issued by the town and by Montgomery County Government.

Two appointed citizen boards assist the town's elected officials with the regulation of land uses in Barnesville.

- The Planning Commission (five members) is responsible for recommending changes to the Master Plan, the Zoning Ordinance and the Subdivision Ordinance, and for approving new subdivisions.
- The Board of Appeals (three members) is responsible for approving Special Exception Uses that are listed in the Zoning Ordinance and for approving variances as provided for in the Zoning Ordinance. The Board also hears administrative appeals.

## **Chapter 2 Infrastructure Status and Issues**

### **2.1 Introduction**

This chapter describes the public transportation, public facilities and public services, in Barnesville or nearby that serve residents of the Town.

### **2.2 Existing Transportation**

Residents and visitors to Barnesville utilize four forms of transportation: foot, bicycle, private vehicle, and mass transit via the MARC train at the Barnesville station just south of the corporate limits of the Town.

Within the Town itself, particularly at the "core intersection" of Beallsville Road and Barnesville Road, many residents simply walk to the post office, to places of worship, or to visit neighbors. The Town is responsible for maintenance of the sidewalks on Barnesville Road. The State of Maryland recently rebuilt the sidewalk on the south side of this road.

Currently, sidewalks serve fewer than half the Town's residences, even in the central portion of the town, and do not provide safe or comfortable access to many destinations, including the Post Office and one of the churches. This is serious problem, as the roads are narrow and do not have adequate shoulders. Walking in many areas is both unsafe and unpleasant.

Although some residents use the bicycle for local trips or for recreation, the narrow roads, heavy traffic and lack of shoulders inhibit safe bicycle riding. Nevertheless, the Montgomery County Master Plan of Bikeways includes several routes through Barnesville, and there are many recreational riders using these routes throughout the year. While the presence of bicycle riders adds to the relaxed atmosphere of the Town, the risk of accident for bikers and drivers is very serious.

At the present time, there are four public roads within the Town limits. State Route 109 is designated as Old Hundred Road to the north of Barnesville and as Beallsville Road to the south of Barnesville. Route 109 is maintained by the Maryland State Highway Administration.

Running east to west is Barnesville Road, which is owned and maintained by Montgomery County. The County's Master Plan of Highways classifies both Route 109 and Barnesville Road as "arterial roads" as distinguished for more heavily traveled "controlled major highways" and "freeways and parkways". According to the Master Plan of Highways, the typical rural arterial highway consists of a total right-of-way of eighty feet, within which twenty-four feet is paved road and ten to twelve feet on either side is shoulder.

In Barnesville, because of the age of Barnesville Road and the dwellings located on it, right-of-way is necessarily narrower. The paved portion of the road is only eighteen feet in width and the width of the entire right-of-way through the Town is forty feet. Residences and structures on Route 109 are generally set further back from the road than those structures on Barnesville Road and, as a result, the State of Maryland has acquired an eighty-foot right-of-way for Route 109 in many places.

The fourth road within Barnesville is West Harris Road, which begins at Barnesville Road near the center of Town, proceeds north and serves as the northern boundary of the Town limits, and eventually terminating near the base of Sugarloaf Mountain. It is tarred and chipped for a short distance within the Town limits but is unpaved for the rest of its length. Owned and maintained by Montgomery County, it is a thirty-foot right-of-way, with a ten-foot paved surface. Montgomery County has designated West Harris Road as a "Rural Road". As such, it is planned that West Harris Road will not be paved and will remain an inviting country road.

Barnesville Road and Rt. 109 carry a very heavy load of commuter traffic and substantial truck traffic through the town. The heavy traffic is a burden to the town by causing very high noise levels during morning and evening commuting hours, and by elevating the risk to town residents who are attempting to leave their driveways. Pedestrians



are at particular risk from the heavy traffic. The threat is compounded by the often high rates of speed of the traffic. Except for two stop signs on Rt. 109, there are no traffic controls in place.

All of Barnesville's roads are designated as "rural/rustic roads" in the Montgomery County Rural Roads Program. See Appendix 2 for more detail.

Both Barnesville Road and Route 109 provide connections for town residents to Interstate 270, with MD-109 being the shortest route (5 miles to I-270.) Barnesville Road is the most direct route to the METRO station at Shady Grove (Gaithersburg), the closest access point to the MetroRail System. Ride-on commuter bus service to other destinations in Montgomery County is not available in Barnesville, but is available in Poolesville. .

Immediately to the south of the Town limits is the Barnesville Train Station. Rail service to Barnesville (originally part of the B & O Railroad) is now operated as commuter rail service between Brunswick and Washington, D.C. by the Maryland State Railroad Administration. The MARC commuter rail service from the Barnesville Station offers convenient and efficient mass transit for those residents of the Town and surrounding area who work or visit down County and points south. Trains run Monday through Friday only. Six southbound trains stop at the station each morning; eight trains going north stop in the afternoon. The original B&O station at Barnesville was razed around 1960. The present station is a former gas metering building that was relocated from Rockville in 1978 through a cooperative project by the Town, County, and individual citizens.

There are no new public road-building projects proposed for in the Barnesville area by State, County or town. There is a proposal being promoted by advocates from the State of Virginia to build a new Potomac River Crossing (i.e., bridge and limited access highway that would connect highways in Virginia to highways in Maryland). One alternative being publicized for the "Tech-way", as this project has come to be called, would create a new bridge across the Potomac near Poolesville and a new road going toward I-270 that would cut the Agricultural Reserve and pass near Sugarloaf Mountain. The Town of Barnesville is strongly opposed to all the alternatives for this proposed Potomac crossing, and in particular is opposed to the option that would build a multi-lane road in the Agricultural Reserve.

### **2.3 Public Facilities**

As set forth in Chapter 1, in 1925 a Town Hall was established by the Commissioners; however, that facility was closed and transferred to private ownership in 1954. In 2003, the owner donated the property back to the Town. The town is presently evaluating possible uses of the structure, with the hope of being able to renovate and return it to use as a Town Hall. In 2005, the Maryland General Assembly approved a capital improvements grant for use by the Town in its Town Hall renovations.

Public meetings of the Commissioners and appointed boards currently are held in residences or in local church or other facilities. Town elections were held at a garage on private residence after the Town Hall was sold in the mid-1950s, but have now been moved back to the Town Hall. The Town's traditional ballot box, a cigar box with a slot in the lid, has widespread notoriety in Montgomery County. Because it is an important symbol of our small town way of life, the safekeeping of this box is an important duty of town officials. Access to the Town Hall will once again permit all public meetings to be held in a common space that is under town control.

The Baptist and Catholic churches in town provide facilities for numerous community events. In addition, both the Monocacy Elementary School and the Barnesville School, located on the outskirts of town, provide facilities for community events.

There is no public parkland within the Town of Barnesville; however, there is an abundance of park and recreation facilities in close proximity. One of these is Stronghold at Sugarloaf Mountain, which, although privately owned, provides a treasured opportunity for the citizens of the Town to enjoy outdoor activities including hiking, rock climbing and bird watching. Also located within a short distance are the C&O National Park and the Monocacy and Potomac Rivers. County operated facilities nearby include Owens Park in Beallsville, the Dickerson Regional Park adjacent to the C&O Canal, and the new County Equestrian Park in Beallsville. The Linden Farm near Dickerson, which is operated by Sugarloaf Citizens Association, is another nearby facility available for public use.

The Town is served by four public school facilities including the Monocacy Elementary School (located just

outside Barnesville to the West), Poolesville Elementary, John Poole Middle School, and Poolesville Senior High School (all in Poolesville). These schools are all part of the Poolesville Cluster.

Reports released by Montgomery County Public Schools show the following statistics for 2004-2005.

Poolesville High School	Enrollment 825, current capacity 868
John Poole Middle School	Enrollment 411, current capacity 486
Monocacy Elementary	Enrollment 232, current capacity 244
Poolesville Elementary	Enrollment 444, current capacity 586

MCPS enrollment projections show that all of the schools except Monocacy Elementary will be able to accommodate anticipated changes in student population. It is not until the years 2008-2009-2010 that enrollment at Monocacy Elementary may exceed capacity. The town will need to monitor enrollment changes and communicate with MCPS about solutions. It is likely that any problems can be relieved by managing enrollment between the two elementary schools that serve the town.

In addition to the public schools, just east of town is located the Barnesville School, a private educational institution offering instruction from pre-kindergarten through eighth grade. Current enrollment at the Barnesville School is approximately 250 students. Enrollment is drawn from throughout the western county as well as parts of Frederick County, also from within the town and immediately surrounding areas.

The Upper Montgomery County Volunteer Fire Department, located 3.5 miles away in Beallsville, provides fire and rescue services for the Town. The next closest service is the Hyattstown Volunteer Fire Department, located 5.5 miles north of Barnesville.

Other public facilities are located in the rural county, relatively close to Barnesville. The largest of these is the Dickerson coal fired generating station. Currently owned by Mirant Corporation (formerly the Potomac Electric Power Company), this plant has been in operation since the mid-1950s. Since that time, there have been several expansion and upgrade projects. In the same vicinity as the power plant, the County has constructed and operates a large incinerator/generating station which burns County refuse (transported by rail to the site) and converts waste to energy. In addition, the County operates a large leaf and yard waste composting facility. All of these facilities are a potential conflict to the rural nature of the area. While they have little direct impact on the town, they all contribute to an apparent industrialization of the Dickerson area. The facilities interrupt the scenic view as they are easily seen from many sites in the Town.

Virtually all electrical, telephone, and cable service is provided above ground on poles. These facilities are considered unsightly by many people. They require extensive trimming of trees, often in an unattractive manner. While there are no known plans for expansion or change of these facilities, if that were to be considered, this Plan recommends that alternative routes or types of service (i.e., undergrounding) should be explored.

The Town has no electrical substations or similar facilities at this time. However, just South of the center of Town there is a ground level cable/telephone junction facility. This facility has limited aesthetic treatment and the parking area serving it is deeply rutted. This Plan recommends that the Town approach Verizon to request improvements, especially to the service vehicle parking area. In addition, any future similar facility or substation should be designed to fit in with the character of the Town.

#### **2.4 Trash disposal, Water and Sewer Services**

The town's household trash service is provided to residents by the town under contract with a private company. This firm also collects all recyclable materials. The town also sponsors two days per year when the private contractor picks up large items. All refuse collected by the contractor is transported to the County-owned Transfer Station in Gaithersburg where it is combined with all county refuse for eventual disposal in the Dickerson Waste to Energy Plant. In addition, Montgomery County operates a public facility in Poolesville where residents can take other trash items (not household trash) for disposal. This site is open only on weekends.

