

# Chevy Chase Village Board of Managers

## December 10, 2007

### BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice-Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

### STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Absent
Adventino Dasilva, Police Sergeant	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Manager of Contracts and Capital Projects	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m.

### **Approval of Minutes from the November 13, 2007 Regular and Executive Sessions**

Ms. Eig submitted changes to the minutes, which were provided to the Board at the meeting. Discussion followed.

**Mr. Jones made a motion to approve the amended minutes of the November 13, 2007 regular and executive sessions. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Stephens was absent from the November 13, 2007 regular and executive sessions and did not vote. The motion passed.**

### **Treasurer's Report**

The Treasurer's Report was distributed to the Board prior to the meeting. Ms. Feldman noted that the FY2007 Audit Report had been circulated to the Board prior to the meeting. The report reflected that the Village is in good financial order. Discussion followed.

### **Committee Reports**

**Brookville Road Working Group**—Dr. Kamerow advised that the Historic Preservation Commission (HPC) held a preliminary consultation to review the proposed plans on December 5, 2007. Dr. Kamerow reported that while the HPC supported the need for a

walkway along Brookville Road, 6 of the 9 Commissioners opposed the sections of walkway that were five-feet (5') in width because they did not feel that a five-foot (5') wide walkway was consistent with the historic aesthetics of Brookville Road. HPC will draft a letter stating its opinion that the walkway should be narrower and advocate a three-foot (3') width, which would still comply with Americans with Disabilities Act (ADA) handicap-accessibility requirements. Given HPC's pressure for the walkway to be installed with a three-foot (3') consistent width, the Village will have to request a waiver from the State Highway Administration (SHA).

Mr. Biddle stated that Village staff would informally advise SHA staff of the plans for the walkway by the middle of January. He stated that an additional appropriation of funds will be needed from the Board to fund redrafting the proposed plans. A formal request for the additional funds will occur after the Working Group meets in January 2008.

Ms. Eig asked if HPC commented on the proposed material to be used for the walkway. Dr. Kamerow said that Village staff provided a sample of the material to HPC, which the Commissioners liked. Discussion followed.

#### **The Village Green (Environmental Committee)**

Mr. Biddle stated that the Committee had requested an energy audit of the Village Hall. Village staff will contact PEPCO to learn how such an audit may be arranged. Ms. Stephens stated that there are interesting ideas being circulated amongst the Committee members. Discussion followed.

#### **Decisions on Previous Appeals**

None.

#### **Appeals**

**A-1652: Mr. and Mrs. Duane Gibson, 23 West Irving Street—(a) removal of one Spanish Oak tree measuring 33.5-inches in diameter located in the rear yard of the property to accommodate a proposed addition; and (b) removal of one White Oak tree measuring 24.5-inches in diameter located in the rear yard of the property to accommodate a proposed addition.** Mr. Gibson was in attendance and presented the request and explained why the removals could not take place within the year originally authorized by the Board, and stated that there have been no material changes in circumstances or related to the original project proposal. Discussion followed.

Ms. Stephens noted that the Board had originally required reforestation with one canopy tree. She urged the applicants to consider reforesting with two canopy trees, pursuant to the Tree Committee's original request.

**Mr. Yeo made a motion to direct Counsel to draft a decision approving the (a) removal of one Spanish Oak tree measuring 33.5-inches in diameter located in the rear yard of the property to accommodate a proposed addition, and (b) the removal of one White Oak tree measuring 24.5-inches in diameter located in the rear yard of**

**the property to accommodate a proposed addition, provided the applicants reforest with at least one deciduous hardwood tree that must be at least 2 ½ inches in caliper at the time of installation and must be of a species that achieves a mature height of at least 45 feet, and provided all applicable Building Permits are approved for the proposed addition. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

**A-5329: Mr. and Mrs. Christopher Landau, 27 Quincy Street—Construct a rear stoop, trellis and steps, portions of which would encroach two feet (2') into the seven-foot (7') west side yard setback.** Mr. Landau presented the request and explained why they were unable to get the work done within the year originally authorized by the Board, and stated that there have been no material changes in circumstances or related to the original project proposal. Discussion followed.

