

# Chevy Chase Village Board of Managers

## January 10, 2011

### BOARD OF MANAGERS

|  |         |
|--|---------|
| David L. Winstead, Chair                 | Present |
| Peter T. Kilborn, Vice Chair             | Present |
| Peter M. Yeo, Secretary                  | Present |
| Allison W. Shuren, Assistant Secretary   | Present |
| Gail S. Feldman, Treasurer               | Present |
| Lawrence C. Heilman, Assistant Treasurer | Present |
| Patricia S. Baptiste, Board Member       | Present |

### STAFF

|  |         |
|--|---------|
| David R. Podolsky, Legal Counsel                         | Present |
| Shana R. Davis-Cook, Village Manager                     | Present |
| Adventino Dasilva, Police Sergeant                       | Present |
| Michael W. Younes, Director of Municipal Operations      | Present |
| Demetri Protos, Finance Director                         | Present |
| Ellen Sands, Permitting and Code Enforcement Coordinator | Present |
| Grace Brock, Administrative Assistant/Community Liaison  | Present |

Mr. David L. Winstead, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:36 p.m.

Approval of the minutes from the Board's regular and executive sessions held on December 13, 2010. Prior to the meeting, Ms. Baptiste submitted amendments to the draft minutes from the December 13, 2010 regular session, to include more information regarding discussions that occurred. The Board agreed to include these discussions in the minutes.

**Dr. Heilman made a motion to approve the minutes of the Board's regular and executive sessions held on December 13, 2010, as amended. Mr. Kilborn seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren, Ms. Baptiste and Dr. Heilman voted in favor of the motion. The motion passed.**

The Board reported that on January 10, 2011 at 6:47 p.m. it met in Executive Session in accordance with the Form of Statement for Closing a Meeting attached hereto.

### Treasurer's Report

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

### Committee Reports

#### Democratic Process and Good Governance Committee

Committee Chair Margot Anderson reported that the Committee had held two meetings to consider modifications to the procedures for Board elections, appointments and elections of officers. She stated that her Committee recommended that the Board appoint a 3 to 5 person Election Committee which will set-up and oversee future Village elections. She also suggested that the Board update the Charter so that Board members have more time and knowledge

regarding selection of the slate of officers, and that the slate of officers be chosen in a public forum. Ms. Anderson stated that the Committee will continue to meet as the Board deems appropriate to consider additional matters. Mr. Winstead thanked Ms. Anderson for her stewardship of the Democratic Process and Good Governance Committee. Discussion followed.

### **Public Works Committee**

Committee Chair Thomas Jackson reported on his committee's objective to update Chapter 10 of the Village Code (entitled, "Health and Sanitation") to clarify acceptable items for bulk trash collection. Ms. Baptiste and Dr. Heilman were appointed to assist the committee in its drafting efforts.

Mr. Younes reported that the streetlighting adequacy assessment had been completed by him and the Police Department. Those findings will be presented at the next Public Works Committee meeting followed by a report to the Board at its regular meeting in February. Mr. Younes added that he is in the process of reviewing bids for the sidewalk replacement capital project.

Lee Tirpak of 138 Hesketh Street asked the Board for an update on the sidewalk project along Wisconsin Avenue between Grafton and Hesketh Streets previously discussed by the Board. Ms. Davis-Cook stated that contact had been made with the State of Maryland and that the project is currently in the queue for review.

### **Traffic Committee**

Committee Chair Porter Wheeler reported that he now has eight volunteers for the Traffic Committee. He also stated that the committee's first meeting was tentatively scheduled for Wednesday, January 12, 2011. Peter Kilborn volunteered to be the Board Liaison to the Traffic Committee.

### **adhoc Speed Hump Committee**

Chair Peter Kilborn presented the new Speed Hump Policy prior to the Board Meeting. Discussion followed.

### **The Board unanimously approved the Speed Hump Policy with the following amendments:**

- **Pages 2, 3rd paragraph, insert "no more than" before "one owner or tenant", clarifying that the petition cannot be signed by two members of the same household.**
- **Pages 2, 6th paragraph, change "eighteen" to "twelve".**
- **Page, 2, 8<sup>th</sup> paragraph, change "and" in last sentence to "and/or".**
- **Page 3, after 4<sup>th</sup> paragraph, add new paragraph stating: "The Traffic Committee will consider any topographical features unique to the designated block or street segment which could significantly increase the threat to pedestrians and/or residents of the block or segment by traffic exceeding the speed limit."**
- **Page 3, in new paragraph 6, after "from impacted households adjacent to applicant blocks" insert "from the Traffic Committee".**
- **page 3: "the application will be reviewed by the Traffic Committee which, in addition to reviewing data provided with the application, may also consider any topographical features unique to the designated block or street segment which could significantly increase the threat to pedestrians and/or residents of the block or segment by traffic exceeding the speed limit."**
- **Page 3, in paragraph 8, change "within two years" to "within six months".**

