

TOWN OF CHEVY CHASE  
TOWN COUNCIL MEETING  
June 8, 2005

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

I. General Business

A. Call to order – 7:30 p.m.

Mayor Hudnut called the meeting to order at 7:35 p.m.

B. Pledge of Allegiance to the Flag

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

C. Comments, Questions, Suggestions from Residents

Stephanie Lowet, 4104 Blackthorn Street, came before the Council to present a petition from the residents in the 4100 block of Blackthorn Street, requesting that permit parking be instituted in that block. Although they do not meet the criteria as described in the Town ordinance, Ms. Lowet wanted to make an appeal to the Council. She claimed that due to the number of children and elderly residents on the block, permit parking is needed to assure availability of parking spaces for the residents. Mrs. Lowet claimed that residents from other parts of Town park on her street to avoid having to pay for parking in Bethesda.

It was the sense of the Council to take the request of the petitioners under advisement, noting that they had collected more than the number of required signatures. A decision will be made and reported to the residents.

John Hiatt, 7410 Ridgewood Avenue, came before the Council to submit a petition, signed by over 550 residents, requesting that the Council institute a one-year moratorium on new tear-downs and near-teardowns and that the Town develop a Master Plan by using independent experts. The basis for the request is, among other things, the loss of tree canopy, drainage and sewer problems, loss of privacy, noise and dirt during construction, and the need for stronger enforcement of the Town's building regulations. A copy of Mr. Hiatt's testimony before the Council is attached.

Cathy Strom 7212, Ridgewood Avenue, spoke about the loss of the tree canopy and the ineffectiveness of the tree ordinance, among other things. Ruth Fort, 7411 Oak Lane, talked about the loss of age diversity and smaller houses in the Town. Don MacGlashan, 4114 Woodbine Street, described a house being built next door to him that is a "McMansion." Among other things, he described how he felt that the Town

should develop a Master Plan. Joan Hoover, 6902 Oakridge Avenue, described the loss of sunshine as a result of larger homes. She also mentioned, among other things, that the quality of life and finances are being changed for the worse. Ketch Ryan, 6904 Oakridge Avenue, spoke to the loss of diversity and the environmental consequences of construction in Town. Among other things, she requested that the Town have an environmental impact study done, as requested previously.

Mr. Hiatt requested that the issue of instituting a moratorium, as described in the petition, be placed on the Council's July meeting agenda and that the Council take a vote at that meeting.

Mayor Hudnut explained that the Council would not be debating the petition this evening. The Council will be scheduling a work session on setback issues. The petition will be taken under advisement and a public hearing will be scheduled on the moratorium. He pointed out that there are disagreements among Town residents about personal property rights versus the rights of the community.

Several residents spoke about the rationale and need for a moratorium. Some residents expressed a sense of urgency to do something about new construction in Town and about the moratorium.

Mayor Hudnut thanked the residents in attendance for coming and expressed respect for them and an understanding of their sense of urgency.

Gary Schlager, 7204 Ridgewood Avenue, came to the Council to present an alternate use for the large property at 7206 Meadow Lane. He suggested that the Town acquire the property and build a swimming pool on it for the community. He asked if he could establish a committee to look into the feasibility of this plan. Mayor Hudnut asked that the committee look into the cost to acquire the property, build the pool, obtain liability insurance, and maintain the pool. In addition, the Mayor asked the committee to assess the feelings of the neighbors, determine what trees would be lost and the impact of the existing pond on the property. The committee was asked to survey all Town residents to get a sense of how they feel about having a community swimming pool. The Pool Committee will report back to the Council in September.

Discussion followed, among Councilmembers, about the status of the property at 7206 Meadow Lane. Councilmember Orbach and Town Manager Todd Hoffman will meet with Peterson and Collins, the owners of the property, to explore what is feasible for that property. The Town did not attempt to purchase the property from the original owner because there was a one million dollar lien and a thirty-five million lien on it.

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

The approval of the minutes of the May Council meeting was deferred.

E. Acceptance of Financial Report for May (Deferred)

The acceptance of the financial report for May was deferred.

II. Action

A. Variance, 7617 Lynn Drive, Rear Lot Line Setback

Robert and Judy Van Namen, 7616 Lynn Drive, came before the Council to apply for a variance of 10.84 feet from the rear yard setback. This hearing had been postponed from the previous month due to an error that was made by the County and the Town in their notifications of abutting and confronting residents. The Montgomery County Board of Appeals granted the variance after re-hearing the case, due to the mistake in the notification.

The Town Manager reviewed the specifics of the case for the Council. The applicants would like to construct a second floor addition, measuring approximately 100 square feet, onto an existing first floor. The existing first floor extends 10.84 feet into the rear lot line setback, as would the proposed second story addition. The Town and County granted a variance for the first floor addition in 1993. No additional lot coverage is proposed, and the proposed addition would be no higher than the existing building. The existing property lines do not permit any practical house addition without a variance. The original house and the addition were built over the rear building restriction line because of the shallowness and unique shape of the property. The proposed second story is being built onto the existing structure, and no additional lot coverage would be required. There would be no detrimental impact to public health, safety or welfare. The proposed second-story addition follows the profile of the existing house and maintains the traditional architectural appearance of the existing house. The Town Manager recommended approval of the variance application.

Councilmember Wolf made a motion to approve the variance as submitted by the Van Namens. Councilmember Orbach seconded the motion, and it passed unanimously.

B. Consideration of an Ordinance Amending Chapter 2, Article III, Division 2, entitled "Methods of Procurement," of the Town of Chevy Chase Municipal Code

Town Manager Todd Hoffman briefed Councilmembers on the new features that would update the procurement ordinance. As discussed at the May meeting, the substantive changes to the procurement ordinance would include increasing the threshold dollar amount from \$8,000 to \$25,000 required for competitive bidding of nonprofessional services and for the qualification and selection of professional contractors. This is the same threshold dollar amount used by Montgomery County. In addition, it would remove the exemption of architects and engineers from other professional services, thereby eliminating the need to publicly announce requirements for architectural and engineering services. Those professions would be treated as other professions, including attorneys and consultants, whose services are customarily negotiated. Notwithstanding this requested change, the ordinance would still provide for safeguards against the arbitrary selection of professional contractors insofar as the procurement of professional services in excess of \$25,000 would require a formal qualification and selection process. The changes in the language, as requested by the Council at the May meeting, were incorporated in the ordinance.

Councilmember Barnes made a motion to adopt the amendment to the procurement ordinance. Councilmember Enelow seconded the motion, and it passed unanimously.

III. Reports

A. Mayor: No report

B. Town Manager: No report

C. Committee Reports: No committee reports (Construction Committee report incorporated in work session.)

There being no further business, the Council adjourned at 10:00 p.m. and reconvened in an open work session to discuss building setbacks and related issues.

Respectfully submitted,

Scott Orbach  
Secretary

Transcribed by Andi Silverstone