**Ms. Stephens made a motion to direct Counsel to draft a decision approving the construction of a rear stoop, trellis and steps, portions of which would encroach two feet (2') into the seven-foot (7') side yard setback. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig abstained. The motion passed.**

**A-5330: Mr. and Mrs. Christopher Landau, 27 Quincy Street—Construct a rear addition, a portion of which would encroach two feet (2') into the east side yard setback.** Mr. Landau presented the request and explained why they were unable to get the work done within the year originally authorized by the Board, and stated that there have been no material changes in circumstances or related to the original project proposal. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the construction of a rear addition, a portion of which would encroach two feet (2') into the seven-foot (7') side yard setback. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

**A-5331: Mr. and Mrs. Edward Symes, III, 10 Newlands Street—(a) Construct a rear addition, the eaves of which would encroach twelve inches (12") into the seven-foot (7') west side yard setback, and (b) construct steps leading to the side entry that would encroach twenty-two inches (22") into the seven-foot (7') west side yard setback.** Mr. Symes and the architects Outerbridge Horsey and John Cazayoux presented the request. Discussion followed.

Ms. Eig asked Mr. Horsey why the steps could not be set inside the house. Mr. Horsey responded that it would constrict movement in the interior space, and would require a redesign of the first floor and basement levels. Mr. Symes advised that he had spoken with the abutting neighbor on the side of the house where the steps would be located, and the neighbor had no objection to the proposal.

**Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to (a) construct a rear addition, the eaves of which would encroach twelve inches (12") into the seven-foot (7') west side yard setback. Ms. Eig seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.** The applicants requested the decision be granted for eighteen (18) months. The request was granted unanimously.

**Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to (b) construct steps leading to the side entry that would encroach twenty-two inches (22") into the seven-foot (7') west side yard setback. Mr. Winstead seconded the motion. Mr. Winstead, Ms. Stephens and Mr. Yeo voted in favor of the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman and Mr. Jones voted against the motion. The motion did not pass.**

**A-5325: Mr. and Mrs. S. Michael Goldin, 6108 Western Avenue—Replace an existing chain link fence with a wood fence measuring six feet (6') in height in the Nevada Avenue front yard.** Mr. and Mrs. Goldin presented the request. Discussion followed.

Thomas Gigot of 110 East Lenox Street stated his objections to the proposal. Discussion of Mr. Gigot's concerns followed.

Mr. and Mrs. Goldin noted that several letters of support had been submitted by other neighbors in support of their proposal.

**Mr. and Mrs. Goldin withdrew their request, pending further design modifications.**

**A-5326: Ms. Allison Michaels, 5501 Montgomery Street—Install a fence with a maximum height of six feet, six inches (6'-6") in the Belmont Avenue front yard.** Ms. Michaels presented the request, and noted that the request was for a six-foot high fence, not a six-foot, six-inch high fence, but that there may be finials or caps on top of the fence and those items could reach as high as six and a half feet (6 ½'). Discussion followed.

Ms. Eig noted that there are security issues warranting the fence due to its close proximity to the *Chevy Chase Center* and Buffer Area. Mr. Yeo noted that the request was essentially for an in-kind replacement of a fence that had been previously removed due to its dilapidated condition. Ms. Feldman concurred.

**Mr. Jones made a motion to direct Counsel to draft a decision approving the request to install a fence with a maximum height of six feet, six inches (6'-6") in the Belmont Avenue front yard. Ms. Eig seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

## Old Business

**Resolution No. 11-01-07: Wohlfarth Property Annexation (Adoption)**—Mr. Podolsky explained that the property is owned by the County, managed by Park and Planning, and if annexed, would be within the Village’s boundaries. Discussion followed.

**Mr. Winstead made a motion to approve Resolution No. 11-01-07. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

## Building Regulations Review

Ms. Feldman complimented Messrs. Biddle and Younes for compiling the data based on current conditions within the Village that was used in the analysis conducted by *Winter & Company*. The data characterized lot coverage and main residence plate heights for a randomly selected sample of 117 Village properties. A second group of 100 properties was selected to yield information on existing floor area ratios (FARs).

Ms. Stephens requested further calculations/analysis of the 117 randomly chosen homes in order to quantify the data in relation to FARs, based on the County’s square footage data. Mr. Younes replied that he could do further calculation.