The Town of Barnesville is outside of the public water and sewer "envelope" of the Washington Suburban Sanitary Commission so there is no public water or sewer service in the Town. The Comprehensive Sewerage Systems

Plan of Montgomery County has placed the entirety of the Town, as well as all adjacent areas, in "Category 6", which indicates no community sewerage service is planned, nor is any such service recommended. The town does not operate or provide any municipal water or sewer services.

Town residents rely on individual drilled wells for water, and for individual septic systems for waste disposal. The poor geological conditions provide a natural limit on the percolation propensities of soil in the area, and water is drawn from a sole source aquifer. One result is that there are some problems with failed wells and/or treatment systems, requiring individual solutions. Thus, in addition to pure land use compatibility considerations, the physical constraints of the area should serve to discourage any type of large-scale use, whether public or private, industrial or otherwise, which may have the propensity of adversely affecting the public health through tainting or contamination of the sole source aquifer.

## **Chapter 3 Environmental Status and Issues**

### **3.1 Geology and Water issues -- Present Conditions**

Barnesville is located in the watershed of the Little Monocacy River, which flows into the Potomac River. Geologically, the Town is in an area of Marburg schist, which is bluish-gray to silvery-green fine-grained schist with intermixed quartzite. The Town is not served by public water or public sewer.

The town contains the headwaters of several streams that eventually flow into the Little Monocacy River:

- \* A stream that originates on the P. Menke property (P602).
- \* A stream that originates in a spring on the J. Menke property (P338).
- \* A stream that originates on the Meisner property (P130).
- \* Several streams that originate immediately outside the town boundaries to the south and west.

There are several ponds within the town boundaries, one adjacent to Old Hundred Road at the northern Town boundary and two behind the Post Office.

With no public water, all residents of the Town obtain water from individual wells on their own property. The water is drawn from a common aquifer with the formal name "Ijamsville formation of Paleozoic age". Protecting the streams and this underground water supply is a key environmental priority of the Barnesville master plan.

Large areas with natural, not man-made, surfaces characterize Barnesville and the surrounding areas, thus permitting significant recharge of our water supply. "Recharge" means re-filling the underground water supply from rainfall and other water on the surface. It also refers to "cleansing" the surface water as it filters through soils and rock before reaching the aquifer. Recharge occurs virtually everywhere that there is no impervious surface cover such as roads, parking lots and buildings.

The water level in the aquifer for our area has been studied since 1952 at the old well, a landmark located on private property at corner of Barnesville and Beallsville Roads. This well, no longer used for domestic water purposes, has a depth is 46 feet. It is hand-dug, stone-lined, and has a casing that varies from 60 to 24 inches diameter. Referred to as "Mo Cc 14", the well is used for monthly measurements by US and Maryland Geological Survey personnel. The highest water level measured there was 18 feet below land surface on April 5, 1993. The lowest water levels were when the well was dry: on Dec. 2, 1957, Dec. 6, 1965, Jan 3, 1966 and Feb. 2, 1966. The data for 2003 show water levels above normal. A review of the historical record shows no sign of any systematic lowering of the water table although there are large seasonal and yearly variations reflecting general rainfall conditions. The data indicate that the current withdrawals have no apparent impact on the water supply.

The quality and quantity of the water supply are highly variable throughout the Town. Some wells are relatively shallow, while others are deep, some produce low flows while other nearby wells produce high flows, and some have objectionable taste or quality, while others are of high quality. Some wells are or have been contaminated by surface or subsurface organic contamination, or as a result of leaking underground fuel storage tanks. In some cases, water purification systems are in place. There is no systematic testing of well water.

Most wastewater from homes and businesses in Barnesville is treated by domestic septic systems. Because the vast majority of homes in Barnesville were built prior to 1939, it is a reasonable assumption that the septic systems of these homes are more than 65 years old, which is substantially longer than the typical useful life of a septic system. Some have been repaired or rebuilt to contemporary standards in recent years. Any repair or replacement that occurred since 1950 is likely to be recorded in the offices of Montgomery County Government. However, most septic systems in town are of unknown construction and unknown quality. There is no systematic evaluation of septic systems.

### **3.2 Geology and Water Issues - Recommendations**

It is a goal of this plan to educate town residents as to the importance of water quality and particularly, to encourage home owners to monitor their water and waste water systems carefully. Failure of a home septic system

may result in sewage coming to the surface of the ground causing odors, wet areas, and possible breeding grounds for flies and mosquitoes. In addition, a failed system may contaminate wells not only of the owner, but also of neighbors. Leaking or overflowing septic systems must be attended to immediately by contacting the Montgomery County Office of Permitting Services, Well and Septic Division. Specialists in this office are eager to help homeowners find effective means to repair and improve damaged septic systems.

Additional water related recommendations include the following:

**Chemical Use.** Residents should carefully control and monitor the use of any chemicals or other pollutants in the vicinity of their wells, with special emphasis on preventing spills. All residents who use fertilizers and/or other outdoor household or industrial chemicals should follow best management practices in applying or disposing of such materials.

**Underground Tanks.** It is a general finding that all tanks, especially underground, will eventually leak and are likely to cause very hard-to-handle groundwater contamination. Residents who have underground tanks for gasoline, fuel oil or other chemicals should remove them as required by law.

**Water Testing.** Residents should have their drinking water tested on a regular basis. The Town should consider soliciting a package price to reduce the cost of the testing for Town residents and to increase the likelihood of testing. The County Health Department can assist in evaluating test results if requested.

**Agricultural Practices.** This plan also encourages residents who engage in agricultural activities to use "best management practices." This means using conservation and pollution control practices that manage waste, agricultural chemicals and/or hazardous materials so as to minimize movement into surface or groundwater. The plan suggests that owners of livestock use nutrient and manure management practices that control the amount, placement and application of animal waste to the extent possible to prevent pollution of groundwater.

**Water Courses.** The current Zoning Ordinance contains a restriction on the location of structures near streams or watercourses: "There shall be a minimum setback of 500 feet for all buildings (except public recreation and agricultural structures) from the banks of all streams or water courses." In reviewing the existing map of streams and measuring the distance to residences and accessory buildings, the town finds numerous situations where buildings have existed for many decades within that 500-ft. limit.

After reviewing requirements from other jurisdictions for groundwater protection, it is noted that stream and shore buffers typically range from twenty feet to 200 feet. Larger buffers of 200 feet or more are typical for protecting reservoirs. Some jurisdictions allow a reduction in certain cases to an absolute minimum of 75 feet from a stream. In any case, 500 feet seems to be excessive, both in practice and in contemporary regulation.

The next chapter of this plan includes a recommendation that the town Zoning Ordinance be amended to "a minimum setback of 150 feet for all buildings....from the banks of streams or watercourses."

### **3.3 Additional Environmental Issues**

Although the issues surrounding water supply and sewage disposal are of prime concern to the Town, other issues related to the environment are also of concern.

**Air Quality.** Located in a rural setting, the Town generally enjoys good air quality. However, it is of concern that there are increasing numbers of facilities "upwind", i.e., Southwest to Northwest, that can adversely affect the air quality. Present facilities include the Dickerson coal fired power plant, Montgomery County Resource Recovery Facility, and the Dickerson Composting facility. The Maryland Public Service Commission has just approved a new 650-Megawatt power plant in the Buckeystown area, evidently to be located close to the Aluminum plant already there. This increasing concentration of industrial uses is of major concern as the total impact of the facilities continues to grow.

There are additional sources of air pollutants in the Town. Increased auto and truck traffic adversely affects air quality in the town; however, there appears little that can be done by the Town under existing law. Certainly the Town should consider supporting Federal or State legislation designed to reduce auto or truck emissions. Finally, there are

occasional local problems with smoke from wood burning stoves used for heating; however, there is no indication that this is a serious problem, nor that it is increasing.

Noise. The Town has the normal small town sources of noise, especially those associated with modern mechanical devices. These include use of power driven machinery such as saws, lawn mowers, leaf blowers, etc. With fewer farm animals now being raised in the Town, there has been a decrease in that noise source (though some residents probably miss it!). However, dog barking continues to be a major annoyance for persons living nearby.

Auto and truck traffic volumes continue to increase in the Town. This traffic generates noise that increasingly interferes with the enjoyment of the residents, and challenges the view of the Town as a quiet and peaceful place. Unfortunately, there appears little that the Town can do by law either to reduce the traffic or the noise from it because the most effective steps are pre-empted by State and Federal law.

Trees. The presence of trees has some effect on limiting adverse noise and air quality problems, but certainly has a positive effect on the attractiveness of the Town. Barnesville has had an apparent decrease in the number and size of trees in the Town, sometimes due to disease, other times due to cutting. In the past, the Town has supported various beautification efforts, including making trees and flowers available to residents. This Plan recommends that these efforts be continued, and specifically that residents be encouraged to plant and care for trees along the streets of the Town (consistent with safety concerns, of course).

Light. While many persons do not view lighting as an environmental issue, it has become more widely understood as an environmental challenge. In some circumstances, light can be a pollutant. While night lighting is desirable for traffic safety and certain security situations, excessive or poorly designed lighting is both wasteful of resources (electricity) and can affect the ability of others to enjoy their property. Intrusive or glaring light that spills into neighboring homes can affect the ability to sleep and reduce or remove the ability to "enjoy the night sky".

Probably the largest contributor to light pollution is the poor design of streetlights. While most jurisdictions are now installing more efficient and less polluting "full cutoff" lights, the street lights currently in the Town are not "full cutoff", and thus spill light onto property far from the street where the light is needed. This both wastes energy and intrudes into areas where it is not desired. The Town should consider moving to "full cutoff" light fixtures that are more efficient and control more effectively where the light is applied.

Security or Farm lights can be another source of light pollution. They are frequently very bright, and are usually installed without any control of where the light is applied, and often operate dusk to dawn, whether needed or not. While such lights do not appear to be a major problem in the Town, the Town should consider making information available to Town residents concerning light pollution, why glare and excessive lighting is undesirable, and how we can reduce it while meeting our lighting needs.

This Plan specifically recognizes as a good example of design the new lighting system installed by St. Mary's Catholic Church which uses carefully chosen fixtures that limit light spill combined with a timer system that limits the lights to when they are actually needed.

## **Chapter 4 Proposed land Use and Zoning Recommendations**

### **4.1 Introduction**

In the 1991 Master Plan, there was an extensive section describing the newly annexed land, including the land that ultimately was placed in the BRDT classification. This Plan affirms those recommendations; and the previous text has been placed in Appendix 2 as a record.

As set forth in Chapter 1, Barnesville has emphasized its efforts to remain small, quiet and well preserved. As a result, this document recommends a land use and zoning plan that will maintain the rural nature of the town with a residential and agricultural mix combined with limited commercial activity of a non-intrusive nature.

