

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
October 11, 2006

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Kathy Strom, Secretary; Lance Hoffman, Treasurer; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; David Podolsky, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Michael Beriss, 7315 Maple Avenue; W. B. and Susan Blacklow, 6912 Oakridge Avenue; Paul Blutter, 7605 Maple Avenue; Pat Burda, 4108 Woodbine Street; Barbara and Clifford Cummins, 4422 Stanford Street; Barry Hager, 4300 Willow Lane; Mary Anne Hoffman, 7104 44th Street; Deborah Ingram, 4411 Elm Street; Patrick Keating, 4400 Elm Street; Stephen Keeble and Ms. Depew, 4414 Walsh Street; Jonathan and Veena Kutler, 6905 East Avenue; Eric Murtagh, 4117 Leland Street; Kirk Renaud, 3906 Woodbine Street; Joe Rubin, 4409 Ridge Street; David Salzman, 4407 Elm Street; and Mary Sheehan, 30 West Kirke Street, Chevy Chase, MD(Chevy Chase Historical Society).

I. General Business

A. Call to order – 7:00 p.m.

Mayor Barnes called the meeting to order at 7:05 p.m.

B. Pledge of Allegiance to the Flag

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

C. Public Comments

Deborah Ingram, 4411 Elm Street, came before the Council to make three comments. She requested that the calendar of events shown on the website be extended to show a month or longer. Town Manager Todd Hoffman referred Ms. Ingram to a community calendar on the Town's website, which shows a year's worth of events. Ms. Ingram also requested that a list of permits and variances be put on the website describing where and when construction will begin. She also suggested that residents be told not to put their leaves in the gutter, where they may block storm drains. Mayor Barnes explained that residents are asked to rake their leaves to the curb but to leave them on the parking strips rather than in the gutters.

D. Approval of Minutes of September Regular Meeting

Councilmember Wolf made a motion to approve the minutes of the September Council meeting. Councilmember Enelow seconded the motion, and it passed unanimously.

E. Acceptance of September Financial Report

Councilmember Wolf made a motion to accept the September financial report. Councilmember Enelow seconded the motion, and it passed unanimously.

F. Chevy Chase Historical Society Presentation

Mary Sheehan, President of the Chevy Chase Historical Society, thanked the Council for the Town's very generous contribution to assist with the production of an historical documentary.

Ms. Sheehan presented the Town with 10 copies of the DVD of the historical documentary and 10 order forms. There were also souvenir programs from the Heritage Fair that was held in the Town of Chevy Chase. Mary Anne Hoffman expressed thanks to Dave Walton, Tom Huntley, and Miguel Hernandez of the Town staff for their crucial help.

II. Variance Requests – (Note: All variance requests were recorded. A transcript may be made available.)

A. Front Yard Fence Variance, 4422 Stanford Street (Cummins)

Town Manager Todd Hoffman presented Councilmembers with a report on the variance request. The applicants applied for a variance from Town building regulations to reconstruct a front yard fence. The fence would abut the property line at a perpendicular angle, and, as such, it would not be set back 2 feet from the Town right-of-way, as required by Town building regulations. The fence would replace an identical fence that was in need of repair/replacement. The property owners on both sides of the fence have mutually agreed to replace the fence.

Mrs. Cummins stated that the fence had been on her property for 28 years. Her neighbor, Michael Johnson, 4424 Stanford Street, is in support of the project. The Town Manager reported that the Town received one letter in opposition, but this resident thought that the replacement fence would be a solid fence. The fence will not be solid but will be an open, ranch style fence.

Councilmember Hoffman stated that there needs to be a balance between keeping open space and allowing residents to maintain what they have. Councilmember Strom pointed out that the fence was identical to the one that had been there and was an open style. Councilmember Wolf expressed support for the variance request because the fence was not a visual barrier.

Councilmember Wolf made a motion to grant the variance as requested. Councilmember Hoffman seconded the motion, and it passed unanimously.

B. Front Yard Wall Variance, 4400 Elm Street (Keating)

Town Manager Todd Hoffman briefed Councilmembers on the variance request. Patrick Keating, 4400 Elm Street, applied for a variance from Town building

regulations to retain a newly constructed front yard stone wall. The wall is approximately 3 feet high and extends approximately 22 feet into the front yard along 44th Street. The Town code prohibits front yard walls; therefore, construction of the wall requires a variance.

