

1 **Chevy Chase Village Board of Managers**

2 **May 11, 2009**

3 **Draft**

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5 **BOARD OF MANAGERS**

6 Douglas B. Kamerow, Chair	Present
7 David L. Winstead, Vice Chair	Present
8 Susie Eig, Secretary	Present
9 Robert L. Jones, Assistant Secretary	Present
10 Gail S. Feldman, Treasurer	Present
11 Betsy Stephens, Assistant Treasurer	Absent
12 Peter M. Yeo, Board Member	Present

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14 **STAFF**

15 David R. Podolsky, Legal Counsel	Present
16 Ron Bolt, Assistant Legal Counsel	Present
17 Geoffrey B. Biddle, Village Manager	Present
18 Roy Gordon, Police Chief	Present
19 Shana R. Davis-Cook, Director of Administration	Present
20 Michael W. Younes, Manager of Contracts and Capital Projects	Present
21 Doris M. Lyerly, Permitting and Code Enforcement Specialist	Present

1 Dr. Douglas B. Kamerow, of the Chevy Chase Village Board of Managers, called the meeting to  
2 order at 7:34 p.m. Ms. Stephens was absent.

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4 **Swearing in of the Chair**

5 Brenda Millette, Chief Deputy Clerk of the Circuit Court for Montgomery County, Maryland  
6 administered the Oath of Office to Douglas B. Kamerow as Chair of the Board of Managers.

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8 **Swearing in of Board Members**

9 Dr. Kamerow administered the Oath of Office to re-elected Board members David L. Winstead,  
10 Gail S. Feldman and Peter M. Yeo.

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12 **Election of Officers**

13 **Mr. Yeo made a motion to nominate Douglas B. Kamerow as Chair, David L. Winstead as**  
14 **Vice Chair, Susie Eig as Secretary, Robert L. Jones as Assistant Secretary, Gail S. Feldman**  
15 **as Treasurer and Betsy Stephens as Assistant Treasurer. Ms. Feldman seconded the**  
16 **motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted**  
17 **in favor of the motion. The motion passed.**

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19 **Approval of the minutes from the Board’s regular session held on April 6, 2009.** Ms.

20 Feldman submitted the following changes:

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- 22 • Page 3, line 21: after “3.8”, replace “%” with “percentage points”.
- 23 • Page 4, line 12: after “3.8”, replace “%” with “percentage points”.

- Page 4, line 17: after “3.8”, replace “%” with “percentage points”

**Mr. Winstead made a motion to approve the minutes of the Board’s regular meeting held on April 6, 2009, as amended. Ms. Feldman seconded the motion. Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. Dr. Kamerow was absent from the April 6, 2009 regular Board meeting and did not vote. The motion passed.**

**Approval of minutes from the Board’s special work session and executive session held on April 27, 2009.** No changes were submitted.

**Mr. Winstead made a motion to approve the minutes of the Board’s special work session and executive session held on April 27, 2009. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

#### **Treasurer’s Report**

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

#### **Committee Reports**

##### **Building Facilities Commission**

Chair Elizabeth Bausch explained that in an attempt to increase rentals of the Village Hall during the summer months, the Commission sought Board authorization to provide a 50% reduction in rental fees beginning June 1, 2009 through August 31, 2009. Discussion followed.

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**Mr. Yeo made a motion to approve a 50% discount for rental of the Village Hall from June 1, 2009 through August 31, 2009. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

**Committee on Children, Youth & Families**

Co-chair Minh Le stated that the Committee sought to include a fourth Committee Co-chair, namely, Rosemary Sump of 17 Oxford Street. With the appointment of this fourth Co-chair, the Committee would have two Co-chairs each to organize and support events for younger and older kids. Discussion followed.

**Ms. Feldman made a motion to appoint Rosemary Sump of 17 Oxford Street as Co-chair of the Committee on Children, Youth & Families. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

**Parks Committee**

Chair Alice Kinter stated that the Parks Committee had met in April regarding the design and maintenance of Brookville Road Park. From that meeting, the Committee recommended *(excerpted from the Parks Committee’s report from its April 27, 2009 meeting):*

- 1. That the wire fence be repaired, including the wire on the gate.