Nore Winter of *Winter & Company* was in attendance via video-conference and made a presentation based on his report, entitled “Data Analysis & Preliminary Findings”, which was circulated to Board members and the audience prior to the meeting. Mr. Winter explained that it would be easier to use Montgomery County’s measurements for familiarity and consistency. Mr. Winter suggested the Village implement a FAR of .44, and he further explained that Village staff’s calculations had determined that five (5) of the existing homes within the 117 homes sampled would have been excluded if a .44 FAR had been in place at the time they were proposed for construction.

Jerome Bracken of 5 Magnolia Parkway asked if 13 West Irving Street had been included in the analysis. Ms. Stephens explained that when 13 West Irving Street was constructed, there was a great deal of discussion between neighbors over its large size; however, she claimed that it is no longer viewed as a large house.

A discussion took place amongst the Board members regarding the benefit of applying a maximum FAR in addressing mansionization. Mr. Winter stressed that FARs used together with additional regulations pertaining to things such as plate height limits would accomplish the reduction in building bulk and mass. He cautioned that there will always be houses that feel too large for the community, but hopefully these additional regulations will reduce the number of these houses.

Ron Holroyd of 3929 Oliver Street said that while FARs are a critical aspect, other factors, such as reducing the allowed garage frontage, should be added to the scope of proposed regulations.

Charlie Farmer of 15 East Melrose Street stated that he felt FARs are a good approach in the prevention of mansionization; but that it is difficult to find an appropriate FAR number.

Ralph Stephens of 11 Magnolia Parkway asked how many potentially large homes were likely to be prevented by the new regulations.

Ms. Feldman stated that she was aware of another jurisdiction that had two FARs in place, for small and large properties. Mr. Winter replied that the community had expressed a desire to have regulations that applied to all properties in the Village.

Dr. Kamerow opened the meeting to discussion of impervious surfaces and lot coverage. Mr. Biddle explained that the Village and County Building Codes' currently specify a 35% lot coverage maximum. The definition of lot coverage does not include at-grade construction such as driveways, patios and walkways. Dr. Kamerow stated that *Winter & Company* recommends maintaining the 35% lot coverage maximum. Mr. Winter explained that the proposed regulations would include impervious surfaces in the 35% lot coverage maximum, and that the intention was to alleviate drainage and aesthetic concerns.

Ms. Stephens asked to what extent the Village currently regulates water runoff. Mr. Biddle explained that the Village Code provides that post project water runoff cannot exceed the water runoff that occurred prior to the construction. Applicants must provide documentation from an engineer proving the same or construction plans must specify drainage systems that convey all new or altered water flows to the public street.

Alison Powers of 3929 Oliver Street said that a group in attendance felt that all impervious surfaces should be calculated into lot coverage calculations.

Dr. Kamerow opened the discussion regarding plate heights. Mr. Winter explained the data regarding wall plate heights. Discussion followed.

Mr. Holroyd said he felt FARs, wall height and length should all be regulated.

Dr. Kamerow directed staff to get FARs for the random sample of Village homes, based on County calculations together with photos of a subset of the 117 houses to illustrate the differing FAR levels. Mr. Podolsky stated that the regulatory areas discussed thus far fell within the parameters of the newly granted authority. Dr. Kamerow explained that the Board will develop the conceptual framework for regulatory measures and that Messrs. Winter and Podolsky would draft the regulations and definitions.

Mr. Jones said that regulations should not be imposed that dramatically burden staff. Dr. Kamerow concurred.

Dr. Kamerow said that a detailed discussion should take place regarding all of the regulatory areas outlined by Mr. Winter, including FARs, wall plate height, wall length, below-grade structures, garage frontage, impervious and pervious surfaces, etc. Mr. Yeo said that another meeting should be held to discuss these other areas.

Emily Donahue of 3931 Oliver Street said that discussion of these additional areas seemed time-consuming.

Mr. Bracken said that a linear function should be set-up for FAR regulations based on the size of the lot.

Discussion followed.

**Ms. Stephens made a motion to schedule a special meeting on Monday, January 7, 2008 at 7:30 p.m. to discuss the building regulations review. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

#### **New Business**

None.