The Plan continues to recommend that the RA Zone be retained for all but one property within the town (although with an increase in the lot size requirement). The Plan also affirms that the one non-R-A property retain its BRDT zone, which was the zone in place before and after it was annexed into Barnesville in 1987. This property is located on the south side of town adjacent to Beallsville Road.

In the discussion that follows, there are a number of proposed changes to the Zoning Ordinance and Subdivision Regulations to further the purpose and findings of the Plan.

### **4.2 Board of Appeals authority to grant Variances and Special Exceptions**

As noted above, the Zoning Ordinance permits certain Special Exception uses to be approved by the Board of Appeals. It also authorizes the Board of Appeals to grant variances.

This Plan recommends that the Zoning Ordinance be amended to clarify the range of conditions that may be attached to Special Education so that residents are familiar with the Town's expectations. Another recommendation is to modify Zoning Ordinance language to identify which of the Town's development standards may be varied by a decision of the Board of Appeals. This change is also recommended to clarify to town residents the powers of the Board of Appeals.

### **4.3 Other Zoning and Subdivision Issues**

A variety of desirable changes in the Zoning Ordinance and Subdivision Regulations have been identified and are recommended for enactment. These are summarized below.

#### **4.3.1 Lot Size in R-A zone and BRDT zone.**

As noted in Chapter 1, current requirements for approval of new septic systems imply the need for larger minimum lot sizes. Thus, this plan recommends that the lot size for both the R-A zone and the BRDT zone be increased from a minimum of 2 acres to 4 acres. This standard will be applied to the formation of new parcels during subdivision approval or during building permit approval for a new residence on an existing lot. Existing structures on smaller lots are defined as non-conforming insofar as they were in existence at the time this amendment is adopted. Lots of record created before January 1, 1959 as defined in the Zoning Ordinance will remain unchanged.

#### **4.3.2 Residential Height Limits**

This Plan finds that the current height limit in residential areas of 50 feet is out of scale to the existing residential land uses in the Town. The Plan also notes that the zoning ordinances of nearby jurisdictions, including Montgomery County and other municipalities, set height limits for most residential zones at 35 ft. Therefore, this Plan recommends that the height limit on residential buildings be amended from the present 50ft limit to 40ft. In addition, the method for measuring building height will be defined.

#### 4.3.3 Housing Bulk & Style

One of the characteristics of the Town is the diversity of housing styles. Though most of the older housing styles are concentrated in the center of the Town, even here there are newer styles intermixed with older style housing. However, in no area does one building type or size dominate over others; i.e., even though adjacent house styles may vary widely, there is a general consistency of height and bulk that allows the housing mix to remain pleasing to the eye, and demonstrate a sense of community. These characteristics of the Town are in contrast to many other communities. For example, some communities require a high degree of style uniformity among houses that, while pleasing to some, may be considered boring to others. As another example, in older communities experiencing fill in development, one may see examples of new housing whose sheer bulk overwhelms neighboring houses. In some cases, small houses are demolished in order to build this type of new house, sometimes called a "McMansion". Such a bulk disparity introduces a very jarring note in a community and may lead to a reduction in the living quality of the nearby residents.

To maintain the present character of the Town, this Plan recommends establishment of a modest degree of control through a change to the Zoning Ordinance. It would add a new requirement that will limit the relative bulk (i.e., visual appearance of the building façade as seen from public street) of newly constructed houses.

#### 4.3.4 Frontage on a public street

The Zoning Ordinance requires that all residential uses front on a public street. This Plan affirms that requirement because it is an important method of retaining the small rural village appearance of the town. The Plan notes two discrepancies, however.

First, the Zoning Ordinance includes is a different amount of street frontage required for the R-A zone (150 feet) versus the BRDT zone (125 feet). This Plan recommends that the 150-foot standard be the standard for both zones.

Second, the Subdivision Ordinance includes an option, available to be used in very specific situations, for the Planning Commission to approve a subdivision of up to three parcels on a private street. In order for this approval to be granted, the Board of Appeals must find that there is no harm to the surrounding community and grant a variance. The ordinance is silent, however, on whether the requirement for 150 feet of public road frontage is one of the standards that may be varied. This plan affirms that the standard of 150 feet public road frontage per parcel will apply and cannot be varied, even in cases where the new parcels will front on a private road. Frontage on a private road may be approved in unusual situations when needed to achieve a better accommodation of environmental features, to permit preservation of scenic views, or to provide for safer access to public roads. The plan recommends an amendment to the Subdivision Ordinance to state that the Board of Appeals may not vary the road frontage standard.

#### 4.3.5 Scenic Values

The Plan recognizes that a major value of the Town is the access to scenic views of Sugarloaf Mountain and the surrounding countryside. While new construction might block that view for existing residents, it is often the case that minor changes in the new construction design can greatly reduce the adverse effect. The Subdivision Ordinance requires that applicants submit information about scenic views as part of a Preliminary Plan filing. This Plan recommends that the Town provide educational materials about scenic protection to anyone considering construction of a new building or applying for a building permit for any structure. This material would describe the importance of being concerned about scenic views currently being enjoyed by residents, with the urging that new construction be sited and designed to minimize adverse effects on scenic views. In addition, the Town should make available reasonable assistance to building permit applicants in meeting the goals of this discussion.

#### 4.3.6 Water Course Distance

The present Zoning Ordinance requires a 500-foot setback for all non-agricultural buildings from "streams and water courses". The Plan has reviewed the existing pattern of building placement. A number of long standing (decades old) structures, as well as newer ones, violate this limit. However, there is no apparent adverse effect on streams, so the Plan concludes that this is an overly restrictive requirement. It is also far more restrictive than similar requirements in other jurisdictions. The Plan recommends that the Zoning Ordinance be amended to reduce the required setback to 150 feet.



#### 4.3.7 Business Uses in existence in 1991; Business Uses initiated since 1991

This Plan reaffirms the recommendation made in the 1991 Master Plan and Zoning Ordinance to accept those uses in existence at the time of its adoption (November 18, 1991). At the same time, the 1991 Plan and Zoning Ordinance determined that new commercial or service uses, in accessory buildings or in main buildings, would be subject to review by the Board of Appeals in the special exception process. This Plan reaffirms that 1991 recommendation as well.

In 1991, uses that were non-conforming were prohibited from rebuilding in case of fire, flood or other damage, or, if abandoned for six months or more, could not be re-established. This Plan finds that such restrictions may be more severe than necessary and if strictly enforced, could lead to abandoned structures that would be detrimental to the Town. Thus, this Plan recommends a modification to the Zoning Ordinance that will, upon granting of a special permission by the Board of Appeals, allow the continuation after abandonment, expansion or substantial modification of a use existing in a separate building as of November 18, 1991. This Plan also recommends that the period of abandonment listed in the 1991 Zoning Ordinance be increased to one year.

This Plan recognizes that, in the years since 1991, residents have begun operating businesses in accessory buildings without seeking the required Special Exception approvals. There appear not be any particular problems with these business uses; indeed, the town and its residents have benefited from these businesses being nearby. Nevertheless, it is important that the Town review the status of each business in the Town and determine which of them will need to be brought into compliance with the Zoning Ordinance. This is needed particularly to assure that future Zoning controls will be effective.

Therefore, this Plan recommends that the Town begin immediately to establish a registration process that will document the status of all businesses within the Town. This can be done by requesting a written statement from each resident about any business uses on the property, including date of initiation, operator, type of business, and other such relevant information. Business uses in existence as of November 18, 1991 should be included in this registration process for purposes of compiling a complete record, but are not required to seek additional approval because they were grandfathered in 1991.

The next step, which the Town should pursue with all deliberate speed, is to request that each business use requiring a Special Exception as required by the Zoning Ordinance, apply to the Board of Appeals under the usual procedures. Furthermore, the Town should notify any business uses that are not permitted to stop operations.

After the conclusion of this registration and after the non-residential uses have been brought into compliance, this Plan recommends that the Town Commissioners use existing Town Ordinances to conduct periodic review of all non-residential uses as a means of assuring continued compliance.

This Plan also finds a few apparent inconsistencies between present conditions and Zoning requirements for the operation of a small business in an accessory building. In some cases, the situation appears to be that similar businesses not being treated equally (for example, a craft studio may be located in an accessory building by special exception but the ordinance does not require a special exception for a home occupation in an accessory building.)

The Plan recommends that the Zoning Ordinance be amended to treat the various home occupation activities in accessory buildings a consistent fashion.

Finally, this Plan specifically does not support conversion of residential structures to business uses (i.e., where the business occupies the entire building rather than being an incidental use). The Town has a residential character. It is desired that the Town remain so. There is no apparent need or desire to provide for conversion of an entire residential structure to business use.

#### **4.4 Proposed Transportation Facilities-Sidewalks**

This Master Plan makes no recommendations for the construction of additional road transportation facilities within the Town or the vicinity, nor for the substantial expansion of any existing facilities.

However, recognizing the enormous increase in auto and truck traffic through the Town, the Plan does recommend expansion of the existing sidewalk system to allow safer access to the Post Office, to the refurbished Town Hall and to the Baptist Church.

This Master Plan recognizes that there is only limited sidewalk facility in the Town. This limits the opportunity for walking as an alternative to driving, and for those who do walk, adds a serious element of risk to their activity due to the intense traffic on the streets of the Town. This Master Plan establishes the goal of providing a safe, convenient, and pleasant to use sidewalk system that minimizes crossing of streets to the maximum degree possible.