Mr. Keating stated that he made an honest mistake in building the wall without first applying for a variance. He explained that the lot slopes over 10 feet from the rear to the front. A wall is needed to achieve proper grading for drainage. According to Mr. Keating, the wall will help save trees and beautify the landscape.

Deborah Ingram, 4411 Elm Street, spoke in opposition to the wall staying in its current location, because it is 2 feet into the Town's right-of-way. David Salzman, 4407 Elm Street, also spoke against the wall in its present form and location. Mr. Salzman indicated that he thought the wall changes the site line of the street and intrudes into Town right-of-way. According to Mr. Salzman, the wall would not be needed for drainage. The ground could be graded in such a way as to accomplish adequate drainage. He believes that the wall is designed for a driveway and that Mr. Keating plans to pave the front yard to provide for parking. Mr. Blacklow, 6912 Oakridge Avenue, stated that he endorsed the comments made by Ms. Ingram and Mr. Salzman.

Councilmembers asked several questions of Mr. Keating, including whether or not he had consulted an engineer about drainage issues. Mr. Keating offered to set the wall back two feet and slope the wall with the grade so that it is not so imposing. Councilmembers Strom and Wolf expressed concerns about the height of the wall and the portion of the wall that affects site line. There was discussion about what would be involved in demolishing the wall. Councilmember Hoffman expressed difficulty in visualizing Mr. Keating's proposal to set the wall back and slope it with the grade.

The applicant agreed to withdraw the pending request as to the portion of the wall on 44th Street and will return to the Council at the next Council meeting with a final plan and variance request, as discussed. The hearing will be continued next month.

C. Rear Yard Setback Variance, 6905 East Avenue (Kutler)

The Town Manager presented a staff report on the applicants' request for a variance from Town building regulations to screen an existing open deck and construct a new deck. The rear setback requirement for this home is 72.5', and the rear house line currently sits 72' from the rear property line. The proposed screened porch extends 10.16' into the rear yard setback. The Town building code prohibits enclosed structures from encroaching into a rear setback; therefore a 10.16' variance is needed.

The proposed new deck, which functions as the roof of the screened porch, also extends 10.16' into the rear setback. The Town building code prohibits uncovered decks from extending more than 9' into a rear setback; therefore, a 1.61' variance is required. The property is located on the east side of East Avenue between Stanford Street and Walsh Street. The Town has received one letter in support of the variance request.

The applicants claim that the exceptionally narrow lot makes the rear setback more constrained than other properties. They also claim that it is impossible to conform to the new setback requirements as the current home is already encroaching into the setback. The screened porch will replace an existing open deck located in the same location. The new deck will replace an existing balcony. In addition, Mr. Kutler is a

double amputee and use of the deck is essential to his personal well being. Descending to the back yard is difficult. The shade and bug protection of the enclosed deck is essential for maintaining the health of his skin.

Joe Rubin, 4409 Ridge Street, spoke in support of the Kutlers' variance request. He stated that there is no visual impact on any other neighbor.

Councilmember Strom stated that the existing open deck existed before the new setbacks ordinance was passed. She said that the Kutlers are doing the minimum necessary within the existing footprint. She pointed out that although the Council is sympathetic to personal reasons for requesting a variance, those reasons cannot be considered as a basis for granting a variance. Councilmember Hoffman pointed out that the lot was exceptionally narrow.

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

III. Council Actions

A. Council Action on a New Article IV of Chapter 2 of the Town of Chevy Chase Municipal Code to Establish an Administrative Procedure for Executive Regulations

The Town Manager and Town Attorney David Podolsky described the provisions of the new Article IV of Chapter 2 of the Town code. The legislation establishes an administrative procedure for adopting executive regulations. It establishes criteria for the regulations and allows for public comment. The Regulatory and Review Committee will make recommendations as to where executive regulations are needed.

Councilmember Wolf made a motion to adopt the new article. Councilmember Enelow seconded the motion, and it passed unanimously.

IV. Discussion Note: Items A on the agenda (Committee Responsibilities) and Item B (B-CC Athletic Field Renovation) were discussed in reverse order.

A. B-CC Athletic Field Renovation

Barry Hager, 4300 Willow Lane, and Kirk Renaud, 3906 Woodbine Street, came before the Council to request a donation of \$ 10,000 for improvements to and restoration of the B-CC upper athletic field. They explained that construction debris from work done years ago is under the surface of the field, and it is not safe. They pointed out that a number of young people who use the field are Town residents.