- 1        2. That wood chips be put down in areas bare of grass as a temporary measure.
- 2        3. That the legal possibility of placing posts or barriers in the right of way adjacent to the
- 3                fence be investigated to prevent vehicles from stopping or parking. Although there is a
- 4                No Parking sign, it is ignored.

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6 Mr. Yeo stated that historically Village Parks have been classified for passive use, not active use,

7 and that, in his opinion, the recommendations outlined by the Parks Committee would classify

8 Brookville Road Park as an active use park for dogs. He further stated his opposition to laying

9 down wood chips in the park and his opposition to the conversion of a Village park for active use

10 for dogs prior to the conversion of a Village park for active use by children as a playground.

11 Discussion followed.

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13 **With the exception of Mr. Yeo, the Board members present unanimously directed staff to**

14 **lay wood chips in the Brookville Road Park.** The design and maintenance of the park will be

15 discussed by the Board at its June 8, 2009 regular meeting.

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17 **Decisions on Previous Appeals**

18 **A-5517: Mr. and Mrs. John J. Campanella, 22 Hesketh Street—Decision to deny a request**

19 **to construct a one story rear addition to accommodate a kitchen/breakfast room and a one**

20 **story addition to accommodate a mud room. The proposed additions combined with the**

21 **existing house and detached garage would exceed the 35% total lot coverage by 3.8**

22 **percentage points.** At Ms. Eig’s request, Dr. Kamerow called for a motion to reconsider the

23 draft decision, which was circulated to the Board prior to the meeting.

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**Mr. Winstead made a motion to reconsider the Board’s motion at the April 6, 2009 meeting to direct Counsel to draft a decision to deny the applicants’ request for a variance. Ms. Eig seconded the motion.** Ms. Eig explained that she felt that the hardship of residing within a historic district warranted approval of the applicants’ request. Mr. Jones stated that he felt the Board’s original decision should be upheld. Ms. Feldman and Mr. Yeo concurred with Mr. Jones. Discussion followed.

**Mr. Winstead, Mr. Jones, Ms. Feldman and Mr. Yeo voted to approve the written decision as drafted by Counsel that denies the request from Mr. and Mrs. John J. Campanella of 22 Hesketh Street to construct a one story addition to accommodate a kitchen/breakfast room and a one story addition to accommodate a mud room. The proposed additions combined with the existing house and detached garage would exceed the 35% total lot coverage by 3.8 percentage points. Ms. Eig voted against the approval of the written decision. Dr. Kamerow was absent from the initial hearing held on April 6, 2009 and did not vote. The written decision was approved.**

**Appeals**

**A-1716: Mr. and Mrs. Marc D. Weller, 104 East Melrose Street—Removal of: (a) one 19.0-inch diameter Red Maple tree located in the east side yard of the property, (b) one 14.0-inch diameter White Pine tree located in the rear yard of the property, and (c) one 16.4-inch diameter White Pine tree located in the rear yard of the property.** Mr. Weller and his architect, Ronald Schneck of Square 134 Architects, presented the request.

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Several members of the Tree Committee submitted written comments in regard to the removal. Jan Acton of 107 East Lenox Street and of the Village Tree Committee stated his objection to the proposed removals. Discussion followed.

**Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to remove: (a) one 19.0-inch diameter Red Maple tree located in the east side yard of the property and (b) one 14.0-inch diameter White Pine tree located in the rear yard of the property; and to deny the request to remove (c) one 16.4-inch diameter White Pine tree located in the rear yard of the property; provided the applicants reforest with at least two (2) deciduous hardwood trees, which must be at least two and one-half inches (2 ½”) in caliper at the time of installation and must be of a species that achieves a mature height of at least forty-five feet (45’), and conditioned upon approval of the proposed building work on the property and preservation of the 29.0-inch diameter White Pine tree located along the shared property line with 108 East Melrose Street during the installation of the proposed driveway. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. Mr. Winstead voted against the motion. Ms. Eig abstained. The motion passed.**

**A-5542: Mr. and Mrs. S. Michael Goldin, 6108 Western Avenue—Install a new two-foot (2’) high iron or aluminum picket cap on top of a new four-foot (4’) high brick wall and a number of six-foot (6’) high pillars that extend no higher than the top of the picket cap between the southeast corner of the house and the front (Nevada Avenue) property line,**

1 **including a gate, and along the front (Nevada Avenue) property line three-feet (3') from the**  
2 **sidewalk, as well as with a six-foot (6') high wooden fence along the north property line**  
3 **between the northwest end of the brick wall and the front building restriction line. The**  
4 **proposed maximum height of all proposed sections would be six-feet (6').** Mr. and Mrs.  
5 Goldin presented the request. Discussion followed.

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7 **Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to**  
8 **install a new two-foot (2') high iron or aluminum picket cap on top of a new four-foot (4')**  
9 **high brick wall and a number of six-foot (6') high pillars that extend no higher than the top**  
10 **of the picket cap between the southeast corner of the house and the front (Nevada Avenue)**  
11 **property line, including a gate, and along the front (Nevada Avenue) property line three-**  
12 **feet (3') from the sidewalk, as well as with a six-foot (6') high wooden fence along the north**  
13 **property line between the northwest end of the brick wall and the front building restriction**  
14 **line. The proposed maximum height of all proposed sections would be six-feet (6').** Ms.  
15 **Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman and**  
16 **Mr. Yeo voted in favor of the motion. Ms. Eig voted against the motion. The motion**  
17 **passed.** The applicants asked for their decision to be expedited.

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19 **A-5443: Mr. Alan H. Fleischmann and Ms. Dafna Tapiero, 134 Grafton Street—Install an**  
20 **arbor measuring ninety inches (90") in height located in the side yard of the property,**  
21 **between the house and the west property line.** The applicants' design consultant, Steve  
22 Goggin of Walpole Woodworkers, presented the request. Discussion followed.

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1 **Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to**  
2 **install an arbor measuring ninety inches (90") in height located in the side yard of the**  
3 **property, between the house and the west property line. Ms. Eig seconded the motion. Dr.**  
4 **Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of**  
5 **the motion. The motion passed.** Mr. Goggin asked for the decision to be expedited.

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7 **A-5545: McCullough Residential, LLC, 117 Oxford Street—Appeal from the denial of a**  
8 **Building Permit by the Village Manager to construct a main residence. The applicant**  
9 **asserts that the Village Manager was in error when he denied a permit for a new residence**  
10 **that would be 36.16 feet in height at the roof ridge and 29.23 feet at the mid-point of roof**  
11 **between the eaves and ridge.** Tom McCullough, Principal of McCullough Residential, LLC,  
12 outlined the basis for his appeal. Discussion followed.

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14 **The Board voted unanimously to uphold the Village Manager’s denial of a Building Permit**  
15 **to construct a main residence that would be 36.16 feet in height at the roof ridge and 29.23**  
16 **feet at the mid-point of roof between the eaves and ridge.**

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18 **A-5544: McCullough Residential, LLC, 117 Oxford Street—Construct a main residence at**  
19 **a proposed height of 29.23 feet at the mid-point of the roof between the eaves and ridge and**  
20 **a proposed height of 36.16 feet at the roof ridge.** Tom McCullough, Principal of McCullough  
21 Residential, LLC, presented his request.

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23 David Jones of 15 Primrose Street stated his opposition to the applicant’s request.

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Burt Schorr of 113 Oxford Street stated that on behalf of himself and Ellen Yahuda of 109 Oxford Street, he opposed the applicant’s request. Discussion followed.

