

TOWN OF CHEVY CHASE
Town Council Meeting
September 28, 2005

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

Note: The purpose of this meeting is for a public hearing on a request for a waiver from the provisions of the Town's moratorium. The entire public hearing was transcribed by a court reporter. The transcripts are available in the Town office.

1. Call to order at 7:30 p.m.

Mayor Hudnut called the meeting to order at 7:40 p.m.

2. Pledge of Allegiance to the Flag

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

At the conclusion of the pledge, the Mayor stated that the Council would convene in an executive session in the Town offices with the Town Manager and the Town Attorney to discuss pending legal issues. The hearing would resume after the executive session.

3. Moratorium Waiver Request, 4229 and 4231 Leland Street (Keating)

Mayor Hudnut apologized for the delay in resuming the hearing. The hearing resumed at 7:50 p.m.

Doug Bregman, attorney for Pat Keating, introduced himself and the following other contractors hired by Mr. Keating: Colleen Bugler, landscape designer; Jeff Robertson, Case Engineering, for storm water management; and Paul Davey and Jim Raymond, Studio Z, architectural design. Mr. Bregman explained that their presentation would consist of a description of the plans for the project and how such plans respect the character of the Town. Mr. Keating would address the hardship issue.

Mr. Bregman gave a brief history of the property and the background of each of the consultants who would be speaking on behalf of Mr. Keating.

Ms. Bugler gave her educational background. She indicated that her intent was to minimize any negative affects of construction and to maintain the native tree canopy. She described the trees on the site. Twenty-six have been saved, and they are all 6 inch caliper or larger. There is a net gain of sixteen trees on the site.

Mr. Roberson, CAS engineering, described his plans for the mitigation for run-off from the property. The net impervious area on the property has been decreased.

Mr. Davey, Studio Z, described the topography of the property and how lowering the roof lines brings the scale of the houses down. They plan to use multiple materials to break up the mass of the new houses. The lot coverage will be 25%. A maximum of 35% is allowed.

Mr. Keating identified himself and described the effects of the moratorium on him and his family, on his business, and on his employees. He mentioned the interest on construction loans; property taxes; insurance payments; and cash flow, among other things.

Residents in attendance were given the opportunity to ask questions of Mr. Keating and the consultants he brought with him. They had the opportunity to express their opinions on whether or not Mr. Keating should be granted the waiver. Most of the comments and questions from residents dealt with the nature of the hardships Mr. Keating cited.

After residents addressed Mr. Keating, Council members posed questions about his request for a waiver. Councilmembers' questions dealt with tree loss issues, water run-off, scale, and lot coverage, among other things.

Mr. Keating described the timeline of his application process. He indicated he had his permit application in the Town office by July 28, 2005. He was delayed because of the Town's administrative practice of holding pre-construction meetings for new construction.

Councilmember Barnes made a motion to grant the waiver conditioned upon a water management plan, a tree plan providing for the replacement of trees that die inadvertently, lowering the height of the houses by one foot, and constructing the roof with an unobtrusive color and materials. Councilmember Wolf seconded the motion. Councilmember Orbach amended the motion to include that the driveways be constructed of materials that are permeable in nature, to be approved by the Town Manager and Chairman of the Water Committee. The motion, as amended, passed unanimously.

At the close of the hearing, the Mayor adjourned the meeting at 10:30 p.m., whereupon the Council reconvened in executive session to discuss pending legal issues.

Respectfully submitted,

Scott Orbach
Secretary

Transcribed by Andi Silverstone