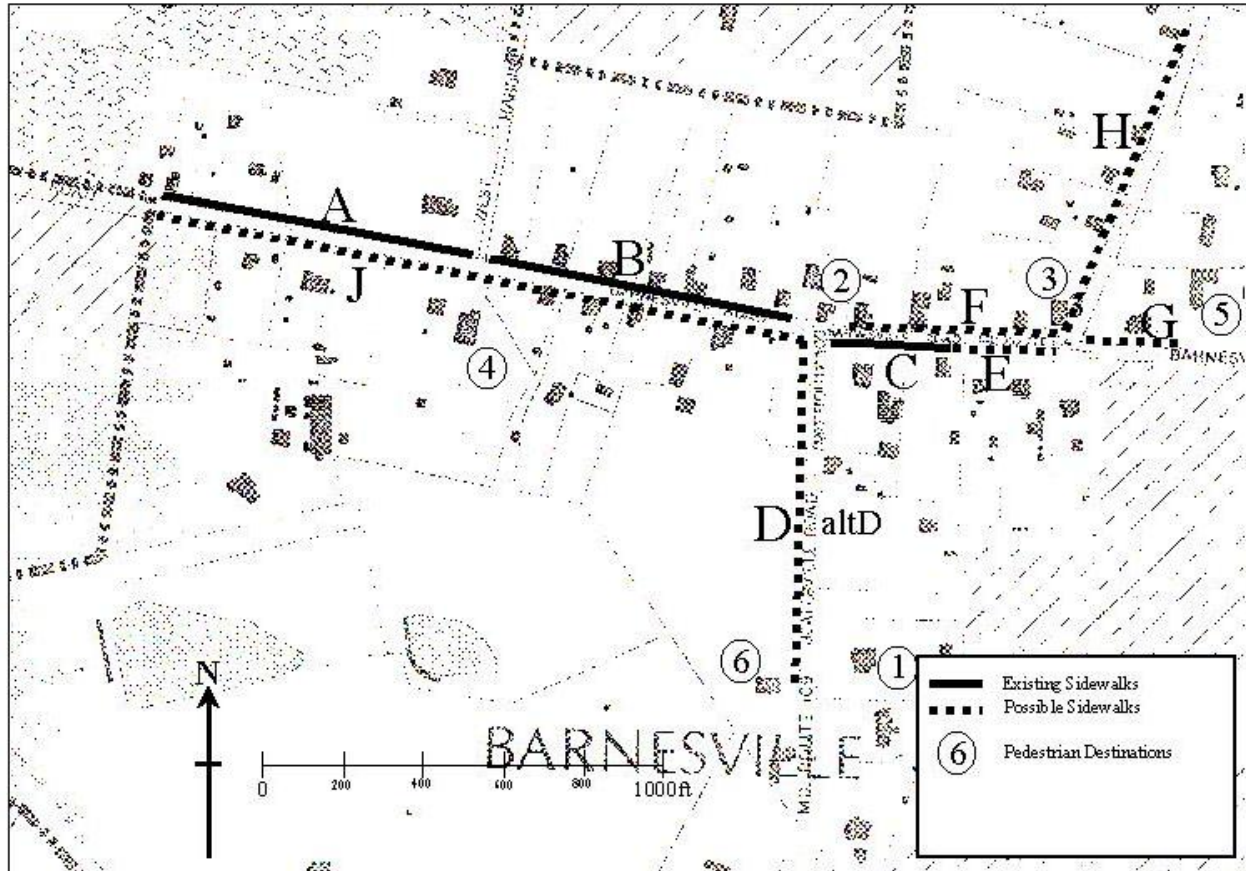
Much of the potential pedestrian activity takes place between and among residences of the Town. In addition, this Plan recognizes that there are several distinct pedestrian destinations in Barnesville, including:

- The Hilton Funeral Home
- The Town Hall (currently being renovated)
- Baptist Church
- Post Office.
- The General Store
- St. Mary's Catholic Church

Of all these destinations, only the last two (Catholic Church and General Store) are served by sidewalks. It is clear that the Post Office is and would be the most frequent destination by the greatest number of residents if walking were safe and convenient. A sidewalk to the Post Office could serve the Hilton Funeral Home as well. Extensions to existing sidewalks could serve the Town Hall and the Baptist Church, thus making all six destinations on the list safer for town residents who prefer to walk.

This Plan recommends that the town pursue an extension of the sidewalk system to serve the six destinations listed above. Of course, with any sidewalk layout that is less than a full complement on both sides of all streets, some potential pedestrians will be at a relative disadvantage. The goal should generally be to maximize safety and convenience while controlling costs. This Plan also recommends that any new sidewalks be constructed, to the extent possible, within existing rights of way.

The discussion that follows does not evaluate the legal rights of ways required, nor construction difficulties that might be involved. However, there was an evaluation of the number of houses that would have a sidewalk close to the front wall of the house, using 15ft as a rough measure of potential effect.



Segment D. This section is necessary to serve the Post Office. Segment D is on the West side of Rt. 109. If it were on the East side (alt. D), it would require pedestrians to cross the road at the Post Office at a location of a blind hill. Along most of Segment D the road is approximately 5ft. above the adjacent grade, requiring the walkway to be built on extensive fill, or in the alternative, to be routed on grade.

Segment E would be an extension to the existing Segment C. While easy to construct, only a few homes would be served. If Segment F is not built, persons from the west end of town wishing to go to either the Baptist Church or the Town Hall would be required to cross Rt. 109 twice, with neither crossing protected by a Stop sign, and all Town residents from the north would be required to cross Barnesville Road plus Rt. 109 (no Stop signs) to get to the Post Office. Segment F would connect to the existing Segment A&B to serve the store and Town Hall (with no street crossings), and to allow all those on the North and West side of Rt. 109 to reach the Post Office. These persons would need to cross Barnesville Rd. at the Store, where there is no Stop sign.

Segment G would give access to the Baptist Church. In addition, if the Baptist Church lot is used for Town Hall parking, Segment G gives access to the Town Hall across Rt. 109 with a Stop sign.

Segment H would give access along Rt. 109 to the houses on the West side of Rt. 109.

Segment J would provide service to the South side of Barnesville Rd., allowing six houses to have Post Office access without a street crossing.

**Recommended Segments and Priorities.** This Plan recommends adding the following segments of sidewalks to serve two destination sets:

- Segment D, to serve the Post Office and the Hilton's Funeral Home
- Segments E and G, to serve the Town Hall and the Baptist Church

The recommended route of the Post Office sidewalk would be along the west side of Rt. 109, i.e., Segment D on the map. By developing this segment at grade through most of its length, it can be generally separated from the pavement Rt. 109 by 5-10 feet over most of its length. Ramping, rather than stairs should accommodate required changes in grade.

The recommended Town Hall sidewalk should be on the South side of Rt. 109, and should include an extension to the Baptist Church on the North side of Barnesville Rd. These are Segments E and G on the map.

With the provision of these sidewalks, the center region of the Town would enjoy a reasonably complete sidewalk network. Should funds allow it, this Plan suggests the construction also of Segment H, which would serve the Town Hall for residents along Old Hundred Road.

This Plan believes that with sensitive design, the proposed sidewalks will be of minimal adverse impact on the adjoining properties, and may well improve their value.

- As the Town moves to construct the sidewalks, it should make maximum use of the opportunity to do so in conjunction with related roadwork by the State or County.
- The Plan recommends that new sidewalks be constructed within existing public rights of way wherever possible.
- The Town should work actively with each adjoining property owner to assure that the sidewalk enhances the property, and that the concerns of the owner are taken fully into account. Screening (plants) or other steps to improve appearance and reduce impact should be implemented.
- The Plan recommends that the sidewalks be constructed of concrete (not asphalt), and that wherever appropriate, they be screened from the neighboring homes.
- The Plan further recommends that the Town commit to providing snow clearance service at no cost to adjacent homeowners.
- The Plan further recommends pavement crosswalk markings and/or signage where appropriate.

Lastly, this Plan recognizes that there are residences to the south of the Post Office and Funeral Home which will not be served by the construction of any new sidewalk segments mentioned. Also, residences to the northern town boundary along Old Hundred Road will not be served. Many of these residences are located on hills with steep banks, which will make any future sidewalk construction difficult and costly. Nevertheless, this Plan sets a goal of providing additional sidewalks on Old Hundred Road to the northern town boundary and on Beallsville Road from the Post Office to the southern boundary of Barnesville.

The Town should seek opportunities to work with Montgomery County Government and the State of Maryland to design and build all of the sidewalks mentioned. All roads and rights of way in Barnesville are controlled by these jurisdictions.

#### **4.5 Town Hall**

This Plan commends the Commissioners for moving ahead with the Town Hall rehabilitation project.

As noted in the history of the Town, the Town Hall has a venerable past. Although it was originally built in the 1920s as a Town Hall, it was used for a variety of public gatherings, including performance arts on the stage. Indeed, the original charter indicated that the Hall would be used for a variety of purposes, including "social intercourse". After a period as a private residence, the Town Hall is again in the ownership of the Town and is currently being stabilized.

The Town Hall is situated at the NW corner of Barnesville Road and Rt. 109. The Hall is located on approximately 1/4 acre, and contains approximately 1700 sq. ft. The Hall currently has no well or sewer service. Its original configuration was a large room with a stage, and several small dressing type rooms at the rear of the stage. There is a partial basement. In the limited renovation already done, the original main room has now been opened to its original vaulted wood ceiling just below the roof. The interior surfaces are of a Celotex like material, with Chestnut

wood strips covering the joints. The exterior siding is still the original wood lap, and is generally in fair condition. The windows and doors are not original; however, most windows could be restored to the original appearance with relatively little difficulty. Similarly, the single front door could be restored to the original double doors with windows above.

The basic renovation will require substantial work, both inside and out, to restore it to a reasonable degree, and to allow it to be used. The water and sewer issues are currently unresolved; however, it is hoped that innovative methods will be allowed so that the building can be made convenient to use. Changes to meet handicapped access and fire safety requirements have not yet been designed.

The Town Hall offers a variety of potential uses. These include

- Town offices (now provided in private homes)
- A depository for Town records
- Town elections voting place
- Town government meetings and hearings
- Public and private gatherings of small and moderate size
- Meeting space for clubs and organizations in the community

The Hall is not envisioned as a venue for larger gatherings such as wedding receptions, reunions, or large parties. Although the building is unlikely to receive intensive use, it will likely be used at least several times a week in the day or evening for some of the uses above. It is therefore important that the building not only be presentable, but also safe and convenient to get to and to use.

At this time, the Hall has no sidewalk access. Therefore, all access is either by automobile, or by walking in the street. This Master Plan recommends major additions to the sidewalk system in the Town, one benefit of which is that citizens will find it pleasant and safe to walk to the Town Hall. The large majority of Town residents live within 1600 foot or a 5-minute walk.

Even with sidewalks, some persons will need to drive automobiles to the Hall. At this time, there is minimal space in front of the Hall for parking two vehicles. There is no turn around space, so vehicles will inevitably be making potentially unsafe movements in or out of the parking area.

There is open green space at the rear of the Hall, which in principle could accommodate approximately six vehicles. However, using this space for automobiles has several problems:

- There is no turn around space unless the whole area is paved
- Parking in the rear would be adjacent to a residential neighbor
- With so much space dedicated to parking, the Hall would in effect be surrounded by pavement, and much of the rural residential-type character of the site will be lost
- Evening use of the Hall will likely require night lighting of a parking area that is potentially intrusive of the neighborhood
- This space is likely to be needed for water and/or septic services.

For all these reasons, this Plan recommends that only one or at most two parking places be provided, preferably in front of the Hall, one of which would be designated for handicap priority. It may be possible to accommodate a turnaround (i.e., a driveway loop around the building) with minimal impact, using the space to the west of the building as an alley. This space is very close to a neighbor which makes it very unsuitable for intensive use (i.e., if many parking places were installed). However, with only one or two spaces available, the impact on the neighbor would be minimal.

