

TOWN OF CHEVY CHASE  
TOWN COUNCIL MEETING  
October 13, 2004

Present: Bill Hudnut, Mayor; Mier Wolf, Vice Mayor; Rob Enelow, Treasurer; Scott Orbach, Secretary; Linna Barnes, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Please see attached sign-in sheet.

I. General Business

A. Call to order – 7:30 p.m.

Mayor Hudnut called the meeting to order at 7:30 p.m.

B. Pledge of Allegiance to the Flag

Mayor Hudnut led those in attendance in the pledge of allegiance to the flag.

C. Comments, questions, suggestions from residents

David Perkins, 7206 Maple Avenue, expressed opposition to the proposed resubdivision at 7201 Oakridge Avenue. Among the concerns he expressed was the lack of timely notification by the Maryland -National Capital Park and Planning Commission (M-NCPPC). He based his opposition on concerns about drainage, precedence-setting, and increased density. He objected to the development because it would straddle the line between the former Section 4 and Section 8. He complained that the developer was invited to the Town's September meeting without any notice in the FORECAST.

Jane Lawton, 4202 Maple Terrace, spoke in opposition to the resubdivision, expressing concerns, among other concerns, about precedence setting and maintaining the character of the Town. She gave a history of the 1927-redistricting act and the requirements that the M-NCPPC has in terms of notification to municipalities. She pointed out that if a municipality opposes a resubdivision, it takes a 2/3 vote of the Planning Board members to approve it. She urged the Town Council to vote against the proposed resubdivision on Oakridge Avenue to maintain the integrity of the neighborhood.

Ian Davis, 4408 Leland Street, spoke to the need for balance between the integrity of the neighborhood and improvements, among other things. He expressed reservations about using precedent as an argument against resubdivisions.

Howard Benensohn, 7204 Maple Avenue, spoke in opposition to the proposed resubdivision on Oakridge Avenue. Among his concerns were

drainage and flooding issues. He urged the Town Council to oppose the resubdivision.

Greg Bitz, 7201 Oakridge Avenue, is a property owner involved in the resubdivision. He read many letters of support for his resubdivision application and submitted them for the record.

Mary Pat Couig, 7106 Oakridge Avenue, expressed opposition to the proposed resubdivision on Oakridge Avenue. Among her concerns was the environmental impact of the project, namely drainage and increased traffic problems. She urged the Town Council to oppose the resubdivision and to give more weight to letters from residents who are directly impacted by the resubdivision than letters from those who are not.

Ketch Ryan, 6907 Oakridge Avenue, spoke to the resubdivision request. Among other concerns was the impact on the environment. She suggested that conservation easements offer landowners a buyout on part of the property that is to be maintained as open space.

John Kress, 6906 Oakridge Avenue, identified himself as a tropical biologist and spoke in opposition to the resubdivision. He asked that, among other things, the Town obtain a major ecological assessment of the status of the Town and that a moratorium on development be put in place until the assessment is made. He expressed concerns about flooding.

Bruce Russell, 7107 Oakridge Avenue, presented his concerns about six construction projects going on at once in the vicinity of his house. He contends, among other things, that the situation creates problems with rats and noise and overloads the capacity of Town staff to enforce regulations. He expressed concerns about the cumulative effect of so much construction in one area at the same time.

Lewie Bloom, contractor for the project in Oakridge Avenue, explained, among other things, how he addressed the concerns of the Planning Board regarding storm water management and other concerns. No retaining wall will be needed. There will be natural grading.

Joe Rubin, 4409 Ridge Street, spoke in support of the resubdivision, stating, among other things, that all of the Planning Board recommendations were addressed and that the current plan complies with all resubdivision requirements. He pointed out, among other things, that more trees would be retained and that the three lots created would be bigger than existing lots on that street.

Mary Pat Couig, 7106 Oakridge Avenue, mentioned, among other things, that she was under the impression that the previous owners of 7201 Oakridge Avenue had received tax abatement because the property could not be developed. Mr. Bitz, current owner of 7201 Oakridge Avenue, pointed out that there were no covenants on his property and that he paid more than the asking price for it.

Ms. Shorett, 7107 Oakridge Avenue, identified herself as a professor with a Ph.D. in natural resources management. She expressed concerns about the increase in lot coverage and the problem it causes for the drainage system, among other things. She asked that a study be done to determine the status of

the storm water sewer system, that all actions that could make the current problem worse are halted, and that drainage problems are communicated to other permitting agencies. She expressed opposition to the resubdivision.

Mayor Bill Hudnut pointed out that macro issues, beyond the resubdivision application, had been raised, such as the issue of private property rights versus obligations to benefit the community. He indicated his plan to transform the Tree Committee and Tree Ordinance Committee into an Environmental Protection Committee to study issues that had been raised by residents. He said he would refer problems related to construction sites to the Construction Committee for review.

Regarding the issue of the resubdivision application, the Mayor explained that the builder of the project had been invited to the September Council meeting to inform Councilmembers about the plan. Since it was not advertised as a public hearing, the Council believed it could not take any action. Regarding the process, the Mayor said that the way Town residents are noticed would be improved. On the advice of the Town Attorney, the Town Council could not vote at the October meeting, because there was not enough advance notice via the FORECAST to notify residents that the resubdivision issue would be on the agenda.