## **Old Business**

### **Discussion Regarding the Play-Space Initiative**

Mr. Yeo summarized the Village's previous efforts to determine if and where a play-space might be installed within the Village. He outlined three options:

1. Do nothing.
2. Reconstitute the ad hoc committee providing a clear mandate as to what it is expected to accomplish, provided the Board fully understands that the majority of the residents living adjacent to the park proposed as a site for a play-space will be in opposition.
3. With planning charettes for the Chevy Chase Open Space property (formerly referred to as the "Wohlfarth" property) scheduled to begin in spring of this year, wait for planning developments to evolve in regard to this parcel, the size of which could allow the play-space to be installed in a location that limits the possible disturbance to neighboring residents.

Diane Kartalia of 5412 Grove Street stated that the Wohlfarth Property could benefit from a natural play-space, not a structured playground.

Ms. Baptiste and Dr. Heilman stated that they were in support of a play-space in the Village.

Ms. Shuren stated that she is in opposition to a play-space in the Village because it is not a need.

Mr. Kilborn stated that there should be more evaluation regarding a play-space in the Village.

Amy Christaldi of 4031 Oliver Street stated her opposition to a play-space in the Village because she objected with the process for surveying resident feedback.

Susie Gelman of 11 West Lenox Street stated her opposition to a play-space in the Village because of safety and monetary issues.

Roxann Steinberg of 5 West Lenox Street stated her opposition to a play-space in the Village.

Dave Mohler 3 West Irving Street stated his opposition to a play-space in the Village.

Sean Beany of 5505 Park Street stated his opposition to a play-space in the Village but could support a park if it were at the Wohlfarth Property.

Luis Medeiros of 3 West Lenox Street stated his opposition to a play-space in the Village.

Ms. Baptiste stated that while she favored the installation of a play-space somewhere in the Village (option 2 as outlined above) if the Board was prepared to carry this forward; however, it was clear that the Board did not have the community support and was not in a position to approve continuing with this initiative. Ms. Baptiste cautioned that the Village will not see a park at the Wohlfarth property for a long time because of the lengthy Montgomery County planning process. Therefore, Ms. Baptiste concluded that of the three options outlined above by Mr. Yeo, she would vote to do nothing at this time.

**Ms. Baptiste made a motion to do nothing at this time, that is to end the discussion for installing a play-space in any Village owned parks and. Ms. Shuren seconded the motion. Mr. Kilborn, Ms. Feldman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. Mr. Winstead, Mr. Yeo, and Dr. Heilman voted against the motion. The motion passed.**

## **New Business**

### **Scheduling of the Annual Meeting in April 2011**

The Board discussed the need to re-schedule the meetings since the third Monday in April is the first day of Passover.

**The Board unanimously agreed to re-schedule the Annual Meeting to Wednesday, April 20, 2011.**

## **Appeals**

**Continuance from the December 13, 2010 Board Meeting: A-5844 (Variance Request): Mr. & Mrs. Robert Maruszewski of 127 Grafton Street. To erect a new roof over a proposed expanded stoop, which would extend no more than five and one half (5 ½) feet forward of the front building restriction line. Mr. Maruszewski presented the request. Betty O'Connor of 137 Grafton Street spoke in support of the variance request.**

Thomas Schaufelberger of 135 Grafton Street spoke in support of the variance request. Discussion followed.

**Ms. Baptiste made a motion to direct Counsel to draft a decision denying the request to erect a new roof over a proposed expanded stoop, which would extend no more than five and one half (5 ½) feet forward of the front building restriction line, and the 25 foot front covenant setback. Mr. Kilborn seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. The motion passed.**

**A-5854 (Variance Request): Ms. Joanne C. Kyros & Mr. Thomas S. Schaufelberger of 135 Grafton Street. To:(a) modify the roofline for a previously Board approved addition, the gutter of which would encroach an additional six (6) inches into the west (side) yard setback for a total encroachment of two feet, six inches (2'-6"); (b) to construct a one-story addition which would encroach no more than two feet six inches (2'-6") inches into the west (side) yard setback; (c) to construct a stoop with three treads that would encroach five (5) feet forward of the front building restriction line and (d) to construct a roof over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. Mr. Schaufelberger presented the request. Ms. Kyros stated that she had measured the actual side yard setback and that the addition could be achieved while maintaining a five (5) foot setback, which would align with a previously approved addition in the same side yard. As discussed regarding a variance application the previous month, stoops permitting entrance to the first floor of a residence would not to be considered "structures" for the purposes of the covenants, therefore the construction of the proposed stoop (c) could be allowed, however because the roof over the**

proposed stoop would be a violation of the covenants for the property, roof (d) would not be permitted.