The Plan further recommends that the Town negotiate with the Baptist Church for permission to use the Church parking area for virtually all other parking needs. Assuming a sidewalk is put in place along Barnesville Road to serve the Baptist Church, the one-minute 200ft walk to the Hall will be easy and safe. The street crossing at Rt. 109 is protected by a Stop sign.

Night lighting of the Hall should be kept to a minimum, and all such lights should be put on a demand-operated

timer so that it only operates when actually needed. Lighting should be placed in full cutoff fixtures that direct light downward and reduce or eliminate glare.

Finally, the rear and east side of the Town Hall offers the opportunity to develop a small picnic area, which might include a picnic table, modest gardens and plantings built around an existing pink cherry blossom tree, and perhaps a horseshoe pit or similar facility. It is recommended that fencing not be installed, in keeping with the generally open character of the Town.

#### **4.6 Next Steps**

This Final Draft Plan will be the subject of a Public Hearing. It will be referred to the District Council/Montgomery County Planning Board for review and comment, as required by law.

Upon final adoption, The Plan recommends to the Commissioners of Barnesville that the following steps be undertaken to adopt and implement this Plan:

- Enactment of amendments to the Zoning Ordinance
- Enactment of amendments to the Subdivision Ordinance

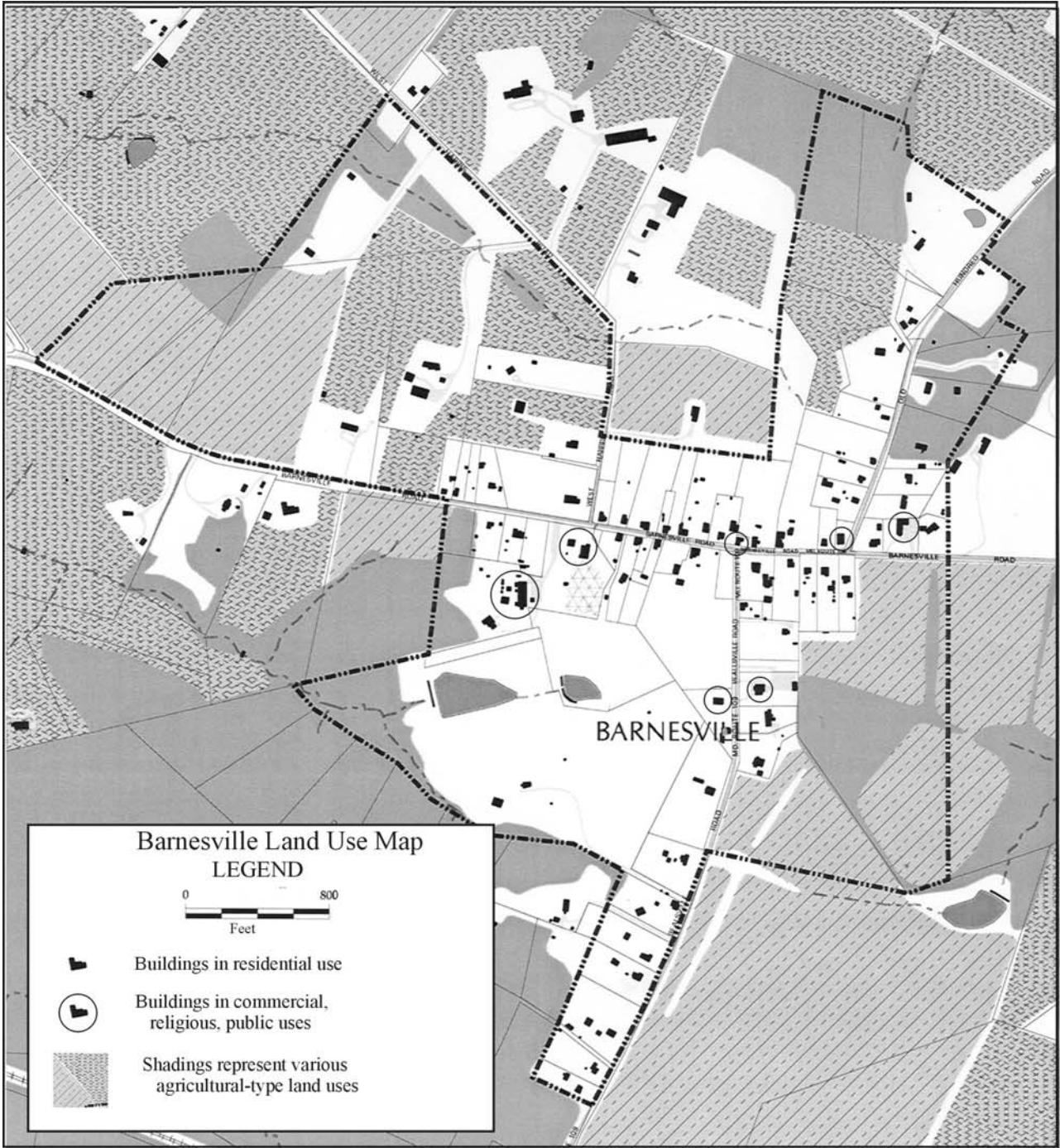
The recommended changes are shown in Appendix 4.

#### **LIST OF MAPS**

- A. Barnesville Land Use Map
- B. Barnesville Zoning Map
- C. Barnesville Transportation Map
- D. Barnesville Area Public Facilities Map
- E.. Map Notes

