

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
July 10, 2007

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Lance Hoffman, Secretary; Kathy Strom, Treasurer; Mier Wolf, Council Liaison; Todd Hoffman, Town Manager; Ted Pochter, Assistant Town Manager; David Podolsky and Ronald Bolt, Town Attorneys; and Andi Silverstone, Town Clerk. Residents and guests: Pat Burda, 4108 Woodbine Street; Scott DeCain, 7715 Chatham Road; Coralee Hoffman, 3917 Virgilia Street; Irving and Naomi Kaminsky, 6903 Oakridge Avenue; Sally Kelly, 7300 Oak Lane; Naresh and Vandana Kilaru, 7111 44<sup>th</sup> Street; Fred P. Lavey, 4204 Thornapple Street; David Lublin, 4214 Thornapple Street; Bill Minicozzi, 7705 Chatham Road; Susan Milner, 4404 Stanford Street, representing Friends of Norwood Park; Chris Mixer, 7112 Ridgewood Avenue; John Navratil, 7216 Oakridge Avenue; Robert Newman, 4316 Willow Lane; Bill Pritchard, 7211 Ridgewood Avenue; Monique Shimm, 4215 Thornapple Street; Rolf Sinclair, 7508 Tarrytown Road; Clayton Stewart, WSSC official; Kevin Storm, architect; and Deborah Vollmer, 7202 44<sup>th</sup> Street.

I. General Business

A. Call to order

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

B. Pledge of Allegiance to the Flag

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

C. Public Comments

Scott DeCain, 7715 Chatham Road, came before the Council, representing his neighbors, to express concerns about public safety due to the speed and volume of traffic on Chatham Road and Aspen Street. He explained that Chatham Road is used as a cut-through. Mr. DeCain reported that there are a lot of young families who live in the area and that he and his neighbors consider the traffic to be an unacceptable risk for children. He requested that the Council consider installing "Do Not Enter" signs on Maple Avenue at Chatham Road and Aspen Street.

D. Norwood Park Concert Series Contribution

Susan Milner, 4404 Stanford Street, came before the Council to request a \$1,000 donation for 2007 and a \$1,000 donation for 2008 for concerts to be held in Norwood Park. She explained the funds would be used for a tent to protect sound equipment.

Councilmember Enelow made a motion to approve the request. Councilmember Wolf seconded the motion. Discussion followed about the Town's lack

of a general policy regarding donations and the need for one. Councilmember Hoffman noted that expenditures of Town funds should benefit Town residents.

Councilmember Strom made a motion to amend Councilmember Enelow's motion to make a donation of \$1,000 for 2007 only. Councilmember Barnes seconded the motion, and it passed unanimously.

Mayor Barnes asked that the Community Relations Committee develop a policy for Town financial contributions to special interest groups.

E. Project Ladybug Signs – Removed from Agenda

II. Variance Requests

A. Barnes/Mixer, 7112 Ridgewood Avenue, Front Yard Setback

Mayor Barnes recused herself from this agenda item and passed the gavel to Vice Mayor Enelow.

Assistant Town Manager Ted Pochter presented the staff report. Mr. Mixer and Ms. Barnes have applied for a variance from the Town building code to construct a roofed porch that would extend 9 feet into the minimum required front yard of the property. The Town building code prohibits roofed porches to extend more than 3 feet into any minimum required yard. Therefore, the applicants request a variance of 6 feet.

Mr. Mixer described the variance request and hardships, including the unusual shape of the property. The applicants claim that the proposed project achieves the most practical and cost effective design within the County zoning envelope.

The applicants' architect, Sally Kelly, described the existing condition of the home, which is non-conforming. She explained that the proposed design preserves the character of the existing building and is visually unobtrusive.

Councilmembers discussed the variance request. It was their sense that the request was minimal and the unusual shape of the property created a hardship. Councilmember Wolf made a motion to approve the variance as requested. Councilmember Hoffman seconded the motion, and it passed unanimously.