#### **Chairman's Report**

None.

#### **Manager's Report**

##### **Village Office Modifications**

Mr. Biddle explained that Peter Horton, AIA had submitted a re-design plan of the administrative offices to accommodate the additional staff approved by the Board at its November 13 regular meeting, pursuant to the Phase 1 implementation of the staffing assessment. Mr. Biddle further explained that the proposed modifications were expected to cost less than \$35,000 and that those funds are included in the current year's authorized budget.

The Chair of the Building Facilities Commission, Elizabeth Bausch, stated that the Commission's main concerns were the relocation of the files from the administrative office into the "public space" (hallway adjacent to the administrative office/police department) and soundproofing for the Communications Center.

Ms. Eig stated her objections to the proposed plan.

**Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted to approve the revised plan. Ms. Eig voted against the proposed plan. The plan was approved.**

#### **Wohlfarth Property Open House**

Mr. Biddle stated that eight people attended the Open House on Friday, December 7 and forty-three attended on Saturday, December 8. Mr. Podolsky explained that the request to demolish the house would have to be submitted to and approved by the County. Mr. Biddle explained that a charette still needed to be held to discuss possible uses of the property and house and that, due to scheduling conflicts, County-approval of the demolition may take several months.

Mr. Biddle said that the Citizens Coordinating Committee of Friendship Heights (CCCFH) supports the Village's desire to demolish the house. Ms. Eig advised that Legacy Open Space would not allow the house and garage to remain on the property because it would not be in keeping with the "open space" objective.

A charette will be scheduled in collaboration with Park and Planning to take place after January 2008.

#### **Re-Subdivision of a Property in Section 3 of the Village of Chevy Chase**

Andy Harney, Manager of Section 3 of the Village of Chevy Chase, had advised Mr. Biddle of a proposal to re-subdivide the property at the corner of Connecticut Avenue and Bradley Lane. A special meeting of the Section 3 Town Council regarding the proposal is scheduled for December 12, 2007. As an abutting governmental entity, Section 3 sought the Village's opinion on the proposal. Mr. Podolsky explained that as a bordering jurisdiction, if the Village were to follow certain procedures and recommend denial of the proposal, it would require a super majority vote in support from the Planning Board in order to succeed.

Mr. Biddle stated that Police Chief Gordon had drafted a memo, which had been circulated to the Board prior to the meeting. The memo outlined Chief Gordon's safety concerns regarding the proposal's additions of driveways on Bradley Lane. Board members stated their opposition to the proposal. Mr. Biddle said that he would forward a memo to Section 3 relaying the Board's position together with a copy of Chief Gordon's memo.

#### **Historic Preservation Commission**

Mr. Biddle advised that John Ridenour of 11 East Melrose Street was taking the Historic Preservation Commission (HPC) to court over its denial of his project. Discussion followed.

#### **Chevy Chase Land Company**

Mr. Biddle stated that he would pick up the last repairs reimbursement check from the *Chevy Chase Land Company* on December 14, 2007. This check would be in the amount of \$50,000 with third and final distributions to affected residents in early January.

### **FY2009 Proposed Budget**

Mr. Biddle stated that he would submit a summary of his FY2009 proposed budget to the Board at its January 14, 2008 regular meeting together with a summary of program priorities included in the draft budget. Presentation to the Board will precede delivery to the Budget Committee, and give Board members an opportunity to guide Mr. Biddle's priorities going into the Budget Committee review. Discussion followed.

### **Audit Report**

A management letter from the audit firm *Stegman & Company* was circulated to the Board prior to the meeting. Mr. Biddle advised that one of the recommendations in the letter was for the use of a corporate credit/debit card to reduce the current use of Village staff's personal credit cards to make Village-related purchases. The Board concurred that the use of a corporate credit/debit card was prudent. Ms. Feldman noted that the letter also highlighted the need for internal control systems. Discussion followed.

### **Police Report**

The monthly Police Report was distributed to the Board prior to the meeting. Mr. Biddle provided an update of the speed camera program and advised that fixed-pole cameras should be in place by the end of January 2008. Discussion followed.

**Ms. Eig made a motion to adjourn the meeting. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The meeting adjourned at 11:14 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*