**Mr. Yeo made a motion to direct Counsel to draft a decision denying the request to construct a main residence at a proposed height of 29.23 feet at the mid-point of the roof between the eaves and ridge and a proposed height of 36.16 feet at the roof ridge. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.** Mr. Schorr suggested the Board consider re-wording the Code’s regulations for building height. Discussion followed. The Board directed Counsel to provide for its review alternative wording for the Building Code’s building height regulations.

**Old Business**

None.

**New Business**

**Village Calculation for Lot Coverage**

A letter from Mr. and Mrs. John J. Campanella of 22 Hesketh Street was circulated to the Board prior to the meeting. In their letter, Mr. and Mrs. Campanella encouraged the Board to reconsider the current Building Code’s inclusion of eaves and gutters in the lot coverage calculation. The Board will take the letter under advisement at this time and hold a further discussion of the matter at a future meeting.

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**Consent Schedule**

Dr. Kamerow outlined the following items on the consent agenda:

- Police Services Agreements with the Section 3 of the Village of Chevy Chase, the Town of Chevy Chase View and the Village of Martin’s Additions;
- Authorization for the Village Manager to enter into a contract with *Rummel, Klepper & Kahl* for the 100% drawing set of the Brookville Road walkway and for additional work associated with 16 Newlands Street and a supplemental appropriation of \$188,550 from *SafeSpeed* Program reserves for said work.
- Authorization for the Village Manager to purchase a radio for the new police cruiser from *Motorola* through a Montgomery County contract, in the amount of \$3,815 from *SafeSpeed* Program funds.
- Authorization for the Village Manager to enter into a contract with *Fleet Fitters, Inc.* to purchase and install the necessary components and to decal the new police cruiser in the amount of \$7,300 from *SafeSpeed* Program funds.
- Approval of a supplemental appropriation from general reserves in the amount of \$166,000 to the Legal Counsel—General FY2009 budget, and a supplemental appropriation from general reserves in the amount of \$84,000 to the Legal Counsel—Task Specific FY 2009 budget.

Discussion followed.

1 **Mr. Winstead made a motion to approve all items on the consent agenda. Ms. Feldman**  
2 **seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and**  
3 **Mr. Yeo voted in favor of the motion. The motion passed.**

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#### 5 **Surveying of Unimproved Public Rights-of-Way**

6 Mr. Biddle explained that he sought Board authorization to enter into a contract with *A. Morton*  
7 *Thomas, Inc.* (AMT) in the amount of \$4,900 to provide survey services of the unimproved  
8 public rights-of-way at the ends of East Kirke Street, West Melrose Street and in the 100 block  
9 of Hesketh Street. Ms. Eig requested for the proposal to be expanded to include the Brookville  
10 Road Park and the west side of the Newlands Street kite, located west of the Chevy Chase Club  
11 fence between Connecticut Avenue and West Newlands Street/Chevy Chase Club parking lot.  
12 Mr. Biddle responded that because the current proposal from AMT did not include these areas,  
13 he would need to submit a new proposal to the Board at its June meeting for these areas.  
14 Discussion followed. The Board directed Mr. Biddle to present a proposal, if necessary, for the  
15 two above-referenced areas for approval at the Board's June 8, 2009 regular meeting.

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17 **The Board unanimously authorized the Village Manager to enter into a contract with A.**  
18 ***Morton Thomas, Inc.* in the amount of \$4,900 from general budget funds to provide survey**  
19 **services of the unimproved public rights-of-way at the ends of East Kirke Street, West**  
20 **Melrose Street and in the 100 block of Hesketh Street.**

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

23 None.

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**Manager’s Report**

***SafeSpeed Program***

Mr. Biddle explained the impact that pending State legislation will have on the Village’s *SafeSpeed* Program. Discussion followed.

**Police Report**

The monthly Police Report was distributed to the Board prior to the meeting. Discussion followed.

**Mr. Winstead made a motion to adjourn the open meeting and to convene in closed session pursuant to State Government Article Section 10-508 (a)(1)(i) to discuss the compensation for and evaluation of the Village Manager who is an employee or an official over whom it has jurisdiction. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 9:56 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Draft reviewed by: GBB, DRP; 5/15/2009.*