

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
December 13, 2005

Present: Bill Hudnut, Mayor; Linna Barnes, Vice Mayor; Rob Enelow, Treasurer; Scott Orbach, Secretary; Mier Wolf, Community Liaison; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests who signed in: Erika Gordon, 7001 Hillcrest Place; Sally Kelly, 7300 Oak Lane; Liz Lyons, 4410 Leland Street; Robert Minor, 4100 Sycamore Street; John Murtagh, 7002 Maple Avenue; and Julie and Ollie Thomas, 4421 Ridge Street.

Absent: Todd Hoffman, Town Manager

I. General Business

A. Call to order – 6:30 p.m.

Mayor Hudnut called the meeting to order at 6:30 p.m.

B. Pledge Allegiance to the Flag

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

C. Comments, Questions, Suggestions from Residents

Bruce Russell, representing the Regulatory and Review Committee, advised the Council that they would need to enact a charter amendment in order to implement the new ordinances. He pointed out that the charter amendment should be ready within 9 days, because it takes 50 days to become effective.

John Murtagh, 7002 Maple Avenue, spoke about his experience at the visioning event. Although he had been assigned to the Principle 3 discussion, he wanted to attend the Principle 1 discussion as an observer. He was told that he could not attend the group meeting to discuss Principle 1. He indicated that he did not think it was legal to ban a resident from a public function.

D. Approval of Minutes of September 14, September 28, October 19, November 9 Council meetings, and November 9 Executive Session

Councilmember Enelow made a motion to approve the minutes as listed above in the agenda. Councilmember Barnes seconded the motion, and it passed unanimously.

E. Acceptance of Financial Report for November (deferred)

II. Discussion

A. 7206 Meadow Lane – Sally Kelly

Sally Kelly, 7300 Oak Lane, came before the Council to describe her activities with regard to the acquisition of the property at 7206 Meadow Lane. A group of Town residents, including Mrs. Kelly, has sent a letter to Town residents encouraging the acquisition of the property. She believes the property offers an opportunity for a “Central Park” for the community.

In order to reach all residents, especially those that do not have computers and e-mail, Mrs. Kelly asked the Council for permission to install a sign in front of 7206 Meadow Lane, in the Town right-of-way, that will provide information to residents and include a box in which residents leave their comments. There also would be informative fliers. It would be a “community bulletin board”.

The Mayor indicated that, barring any objection from other Councilmembers, he would approve the sign and that the Town would provide an official sign. There were no objections from the rest of the Council.

B. Variance, 7001 Hillcrest Place, Rear Yard Setback (Gordon)

This variance was a continuation of a hearing that began at the November Council meeting. The applicants, Alfred and Erika Gordon, 7001 Hillcrest Place, applied for a variance from Town building regulations to construct a fence on the rear property line adjoining Sycamore Alley. The fence has been constructed because the applicants’ contractor was unaware of the need to obtain a Town fence permit. The property is located on the east side of Hillcrest Place between Sycamore Street and Beechwood Drive. The applicants have constructed a 6-foot high board-on-board fence along the rear property line adjoining Sycamore Alley. The fence abuts the public right-of-way for a distance of approximately 25 feet. The fence is inside the applicants’ property line and does not extend onto neighboring properties or onto the Town right-of-way. The fence is similar in location and design to other fences along Sycamore Alley.

Town Manager Todd Hoffman recommended approval of the variance. At the initial hearing there was discussion about a path and whether or not it is private or public property. However, the Gordons’ fence does abut that path. Councilmember Orbach expressed reservations about the pathway and the fact that the fence was erected by a licensed contractor without the required permit or variance.

Councilmember Enelow made a motion to grant the variance as requested. Councilmember Wolf seconded the motion, and it passed with Councilmembers Barnes, Enelow, and Wolf in favor. Councilmember Orbach was opposed. The Gordons were welcomed to Town and were told they could complete the installation of their gates before the written opinion was completed.

C. Steering Committee Report – Barry Hager and Jane Lawton

Barry Hager presented the report of the Steering Committee. The committee’s objective had been to complete their work and make recommendations to the Council in time for the end of the moratorium, February 10, 2006. Mr. Hager reported that the

committee had met their objectives and understands that they will remain active in case further work is needed.

D. Water Committee Ordinance Introduction

Lance Hoffman, Chair of the Water Committee, described the process that the committee members went through in developing the draft ordinance for storm water management. They collected information and did research on what other jurisdictions did to deal with water run-off. The committee sent out about 1,000 surveys and received 377 responses.

Mr. Hoffman explained that the rationale behind the proposed ordinance is that neighbors should not dump water on another neighbor's property. Technical expertise will be needed to work with builders in the case of houses that are being torn down and replaced. Any decisions made by the Town Manager and Town Engineer may be appealed to a Water Appeals Board. If not satisfied with the decision of the appeals board, individuals may request a judicial appeal. There is no appeal to the Town Council. The penalty for non-compliance is a municipal infraction with a fine of \$1,000 per day. A "stop work" order may be issued.

Councilmember Enelow, liaison to the Water Committee, made a motion to introduce the Stormwater Ordinance. Councilmember Orbach seconded the motion, and it passed unanimously.

The Council will hold a work session on all of the proposed ordinances before voting on the ordinances.

E. Regulatory Review and Enforcement Committee Ordinance (Pre-Permit Application Consultation) Introduction

Bruce Russell, Chair of the Regulatory Review and Enforcement Committee, described the major provisions of the proposed ordinance. One purpose of the ordinance is to provide an early opportunity for the Council, residents, and builders to review the proposed plans before an application for a permit is made. A meeting would take place at the conception stage of the project. The purpose of the meeting at this stage would not be to dictate style or taste.

Councilmember Barnes made a motion to introduce the Pre-Permit Application Consultation ordinance presented by the Regulatory Review and Enforcement Committee Ordinance. Councilmember Wolf seconded the motion, and it passed unanimously.

III. Public Hearings

The public hearing on the Executive Regulations, Tree Protection Ordinance, and Setback Ordinance was recorded and transcribed. Transcripts will be available in the Town office.

The Council meeting and public hearings were adjourned at 9:15 a.m.

Respectfully submitted,

Scott Orbach, Secretary

Transcribed by Andi Silverstone