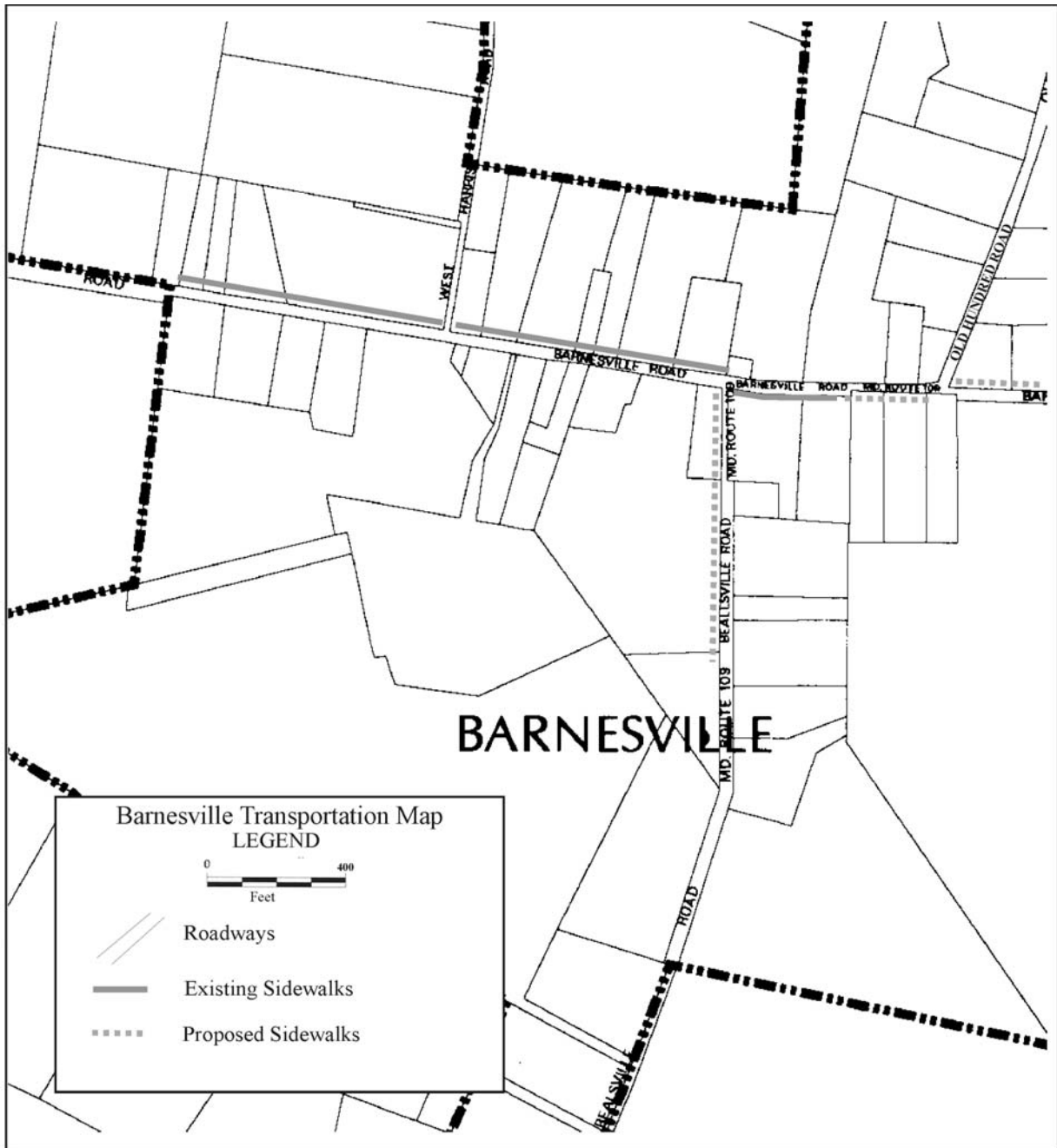
#### **LIST OF APPENDECIES**

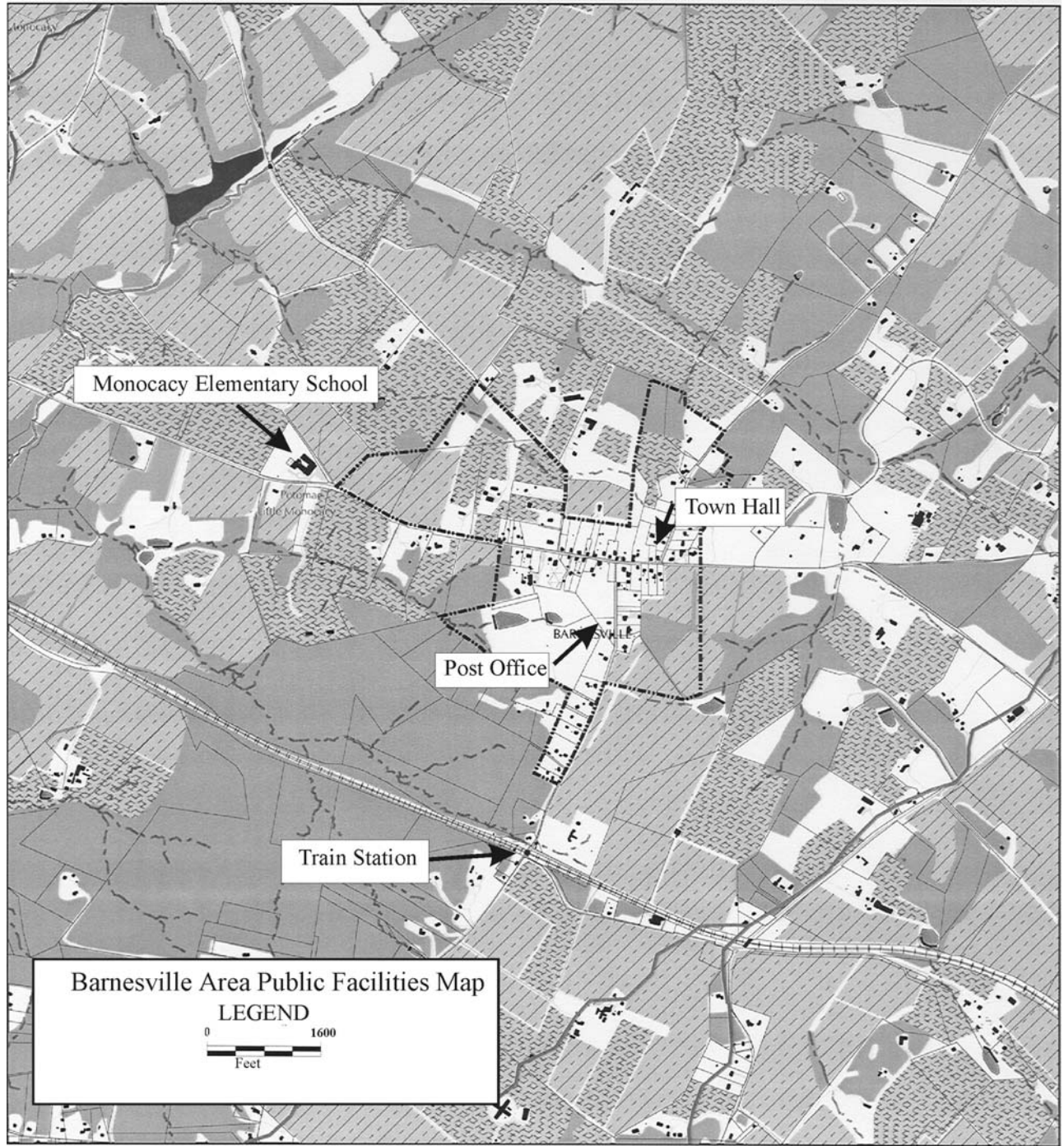
1. Barnesville's History
2. Report and Recommendations of the Montgomery County Rural Roads Task Force
3. 1991 Text concerning BRDT Annexation
4. Recommended changes to Subdivision Ordinance and Zoning Ordinance
5. Acknowledgments











## MAP NOTES

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The Town of Barnesville gratefully acknowledges the assistance we received from Planning Staff.at  
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue, Silver Spring, MD 20910

## **Appendix 1 Barnesville's History**

History records that the first settlers of Montgomery County were a class of educated gentlemen with cultured families seeking freedom of thought and action and contributing to the refinements and aesthetic features of the social life, which they had abandoned. During the years prior to its incorporation, Barnesville's early residents reflected this industrious and progressive class. In addition to numerous homes and scattered farms, the town boasted a store, blacksmith shop, tannery, doctor's office, furniture dealer, several taverns, the "Barnesville Academy", and a magistrate who held court in his parlor.

True to any historic community, Barnesville was touched and shaped by war and its veterans. One of the early inhabitants of the town was Captain James Gleeson. He served with distinction in the Revolutionary War and was the hero of a hundred Indian battles. Severely wounded in the right knee during battle, he scorned to receive the small pension offered him by the government for his meritorious services. He died in his log cabin, convinced that republics are ungrateful. Later, Civil War soldiers marched and skirmished in the streets of Barnesville in the battle to control the Sugarloaf Mountain area.

Barnesville's early residents obviously shared a common, yet denominationally varied, Christian faith. St. Mary's Catholic Church was organized and built in 1808. Originally a frame building, the structure was completely destroyed by fire on July 14, 1900. After prompt reconstruction, the existing brick structure still serves the western upper Montgomery County parishioners. The Barnesville Baptist Church was erected around 1869 and formally established in 1871. This example of nineteenth century rural architecture structure retains its steep gabled roof and white clapboard exterior today. Over the years, the congregation has steadily grown from 26 to over 100 members. The Methodist Episcopal Church was a two-story frame structure built in 1843. Although the building no longer stands, the burial ground is still evident. The Protestant Episcopal Church was built in 1878 and, although no longer used as a place of worship, still stands with an identifying sign.

In May of 1888, the Governor of Maryland approved and created a body corporate by the name of "The Commissioners of Barnesville, which has all the powers and privileges of a body politic and could sue, and be sued, plead, and be impleaded, and have a common seal."

On May 7, 1888, Dr. R. Vinton Wood, William T. Hilton, Richard T. Pyles, Nathan E. Miles, and Charles S. Nichols were voted the First Commissioners. Miles and Pyles resigned and were replaced, at special election, by John W. Brown and Leonard I. Hays. Some of the first order of business included assessment of taxable property, established at \$0.10 on each \$100.00; setting remuneration for the Clerk at \$20.00 per year and the Bailiff at \$10.00 per year; and preparing draft by-laws and ordinances. The original ordinances prohibited careless riding or driving in the streets, litter, wood, or obstructions on the streets or sidewalks, playing ball in the streets or on sidewalks, use of profane language, livestock running loose, pigsties, stables, cowhouses, or dungheaps near the streets, destruction of shade trees, or destruction of Commissioners' notices. The First Commissioners of Barnesville diligently supervised the building of sidewalks constructed of oak boards and other lumber. They ordered ditches to be cleaned, gutters opened, the prohibition of liquor sales, including cider, and Sunday sales. In 1890, the Ladies of Barnesville raised enough money to buy five streetlamps. Authority to buy and plant posts was passed and the Bailiff was charged with keeping the lamps filled with oil, lit, cleaned and repaired.

As the Town and the County developed, the Acts of Incorporation were necessarily amended which sophisticated and enhanced the local government. One such amendment provided that funds were to be collected and dispersed by the County for road repairs within the Town.

Barnesville continued to thrive during the early 1900's. The wooden sidewalks were continually repaired until 1910, when concrete sidewalks were laid. The first telephone was installed in 1909 and was a party line between three residences and the community store.

Little activity is recorded during the 1920's. Few meetings were held by the new slate of Town Commissioners and taxes were repealed for a short time and later exempted for residents. Sidewalk and gutter repairs continued. On August 7, 1925, the Town Hall was established for the purpose of provided "a hall for social intercourse, entertainments, and public meetings of religious, political or social nature." This hall, complete with stages, served

many years for plays, dances, suppers, and town voting polls until it closed in 1954. Across from the Hall, in the home at the corner of Barnesville Rd. and Rt. 109, was a two-room school for grades one through seven. In 1939, when there were just twelve students, the school was closed and the students sent to Poolesville on a special bus that the parents requested of the school system.

The school building later became the home of the Jeffers family. This was the home of Julia Jeffers who served as the town clerk for forty years, 1953-1993. Town meetings were held in the living room during her tenure as Town Clerk.

Potomac Edison installed lights in the Town Hall in 1931 and later, in 1939, the same company installed five electric street lamps. Each resident who had a light in front of his or her home paid for the electricity.

The tragedies and triumphs of World War II greatly influenced the lives of Barnesville citizens. Ration stamps were presented at the community store, aluminum recycling was vogue, and no one drove a "new" automobile. The town installed an air raid siren and appointed a chief air raid warden. Black fabric became a standard window dressing. By the end of the war, Barnesville had elected its first female commissioner and the Board set about promoting traffic safety by having speed limit and other traffic signs erected. During this period, the Town Hall was sold to the Lions Club and many parties and dances continued to be enjoyed there. Later the Lions Club transferred the structure to the widow of a retired Baptist Church minister. It was her family who converted the Hall to a residence.

In the years since World War II, the Town has become less a rural community, and more a bedroom community, with many of its citizens working elsewhere in the county. The Town had previously nearly always had two or more physicians, small businesses, and other activities, but these tended to disappear as the automobile permitted a wider area of services.

Meanwhile, the County government has also expanded, and the Montgomery County Planning Board has developed a variety of Plans and documents relating to Barnesville. One such document, written in the 1980s, is the Sugarloaf Regional Trails Plan. It documents a variety of "trails" or sites of historic interest in the area surrounding Sugarloaf Mountain. This document includes a number of references to Barnesville houses of some historic interest, primarily those constructed by the Hiltons in the 1800s. With minor revisions to bring this document more up to date, these properties are described as follows in a way that gives flavor to the town history.

### **The Hilton Buildings in and Around Barnesville**

This bicycle circuit tour of approximately 10.5 miles in and around Barnesville takes the visitor to three churches and a number of private homes built by a notable rural craftsman who flourished in upper Montgomery County from the Civil War period to the early years of the present century. It illustrates how the largely unschooled but skillful master builders of the 18th and 19th centuries were able to leave a clear and enduring imprint on rural America.

William T. Hilton, whose work is seen on this tour, was born in 1829 on the western outskirts of Barnesville, and died 80 years later in Barnesville town. He did all his work within a few miles' radius of his birthplace. No record exists of when or with whom young Hilton undertook his training as a carpenter. Presumably he began early, at 12 or 14, and since he lived at home he must have learned his trade from one of the builders then living in the Barnesville area. "Builder's books", with plans and details of currently fashionable architectural designs, were the country builder's substitute for advanced training. Hundreds of such books were in use in the mid-19th century.

By 1850 young Hilton was 21 and must already have become a journeyman, for late that year he married, and soon after left Barnesville to seek a career as master builder in the "Mouth of Monocacy" area (present-day Dickerson). Big commissions began to come his way in 1861 with the construction of the Sugar Loaf Mountain Methodist Chapel, and when the Civil War began he purchased for \$150 an exemption from the draft so as to ensure the support of his growing family.

In keeping with a widespread rural practice of that day, Hilton became an undertaker as well as a carpenter. The two occupations were then more closely and naturally allied than is the case today, for coffin making rather than embalming was the undertaker's principal function. Toward the end of the century undertaking became an increasingly important part of William Hilton and Sons' business.

The trail begins and ends in Barnesville where parking is available at the Hilton Shop and at St. Mary's Church. All the houses are privately owned; please respect the owners' privacy.