**Ms. Baptiste made a motion to direct Counsel to draft a decision approving the request to: (a) modify the roofline for a previously Board approved addition, the gutter of which would encroach an additional six (6) inches into the west (side) yard setback for a total encroachment of two feet, six inches (2'-6") ;(b) to construct a one-story addition which would encroach no more than two feet six inches (2'-6") inches into the west (side) yard setback; and (c) to construct a stoop with three treads that would encroach five (5) feet forward of the front building restriction line, and to deny the request to (d) construct a roof over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. Mr. Kilborn seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in support of the motion. The motion passed.**

**A-5857 (Special Permit Request): Mr. & Mrs. Stefan Alber-Glanstaetten of 5611 Montgomery Street. To install a generator that would encroach no more than two (2) feet into the east (side) yard setback. Mr. Alber-Glanstaetten presented the request. Discussion followed.**

**Dr. Heilman made a motion to direct Counsel to draft a decision approving the request to install a generator that would encroach no more than two (2) feet into the east (side) yard setback. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. The motion passed.**

**A-5859 (Variance Request): Mr. and Mrs. Martin V. Dagata 5514 Kirkside Drive. Modify an existing Building Permit to construct a one-story addition, the soffit of which would encroach no more than four (4) inches into the east (front) yard and north (front) yard setbacks. Mr. Dagata presented the request. He stated that his contractor had made a construction error that resulted in the soffit of the addition encroaching into the front yard setbacks of both Kirkside Drive and Center Street.**

Ms. Baptiste asked Mr. Dagata if he had explored any options with his architect and contractor to maintain the applicable setbacks. Mr. Dagata explained that his architect offered two options to address the contractor's error. The first would be to take down the addition's walls and reconstruct them. The second would be to cut the soffit back to a stub and then implement aggressive waterproofing measures. He asserted that that neither option is desirable. In response to questions from the Board, Mr. Dagata stated that it would be possible to redesign the addition's roof and substitute a gutter for part of the encroaching soffit. He agreed to accept a variance for a reduced soffit and an added gutter which would encroach no more than 4 inches into the 25 foot front setback. The Board concluded that the covenant authors did not intend gutters to be deemed structures for the purposes of a front setback on Kirkside Drive or Center Street.

**Ms. Baptiste made a motion to direct Counsel to draft a decision approving the request to modify an existing Building Permit to construct a one story addition, the gutter of which would encroach no more than four (4) inches into the east (front) yard and north (front) yard setbacks. Dr. Heilman seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman, Ms. Shuren, and Ms. Baptiste voted in favor of the motion. The motion passed.**

**A-1870 (Tree Removal Appeal): Mr. and Mrs. Richard Zantzing, III, 23 Grafton Street Removal of one 19.5-inch diameter Saucer Magnolia tree located in the north (rear) yard of the property to accommodate a proposed garage. Mr. Zantzing presented the request.**

Mr. Yeo asked if the proposed garage would comply with the Village's Building regulations. Mr. Zantzing responded that it would.

Mr. Stephens, of the Tree Committee stated that this particular Magnolia tree is indigenous to this area so he feels that this tree should be replaced with an indigenous tree as well. Mr. Zantzing stated that he was willing to meet any reforestation imposed by the Board.

**Dr. Heilman made a motion to direct Counsel to draft a decision approving the request for the removal of one 19.5-inch diameter Saucer Magnolia tree located in the north (rear) yard of the property to accommodate a proposed garage provided the applicants have a valid building permit for the proposed garage, the tree must be removed on or before January 10, 2012, the applicants must reforest with at least one deciduous hardwood tree which must be at least 2 ½ inches in caliper at the time of installation and must be of a native species that achieves a mature height of at least 45 feet and the installation of the reforestation tree shall be completed on or before January 10, 2012. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman and Ms. Baptiste voted in favor of the motion. The motion passed.**

### **Legal Counsel Report**

The Legal Counsel Report was circulated to the Board prior to the meeting.

### **Manager's Report**

The Manager's Report was circulated to the Board prior to the meeting.

Ms. Davis-Cook advised that she had not received enough responses from the Board approving non substantive revisions to the ACS contract and the Mandatory Referral Policy.

**The Board approved non-substantive amendments to the ACS contract and the Mandatory Referral Policy which were circulated prior to the meeting. Discussion followed.**

### **Police Report**

The Police Report was circulated to the Board prior to the meeting. Sergeant, Adventino Dasilva reported that there have been extra officers added to the midnight shift as a result of crime trend data, which reflected an increase in crime during January.

**Chairman's Report**

The Chairman's Report was circulated to the Board prior to the meeting.

**Dr. Heilman made a motion to adjourn the meeting. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. The motion passed. The meeting adjourned at 11:46 p.m.**

---

Secretary, Chevy Chase Village Board of Managers

*Final.*