B. Sinclair, 7508 Tarrytown Road, Front Yard Fence

Assistant Town Manager Ted Pochter presented the staff report. Rolf Sinclair, 7508 Tarrytown Road, has applied for a variance from Town building regulations to replace a portion of a fence along Lynn Drive. Mr. Sinclair proposes to replace a 6-foot high stockade fence in the front yard along Lynn Drive. The replacement fence will be in the same location and will have the same dimensions and style as the existing fence.

Among the hardships claimed by the applicant are that the existing fence is old and decayed and needs to be replaced; that Coquelin Run flows through the applicant's property, and the banks of the stream are very steep just inside the fence; and that the new fence is needed to ensure the safety of pedestrians who walk along the path in Tarrytown Park. There has been a fence around the applicant's property since the house was built.

Councilmember Enelow questioned the need for a hearing. He wondered why a replacement fence could not be subject to an administrative variance.

Councilmember Strom noted that the topographical features of Mr. Sinclair's property present a hardship and that the fence is necessary to overcome the unusual topographical conditions of the property.

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

### C. Kilaru, 7111 44<sup>th</sup> Street, Front Yard Walls

The Kilarus have applied for a variance from Town building regulations to construct two front yard retaining walls, each over one foot high. The property is located on a corner lot. The proposed retaining walls would border a new driveway leading to a below-grade garage on the Willow Lane side of the property.

The Kilarus' architect described the plans, including various options and alternatives. Councilmember Strom asked if the applicants had considered rebuilding the existing stand-alone garage or had considered fewer walls and less height to accommodate the new garage. There was discussion about the applicants' plan to demolish the existing detached one-car garage and replace it with a new attached two-car garage.

Deborah Vollmer, 7202 44<sup>th</sup> Street, expressed concerns about the loss of trees as a result of the Kilarus' planned construction. Sally Kelly, 7300 Oak Lane, was concerned about the plans for the two-car garage, which she said is an anomaly in the Town. Robert Newman, 4316 Willow Lane, stated that the size of the house with the garage would change the character of the Town and recommended that the Kilarus' reduce the scale.

There was discussion about whether or not the Kilarus met the hardship criteria for a variance. Councilmember Hoffman noted that the Kilarus have an unusually-shaped lot, and that the existing garage is not attractive.

Councilmember Hoffman made a motion to approve the variance. Councilmember Enelow seconded the motion. Councilmember Hoffman voted in favor of the motion with Councilmembers Barnes, Wolf, Enelow and Strom opposed. Councilmember Strom made a motion to deny the variance application. Councilmember Barnes seconded the motion. Councilmembers Barnes, Enelow, Strom and Wolf voted in favor of the motion to deny the application. Councilmember Hoffman opposed.

## III. Discussion

### A. WSSC Briefing on Water Main Replacement Project

Clayton Stewart, WSSC Project Manager for the Town's Water Main Replacement Project, gave a presentation to the Council describing the upcoming project. He explained that water mains in the Town of Chevy Chase have reached the end of their useful life and are starting to break. He explained that the maximum time that water to residents' homes would be shut off during the project would be 8 hours. During that time, WSSC will provide bottled water to the affected homes. Residents will not receive

water bills for the time that they do not have water service. WSSC will be responsible for notifying residents at least 48 hours before their water is shut off. They will be coordinating their work with other utilities. No trees will be impacted without talking to the Town Manager first.

Town Manager Todd Hoffman reported that he had negotiated with WSSC to repave all of the affected roads after the water main and storm drain work has been completed. There was discussion about the need for trenching. Mr. Clayton said that there will be no open trenches overnight, as they will be covered by steel plates.

The project is supposed to begin in August 2007. Staff was asked to send a special mailing to residents about the WSSC water main project and the County storm drain project. The information should also be distributed on the listserv and posted on the Town's website.

#### B. RFP for Purple Line Analysis

Pat Burda, 4108 Woodbine Street, and John Navratil, 7216 Oakridge Avenue, came before the Council representing the Long Range Planning Committee. They reported on their committee's recommended next steps regarding the proposed Purple Line.

The first recommendation was for the Town to issue a Request for Proposal to hire a consultant with expertise in the area of public transportation projects to advise the Town regarding the Purple Line. They presented a timeline for hiring the consultant with the goal that the consultant would start no later than October 1, 2007. There was discussion about how important it would be to select a well-qualified consultant.