1. Hilton Shop (Christ Chapel) This 19th century church building, the starting- point of the tour, has been used for the past 30 years as a cabinetmaker's workshop and storage shed by the descendants of William T. Hilton, its builder. The building contains some of his account books and many of the woodworking tools he used. A signboard over the entrance reading "William Hilton and Sons-Carpenters and Undertakers," formerly hung on Hilton's woodworking mill nearby and was placed here when the old mill was demolished. The character of this historic building and its significant records and artifacts strongly support the hope that a small museum can be established to preserve and interpret them. The building is a simple, mid-Victorian structure, devoid of embellishment and characteristic of rural ecclesiastical architecture of this type and period. The stained-glass altar windows donated by the Belt and the Hays families can still be seen in the western wall.

When the first settlers arrived in the Barnesville area about 1750, and for many years afterward, the nearest Episcopal Church was Monocacy Chapel, later called St. Peter's, at what is now Beallsville. During the Civil War Monocacy Chapel was desecrated and damaged beyond repair. The people of Barnesville therefore petitioned the Bishop for a "chapel of ease," whose cost of maintenance they promised to assume. In 1872 Mrs. Eliza Hays and her daughter Mary donated land for the chapel.

The chapel, designated Christ Church, was consecrated December 19, 1878. It was served by pastors of the parish church, St. Peter's Church of Poolesville, until World War II. By that time its condition had greatly deteriorated and its congregation was much reduced. Accordingly, the wardens and vestry, with the consent of the Bishop of the Washington Diocese, sold it to William B. Hilton, grandson of the builder.

6. St. Mary's Catholic Church This red-brick Victorian Gothic church at the west end of Barnesville (parking available) was built by Hilton in 1900, replacing a wooden structure that had burned the year before. The brick church is the third church built on this site, a parish seat since 1741 when the Carroll family donated land to establish a meeting place for Catholics in the area. Its styling, which includes a leaded-glass rose window above the double entrance door and a Romanesque campanile, was probably based on a then-current architectural pattern book. The interior furnishings likewise follow fashions of the day.

St. Mary's and the Thomas White house (the last stop on the tour) are the only two buildings in the Barnesville area rendered in an academically identifiable style. Almost all others are variations on building types characteristic of the region.

7. Lawrence Hilton Price House (Barnesville Post Office) Just east of the church is the Price residence, which served for more than 20 years as the town post office. Built before William Hilton's day, it is of interest for its long association with him and his family.

The original part of the house was built probably about 1835, when John Poole senior purchased the property from William S. Hays. John Hilton, father of the builder, purchased the property in 1847, and when William returned to Barnesville after the Civil War to establish his woodworking mill, he and his family settled down at his father's place. In 1867 his father turned over the property to him in exchange for a life tenancy. The additional room that houses the post office was completed about 1900.

8. Mary Morningstar House Across the street from the Post Office stands the house owned by Miss Mary A. Morningstar, a former mayor of the town who was for 50 years a teacher in the county school system. In the late 19th century William Hilton constructed an elaborate Victorian addition to the basic structure, which dates from 1824. A two-story porch stretches across the front of the older (right- hand) portion of the house. Ornate carved columns support the upper level, which is enclosed with latticework.

Other notable houses in Barnesville dating back to the middle of the last century may be associated with Hilton, but lack documentation. Pre-eminent among these is the Dr. Joseph H. Stonestreet house, on the north side of the road just to the east of Miss Morningstar's home, constructed in 1861 for Richard Hays.

9. Hays House One of the area's oldest homes, possibly 18th century, is the Leonard Hays house, on the south side of the road near the intersection of the road to Beallsville. Hilton is credited with building the front part of this ell-shaped frame house, believed to have been completed in 1890. He may also have made the characteristic renovations to the earlier rear section. In building the addition, Hilton followed the simple lines of the earlier part, thus successfully marrying the two building periods.

The interior of the Hays house is in the Hilton style, with a curved stairway and rail, heavy Victorian wood trim of doors and window openings, heavy plaster ceiling ornaments, and Victorian marble mantels.

10. Thomas O. White House Across the street to the east of the Hays house, on the corner of Main Street and Route 109 from Beallsville, is a large two-story frame house built by Hilton in 1903 for Thomas O. White. It is the last house, and one of the best, known to have been built by Hilton, being completed just five years before his death.

The modified Eastlake styling of the house shows an attempt to follow currently fashionable building styles, and is far different from the spare, simple style with which Hilton worked in the mid- 1860's. In addition to the architectural interest of the over-all plan and styling, notable features include the Federal-style garlands below the 'C', cornice of the projecting bay, and a Georgian style window over the entrance door. Later renovations by other hands have kept the White house a comfortable and attractive residence. Since 1964 it has been owned by Mr. and Mrs. Paul Meissner.

The interiors are more elaborately finished than in the structures Hilton built in the immediate post- Civil War period. Archways connecting rooms are supported by Doric columns fashioned of chestnut. Chestnut is also used for the wainscoting.

There are also numerous other locally written books and pamphlets that describe different aspects of Barnesville's history.

## **Appendix 2 Report and Recommendations of the Montgomery County Rural Roads Task Force**

Note: this material is reprinted from the preceding Barnesville Master Plan for purposes of providing the reader with the past context of the Plan.

In March 1990 a report was issued by the Task Force to Study a Montgomery County Rural Roads Program. This task force recommended that certain roads in the County be designated as "rural/rustic roads" and be protected and preserved as they currently exist. All of the roads in Barnesville, Old Hundred/Beallsville Road (State Route 109), Barnesville Road and West Harris Road were designated as rural roads.

A rural road was defined as one within the agricultural reserve or adjoining rural areas "which enhances the rural character of the area due to its particular configuration, alignment, scenic quality, landscaping, adjacent views, and historical interest, and which exemplifies the rural and agricultural landscapes of the County." West Harris Road received the additional designation of an "exceptional" rural road. An exceptional rural road is defined as "a road having such unusual and pleasing character as it exists today that preservation of the road in its current state is highly desirable. The road has special rural characteristics which contribute significantly to the rural, scenic or historic features in Montgomery County and might lose these special characteristics if improved or widened."

Barnesville Road's entire six mile length, including the area within the Town limits, was designated as rural by the task force and was described in the report of the task force as follows: "This is a charming country road, rural in character, lined with farms, vistas and farmland and Sugarloaf Mountain."

Beallsville/Old Hundred Road (Maryland Route 109) is likewise designated as rural for its eleven-mile length from Hyattstown to the limits of the Town of Poolesville. It is described as featuring "agricultural vistas to the east and woods to the west. The portion north of Barnesville has considerable commuter traffic; however, the road has significant vistas of farmland and Sugarloaf Mountain. Route 109 is also part of the crossroads of historic Beallsville."

Finally, West Harris was designated as an "exceptional rural road" for its entire two-mile length from Barnesville

Road to Mount Ephraim. It is described as "delightful, narrow, unpaved, and in some cases, ungraveled rural road. Long vistas of farmland in some areas and banks covered with ferns along both sides of others. Seven ton bridge across small, gentle stream."

### **Appendix 3 Previous Plan text concerning BRDT Annexation**

Note: this material is reprinted from the preceding Plan for purposes of providing the reader with the past context of the Plan.

The 1987 annexed property comprised seven parcels already developed with older homes, the largest of which contains approximately 3.03 acres, as well as a larger agricultural tract to the west and removed from Beallsville Road (the Meissner farm, Parcel P130). Prior to the annexation, the Meissner farm was bisected by the corporate boundaries of the Town. At the time of the Annexation, the Meissner property, with the exception of its "panhandle" portion between Parcels P269 and P324 was in the Montgomery County Rural Density Transfer Zone and, indeed, the Meissner property is encumbered with an RDT easement in favor of Montgomery County. The seven smaller parcels and the panhandle of the Meissner tract were zoned Montgomery County R200.1

The Town's zoning power over the annexed property is limited by state law for a period of five years following the annexation. The applicable provisions of state law require that property must remain in a zone substantially similar to the county zoning classification prior to annexation for a minimum of five years unless the consent of the Montgomery County Council, sitting as the District Council, is obtained.

Inasmuch as the annexed property consists of one large undeveloped parcel and seven smaller parcels, all of which are currently improved with residences, it is recommended that the large parcel (the Meissner tract) be retained in a zone substantially similar to Montgomery County's RDT Zone (the new BRDT zone as set forth in the proposed zoning ordinance), but that the consent of the District Council should be requested for remaining properties adjacent to Beallsville Road, identified as P564, P517, P461, P406, P352, P324, P269 and three small panhandles, to be placed in the Barnesville RA Zone. (See Zoning Map).

Together with the preparation of this Master Plan, the Planning Commission, working with interested citizens, also has reviewed the existing zoning ordinance of the Town of Barnesville and has prepared a new proposed ordinance for action by the Commissioners. In addition to numerous other changes, the proposed ordinance contains two major features, which represent a substantial departure from the existing zoning ordinance.

First, the proposed ordinance will create a second zoning classification in the town; namely, a Barnesville Rural Density Transfer Zone (BRDT), which will be nearly identical to the existing Montgomery County Rural Density Transfer Zone. As previously noted, by law the town is required, absent consent from the District Council, to maintain annexed property in a zoning classification substantially similar to that of the County's for a period of five years. The Barnesville RA Zone, while fostering a rural and agricultural community, is not substantially similar to Montgomery County's RDT Zone--the most obvious difference being the density allowed in each; one unit per two acres in the former and one unit per twenty-five acres in the latter. Arguably, this zone should have been created at the time of the 1987 annexation. With the exception of the enumerated properties fronting on Beallsville Road discussed above, it is recommended that the remainder of the 1987 annexation be placed in the new BRDT Zone. (See Proposed Zoning Map)

Additional text from the previous Plan on this issue:

#### **Zoning Map**

It is recommended that the Commissioners of Barnesville adopt the proposed Comprehensive Zoning Map. With the exception of that property which was part of the 1987 annexation identified as the Meissner tract (Part of Parcel P130), the proposed zoning maintains the Rural-Agricultural (RA) zone for all property within the Town, including the remaining seven parcels annexed in 1987. The proposed zoning for the Meissner tract is the new BRDT zone.



Prior to the adoption of the proposed Comprehensive Zoning Map, however, it is recommended that the Commissioners of Barnesville seek the consent and approval of the Montgomery County Council, sitting as the District Council, for the inclusion of the seven parcels referenced above and discussed at page 17 hereof in the Rural Agricultural zone, pursuant to the requirements of applicable state law. In the absence of the approval of the District Council, the entirety of the properties comprising the 1987 annexation alternatively should be placed in the BRDT zone; however, this would appear impractical and unnecessary, as discussed infra at Page 17.