Councilmembers discussed various options of actions that they could take. It was the sense of the Council to submit a letter to the Maryland-National Capital Park and Planning Commission requesting the Board to consider all written and oral testimony from Town residents and to request a continuance of the hearing into November. The Town Council could then hold a public hearing on the resubdivision request. If a continuance is not granted, all Councilmembers could go the hearing scheduled for October 21 to express concerns.

The Mayor asked that the newly created Environmental Committee study the issues raised at the meeting and bring recommendations back to the Council. Construction-related issues were referred to the Construction Committee for recommendations.

D. Approval of Minutes of September Council Meeting (Deferred)

E. Acceptance of Financial Reports for August and September

The Treasurer, Councilmember Enelow, presented the financial reports for August and September. He pointed out that the Town's income tax revenues receipts are very good so far this fiscal year. Councilmember Barnes made a motion to accept the financial reports as presented. Councilmember Orbach seconded the motion, and it passed unanimously.

II. Action

A. Variance, 4118 Stanford Street, Roofed Porch Setback

Town Manager Todd Hoffman framed the issues for the Council. Michael and Melissa Brown want to construct a roofed unenclosed porch that extends a maximum of eight feet six inches past the established building restriction line. The new porch would replace an existing roofed porch that extends a maximum of ten feet four inches past the established building restriction line. A variance from Montgomery County is not required, because the County ordinance was changed to allow unenclosed, roofed porches to extend up to nine feet into the minimum front and rear yard setbacks. The proposed porch will have less of an impact than the existing one. The Town Manager recommended approval of the variance.

Councilmember Enelow made a motion to approve the variance as requested. Councilmember Barnes seconded the motion, and it passed unanimously.

B. Variance, 6702 East Avenue, Existing Home and Second Story Addition Setbacks

Stephanie and Edward Albert propose to construct a second-story addition to the existing house, which is currently located in the front yard setback. The proposed second story addition will not expand the footprint of the house. The applicants' lot is substandard for the R-60 zone. The Town Manager recommended approval of the variance.

Councilmember Wolf made a motion to approve the variance. Councilmember Orbach seconded the motion, and it passed unanimously.

C. Variance, 4408 Leland Street, Roofed Porch Setback

The applicants, Ian and Nada Davis, would like to construct a roofed, unenclosed porch that extends a maximum of four feet into the minimum required front yard setback for a length of approximately twenty-five feet parallel to the front of the house. The applicants' neighbor, Lee Dennison, at 4406 Leland Street came and spoke in support of the variance request. The applicants do not require a variance from Montgomery County. The Town Manager recommended approval of the variance.

Councilmember Wolf made a motion to approve the variance. Councilmember Enelow seconded the motion, and it passed unanimously.

D. Discussion

A. Air Rights Building Hotel

Vice Mayor Wolf, liaison to the Town's Boundary Committee, introduced Chris Bruch, a representative from the Donohoe Construction Company. Mr. Bruch came before the Council to describe plans for a proposed hotel project

over the Air Rights Building garage that the Donohoe Construction Company is developing. Mr. Bruch had attended meetings with the Boundary Committee as a way of keeping the Town informed about the project and to get Town input.

Mr. Bruch explained that the developer was designing an off-site improvement package that will address the Capital Crescent Trail. He answered Councilmembers' questions about the design and location of the building.

Mr. Bruch requested that Councilmembers relay any concerns they might have about the project, and he promised to continue to work with the Boundary Committee to address any Town concerns about the project.

### III. Reports

A. Mayor: No report.

B. Town Manager: No report.

C. Committees:

1. Traffic Committee: Councilmember Enelow gave the Traffic Committee report. He asked the Council for guidance in determining the next steps the committee should take regarding the traffic study. Mayor Hudnut asked that the committee develop a priority list that will be handled one item at a time. It was the sense of the Council to proceed with experimenting with street print technology. The Town Manager reported that speed counts would be conducted in the 3900 block of Leland Street.

2. Construction Committee: Councilmember Barnes reported that the next meeting of the Construction Committee will be on October 18 regarding recommendations for setback requirements to be presented to the Council. She recommended that the Council develop a policy with regard to resubdivisions. The Mayor asked that the Construction Committee develop criteria that could be used by the Council to decide whether to approve a resubdivision request if all criteria are met, oppose if the resubdivision does not conform to guidelines, or respond differently.

3. Tree Committee: Mayor Hudnut reported that he is considering changing the role of the Tree Committee to an environmental protection committee to deal with environmental and infrastructure issues. There would be a sub-committee of the environmental committee that would deal with tree issues.

Town Attorney Marty Hutt gave background on the parking lot behind Pier 1. Pier 1 is seeking certification for the parking lot as a lawful, non-conforming use. They are looking for the Town to accept a settlement agreement, whereby they would add landscaping behind the lot, but not

maintain it, in exchange for the Town agreeing not to oppose the certification. It was the sense of the Council to agree to accept the settlement agreement.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Scott Orbach  
Secretary

Transcribed by Andi Silverstone