Councilmember Wolf made a motion to approve giving a \$10,000 donation to B-CC High School for playing field repairs. Councilmember Enelow seconded the motion. Discussion followed about how to proceed with the donation. There were concerns about the maintenance of the field. It was the sense of the Council to encourage the school to do more to maintain the field once it has been repaired. Councilmember Wolf withdrew his motion. Councilmember Strom made a motion in support of giving the donation to school but requiring that a field maintenance report be developed prior to providing the funds. There was discussion about providing half of the funds immediately

and the other half conditioned on the development of a field protection plan. There was no second to Councilmember Strom's motion.

Councilmember Wolf made a motion to contribute \$10,000, and to send a letter with the contribution asking for a field protection plan, with the letter to be reviewed by Councilmember Strom before it is sent. Councilmember Strom seconded the motion, and it passed unanimously. Councilmember Hoffman stated that the Town needs to develop guidelines for making donations in the future.

B. Committee Responsibilities

Mayor Barnes explained the structure of the committees. They are not legislative committees and do not have decision-making authority. The recommendations of the committees are not automatically adopted by the Council. The committees will be working closely with the Council.

Councilmember Wolf requested that Committee reports to the Council should not be at the end of the agenda, as has been the practice. They should be made earlier during the meeting.

Pat Burda, Chair of the Long-Range Planning Committee, reported on the plan to provide for a minimum of quarterly reports to the Council. Councilmember Wolf asked that the committees have mission statements and be provided with a form on which to take minutes at their meetings. Ms. Burda indicated that an initial meeting will be scheduled in October with Councilmembers and Committee Chairs to review the goals and responsibilities of the committees. The committees will begin their initial meetings in November.

C. Mid-Year Meeting and Theme

There was discussion about dates and themes for the Mid-Year Meeting. It was the sense of the Council to explore the possibility of combining the Mid-Year Meeting with the Chevy Chase Historical Society's Annual Meeting on November 15. The Chevy Chase Historical Society plans to show the documentary it produced about the history of Chevy Chase.

D. Consulting Arborist Program

Councilmembers discussed whether or not to continue the Consulting Arborist Program because of the possibility of liability for the Town and the arborist. The arborist would like to discontinue the program but would consider other options. It was the sense of the Council that the program should continue at the present time, with the requirement that any resident requesting the service would sign a disclaimer. The Council will consider other options before discontinuing the current program. Staff was asked provide alternatives to the current program for the Council to consider at the November meeting.

E. Recycling Carts

Town Manger Todd Hoffman showed Councilmembers a sample 65-gallon wheeled cart for mixed paper recycling. He reported that the cost to purchase a cart for all residences in Town would be approximately \$50,000. There would be an additional cost to add the Town logo to the carts. There also would be the additional cost to fit the current collection trucks with semi-automatic lifters to empty the carts. This equipment requirement would need to be included in any bids that the Town solicits as part of next year's contract renewals. Councilmembers discussed the pros and cons of using the carts. It was the sense of the Council to put an article in the November FORECAST about the new recycling carts and ask residents for feedback.

F. League of Women Voters Election Review

Mayor Barnes presented Councilmembers with an idea for having the Town's Election Committee meet with the League of Women Voters so that the League could make suggestions about how to run the Town's elections. The League might even administer Town elections, if requested.

It was the sense of the Council to hold a community meeting with the Election Committee to discuss issues relating to the Town's election process. After issues and/or questions are identified, another meeting would be held with the League of Women Voters to get their advice.

G. Personnel Committee

Mayor Barnes stated that she, Councilmember Wolf, and Town Manager Todd Hoffman would be on the Personnel Committee to screen candidates for the new Assistant Town Manager position. They will choose several candidates to be interviewed by the entire Council during an Executive Session.

H. Sidewalk Installation Policy

Councilmembers discussed the need to consider the will of property owners and the good of the community when developing a sidewalk installation policy. It was the sense of the Council to refer the sidewalk installation issue to the Public Services Committee for recommendations.

VIII. Council/Staff Reports

A. Mayor's Report

Mayor Barnes informed Councilmembers of a Volunteer Appreciation Open House that she will be hosting at her home on Saturday, November 4.

B. Town Manager's Report

Town Manager Todd Hoffman reported that he had met with a consultant engineer to discuss assistance with implementing the proposed water drainage ordinance.. He reported that the ordinance to regulate driveways on public property would be presented at the November Council meeting for introduction.

There being no further business, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Kathy Strom
Secretary

Transcribed by Andi Silverstone