Staff was directed to send copies of the transcripts from the June 6 public hearing on the Purple Line to Michael Madden and Tom Autrey of the Park and Planning Commission. Staff also was asked to contact Carlos Abinader of the Maryland Transit Administration to ask that the Town receive notices of any upcoming public meetings about the Purple Line.

#### C. Public Services Committee Recommendations

Bill Pritchard, Chair of the Public Services Committee, gave a report to the Council regarding the Town's sidewalks and other recommendations from the previous Traffic Committee.

##### 1. Sidewalks

Mr. Pritchard noted that the Town's network of sidewalks is incomplete. His committee believes that it is essential that safe walkways be created for pedestrians throughout the Town. The committee considers it a priority to install sidewalks at the following two locations: on Thornapple Street between Maple Avenue and Oakridge Avenue; and on Oakridge Avenue between Thornapple Street and Curtis Road.

It was the sense of the Council to hire an engineering consultant to study the feasibility of installing those sidewalks recommended in Phases 1 and 2 of the Traffic Committee's comprehensive traffic plan.

## 2. Temporary Speed Humps

The Town Manager reported that the default speed limit in the Town is 30 miles per hour. A traffic engineer would have to evaluate and recommend a different speed limit for the Town. The Public Services Committee recommended and the Town Council approved hiring an engineer to determine an appropriate speed limit in Town.

The Council discussed the use of temporary speed humps to stop cut-through traffic on Chatham Road and Aspen Street. There was discussion about standards to be used for installing the humps. It was the sense of the Council to develop a standard for speed humps thoroughly and as rapidly as possible. The Council was reluctant to use speed humps without having a clear policy. As an alternative measure, the Council discussed installing stop signs on northbound Chatham at Blackthorn and southbound on Chatham at Aspen. The Town Attorney advised the Council that an ordinance would be required to install these signs since the Town Code currently does not authorize traffic regulation by resolution. The Town Attorney advised the Council that such an ordinance could be enacted as emergency legislation. The Council directed the Town Attorney to draft an emergency ordinance to allow for the installation of the stop signs and to draft an ordinance to allow the Council to regulate parking and traffic by resolution in the future. Staff also was directed to request that Montgomery County officers increase speed enforcement on Aspen Street and Chatham Road.

D. Charter Amendments – Deferred until September

E. Water Drainage Ordinance – Deferred until September

## IV. Town Manger's Report

### A. Preliminary Report on SHA Drainage Study Findings

Town Manager Todd Hoffman briefed Councilmembers on the results of the State Highway Administration (SHA) study on drainage issues on State roads bordering the Town. The SHA had hired an engineering firm, which found that the drainage problems were, for the most part, not a result of the condition of State roads. Instead, the firm reported that the topographical features of private properties or the lack of capacity of the County storm drains cause the great majority of the drainage problems.

Staff was directed to send the results of the SHA drainage study to the County DPWT and to communicate the findings of the study to Town residents. The entire study will be put on the Town's website. The Town Manager was asked to schedule an open forum with the County and WSSC officials to allow residents to ask questions about the upcoming storm drain and water main replacement projects.

### B. Crosswalks

Town Manager Todd Hoffman reported that the newly installed crosswalks had received mixed reviews from residents. It was the sense of the Council to defer a decision on additional crosswalks until a policy could be developed on crosswalk design and location.

Discussion followed about the Town Management Study called for in the Strategic Plan. A consultant had been scheduled to be hired in July. It was the sense of the Council to defer this until September so that a scope of work could be developed.

The Town Manager distributed copies of a draft Town Handbook for comments from the Council. Councilmembers were asked to e-mail the Town Manager with their comments by mid-August.

The Council asked the Town Manager to design a mailing to residents in a “Question and Answer” format concerning the storm drain and water main projects. Staff was asked to keep track of any comments.

After some discussion, the Council agreed not to schedule a Council meeting in August.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Lance Hoffman  
Secretary

Transcribed by Andi Silverstone