#### Proposed Zoning Ordinance

The correct zoning classification of the seven developed parcels at the time of annexation has been the subject of some confusion. Apparently, one or more Montgomery County zoning documents existing at the time of the annexation indicated that all of the property was located in the Montgomery County Rural Density Transfer zone. Tax records maintained by the State Department of Assessments and Taxation also reflected RDT zoning for six of the seven parcels. However, a review of the records of the District Council has confirmed that the seven parcels as well as the Meissner tract panhandle were retained in the R200 (1/2 acre) zoning classification when the District Council implemented the 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space by SMA G-226, the R200 zoning having been established originally in November, 1973 by SMA F-925 and SMA F-926.

### Appendix 4 Recommended Ordinance Changes

#### Appendix 4.1 Recommended Changes to the Barnesville Subdivision Ordinance

Add to Section 25:

The Subdivision Regulation change below would clarify that even in the case where the applicant is granted right to use a private road for multiple residences, he/she is still required to meet the total frontage requirement on the public road.

“However, the applicant must provide the required total public road frontage of 150 ft per residence even if the development is to be on a private road, i.e., a variance from this requirement is not available from the Board of Appeals.”

#### Appendix 4.2 Recommended Changes to the Barnesville Zoning Ordinance

**1. Powers of the Board of Appeals.** Change Zoning Ordinance to explain the ability of the Board of Appeals to grant SE and variances.

- One change would clarify the powers of the Board of Appeals to impose conditions on Special Exceptions and to provide a sample list of such conditions, and to limit the granting of variances to those identified in the ordinance.
- A second change would add a power to the Board of Appeals to hear petitions regarding certain non-conforming uses.
- Other changes to wording of Section 6 would specify which standards could be varied.

Proposed Zoning Ordinance wording:  
(Note - new wording shown in **CAPS**)

.....D. Powers and Duties.

The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order,

requirement, decision, or determination made by the President of the Commissioners, the Planning Commission or an administrative officer in the enforcement of this Ordinance.

(2) To hear and decide requests for special exceptions to the terms of this Ordinance upon which the Board is required to pass. The Board shall grant requests for such special exceptions when in judgment of the Board such special exceptions shall be in harmony with the general purpose and intent of this Ordinance and will not adversely affect the use and development of the general neighborhood. **IN GRANTING A SPECIAL EXCEPTION, THE BOARD MAY ATTACH SUCH CONDITIONS AS IT DEEMS APPROPRIATE INCLUDING BUT NOT LIMITED TO RESTRICTIONS ON SCALE AND TYPE OF USE, NON-TRANSFERABILITY TO ANOTHER PERSON, HOURS OF USE, LIGHTING, AND NOISE. ALL GRANTS ARE SUBJECT TO REVIEW AND POSSIBLE AMENDMENT OR REVOCATION IF THE USE IS FOUND BY THE BOARD TO BE VIOLATING THE TERMS OF THE GRANT OR THE PURPOSES AND STANDARDS OF THIS SECTION.**

(3) To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this Ordinance will result in undue hardship and injustice or practical difficulty to petitioner. To justify the granting of such variance the Board must find that the hardship or difficulty which the petitioner will suffer under the general provisions of this Ordinance can be alleviated without affecting the general purpose and intent of this Ordinance and that the granting thereof will be to serve the best interests of the community as a whole. **NOTWITHSTANDING THE ABOVE, THE BOARD OF APPEALS IS NOT AUTHORIZED TO HEAR OR ISSUE A VARIANCE FOR THE REQUIREMENT FOR FRONTAGE ON A PUBLIC ROAD.**

(4) TO HEAR AND DECIDE PETITIONS REGARDING CERTAIN NON-CONFORMING USES AS SET FORTH IN SECTION 4.E.(5) OF THIS ORDINANCE.”

Changes in Section 6

**D. Minimum Yard requirements for a main building in feet (MAY BE MODIFIED AS A RESULT OF A VARIANCE GRANTED BY THE BOARD OF APPEALS).**

(1) Front line from street ROW	60	50
(2) One Side	10	20
(3) Sum of both sides	20	400
(4) Side Abutting a public street	60	50
(5) Rear	10	35

**E. Minimum Yard requirements for an accessory building or accessory Structure in feet<sup>2</sup> (MAY BE MODIFIED AS A RESULT OF A VARIANCE GRANTED BY THE BOARD OF APPEALS)**

(1) Front line from street ROW	60	50
(2) From a side line	10	15
(3) From any line abutting a public street	60	50
(4) Rear	10	50

**2. Lot Size.** The current Ordinance provides for 2A minimum lot size for newly subdivided properties for residential use. The change would raise this lot size to 4A.

Proposed Zoning Ordinance - Change Sec. 6 Development Standards:

	R-A	BRDT
<b>LOT SIZE</b>	<b>4A</b>	<b>4A</b>

**3. Residential Height Limits.** Zoning Ordinance change to reduce the present 50ft limit to 35 ft

Proposed new definition:

Building Height shall be measured from an elevation determined by averaging the elevation of the ground at all the corners and/or other principal points in the perimeter wall of the building.

Proposed Zoning Ordinance - Change Section 6 Development Standards

F. Maximum Building or structure Height in feet, except there is no height limit for agricultural buildings

R-A	BRDT
<b>40</b>	<b>40</b>

**4. Housing Bulk (McMansion).** Zoning ordinance/subdivision ordinance change to limit the bulk of new houses in the town

Proposed Zoning Ordinance - Add to Section 6 Development Standards:

**HOUSING BULK. IN ALL ZONES, THE TOTAL AREA OF THE FAÇADE OF A NEW/RECONSTRUCTED BUILDING, INCLUDING ALL WALLS AND ROOF AREA BUT NOT CHIMNEYS, SHALL CONTAIN SQUARE FOOTAGE NO LARGER THAN 50% OF THE LOT WIDTH IN FEET TIMES 25 FEET. LOT WIDTH SHALL BE THE TOTAL PUBLIC ROAD FRONTAGE OF THE LOT.**

**5. Public Road Frontage.** This issue has two parts: a Zoning Ordinance change and a Subdivision Regulation change. The Zoning Ordinance change will increase the present 125 ft. frontage on public road requirement for BRDT zone to 150 ft., which will match the current R-A requirement. The Subdivision Ordinance change has been described above in the section containing recommended changes to that ordinance.

Proposed Zoning Ordinance - Change Section 6 Development Standards

	R-A	BRDT
<b>PUBLIC ROAD FRONT FOOT REQUIREMENTS</b>	<b>150</b>	<b>150</b>

**6. Water Course Distance.** The Zoning Ordinance change to establish this limit at a more realistic level.

Proposed Zoning Ordinance wording in Section 4-I, General Provisions:

I. Setback Requirements from Streams

There shall be a minimum setback of **ONE HUNDRED FIFTY (150) FEET** for all buildings (except public recreation and agricultural structures) from the banks of all streams and watercourses.

**7. Business Uses in Accessory Buildings.** The 1991 Zoning Ordinance requires a special exception for all such businesses. The change would make the allowed uses more consistent with one another. As noted elsewhere, the Master Plan recommends enforcement of the Special Exception requirement of this Zoning Ordinance.

Proposed Zoning Ordinance change in Sec. 6, Development Standards: amend the current uses in accessory buildings as follows:

Add Home Occupation in Accessory building

<b>HOME OCCUPATION IN AN ACCESSORY BUILDING OPERATED BY A RESIDENT</b>	R-A	BRDT
	SE	SE

**8. Business uses existing as of November 18, 1991.** The 1991 Zoning Ordinance provided for existing uses to continue operating in residences or main buildings or accessory buildings. The changes below permit such uses to be modified or rebuilt after that date only with written permission of the Board of Appeals following a petition for such change.

Proposed Zoning Ordinance – Amend Section 4-E as follows:

1. Add the following clause to the end of paragraph (3)  
 “, **EXCEPT AS PROVIDED IN THIS ORDINANCE.**”
  
2. Add a new paragraph (5) as follows:  
**“(5) A NON-CONFORMING USE OPERATED IN A BUILDING OR BUILDINGS SEPARATE FROM A RESIDENCE AS OF NOVEMBER 18, 1991, UPON PETITION TO AND AS AUTHORIZED BY THE BOARD OF APPEALS, MAY BE EXPANDED, INTENSIFIED, SUBSTANTIALLY MODIFIED, OR REBUILT IN THE EVENT OF FIRE OR OTHER CASUALTY. IN PASSING UPON ANY SUCH PETITION, AND AFTER A PUBLIC HEARING THEREON, THE BOARD OF APPEALS MAY GRANT ITS APPROVAL SUBJECT TO ANY RESTRICTIONS OR CONDITIONS THAT COULD BE IMPOSED ON A SPECIAL EXCEPTION USE, AND THE NON-CONFORMING USE SHALL THEREAFTER BE SUBJECT TO SUCH RESTRICTIONS OR CONDITIONS. THE FILING OF SUCH A PETITION WITH THE BOARD OF APPEALS SHALL ACT TO TOLL THE ABANDONMENT PERIOD OF PARAGRAPH (2) OF THIS SECTION 4.E. THE PERIOD SHALL BEGIN TO RUN ANEW WITH THE EFFECTIVE DATE OF THE BOARD OF APPEALS WRITTEN DECISION DENYING, APPROVING, OR APPROVING WITH CONDITIONS, THE PETITION.”**
  
3. Add a new paragraph (4) to Section 11.D, Powers & Duties of the Board of Appeals, as follows:  
**“(4) TO HEAR AND DECIDE PETITIONS REGARDING CERTAIN NON-CONFORMING USES AS SET FORTH IN SECTION 4.E.(5) OF THIS ORDINANCE.”**
  
4. Add this language in the sign requirement of Section 11.G.(4):  
**“(OR)  
 REQUEST RELATING TO NON-CONFORMING USE”**
  
5. Add a new subsection J to Section 11.:  
**“J. Data to Accompany Petition Relating to Non-Conforming Use.**

**EACH PETITION FILED PURSUANT TO SECTION 4.E.(5) OF THIS ORDINANCE SHALL BE ACCOMPANIED AT THE TIME OF FILING BY THREE (3) COPIES OF ALL THE**

**INFORMATION SPECIFIED IN SUBSECTION H HEREOF.”**

6. Change Section 4.D. to clarify that the date for “Existing Buildings and Uses Not Affected” means November 18, 1991.

“Nothing in this Ordinance shall affect any building structure or use **EXISTING AS OF NOVEMBER 18, 1991**. A building and its use will be deemed to be existing within the meaning of this section, if, prior to **NOVEMBER 18, 1991**, its...”

7. Amend Section 4.E.(2) to change abandonment period from six months to twelve months.

“..Abandonment shall be defined as a cessation of an existing use for a period of **TWELVE (12) MONTHS** or more after the effective date of this Ordinance.

**Appendix 5 Acknowledgments**

The Planning Commissioners wish to thank the following organizations and individuals for their assistance in preparing the revisions to this Master Plan:

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