



**A User's Guide to Our  
Municipal Permitting Process  
for  
Village Residents and Contractors**

**2022**

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# Introduction to Permitting in Chevy Chase Village

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This is your guide to permitting in Chevy Chase Village. It is designed to help answer your questions about the permitting process. Village staff will gladly advise you throughout your permitting process. Please do not hesitate to call the Village office or make an appointment with Village staff (Tel. 301-654-7300, E-mail: [ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)) to discuss any questions you may have. Village staff looks forward to working with you.

## Why Does the Village Require Permits?

A unique quality of Chevy Chase Village is the scale of our homes proportionate to the lots on which they are constructed, and the relationship between our homes and our beautiful tree-lined streets. To preserve these special qualities, the Village over the years has adopted building setbacks, lot coverage restrictions, landscaping controls, and other limits. These restrictions are enacted by our Board of Managers, who are comprised of and elected by fellow Village residents. Whether you are modifying an existing fence or driveway, or building an entire house, you are responsible for getting the necessary permits before starting work. Trees in our Village also receive special protection.

## Who Regulates Construction and Landscaping in the Village?

Three levels of control govern construction and landscaping within the Village:

### *(1) Covenants and/or Easements on Individual Properties*

For most properties in the Village, restrictions exist from covenants and/or easements. These are the oldest controls in the Village. Many covenants were placed on lots when the Village was originally subdivided. Covenants are recorded in Montgomery County's Land Records Department. Residents should review deeds and title insurance policies for covenants and easements specific to their property and obtain a copy of all such covenants and easements before proceeding with any construction projects. The Village office does not maintain official copies of land records, covenants, or easements.

### *(2) Montgomery County Ordinances*

All construction in Montgomery County requires county permits; tree removal may also require a county permit. The Department of Permitting Services of Montgomery County (DPS; see Resources below) is the primary permitting agency for the county. For properties in the Village that lie within the boundaries of the historic district, the county requires a Historic Area Work Permit (HAWP) as well. To determine if your property has historic designation, contact the Historic Preservation Commission (HPC; see Resources below).

### (3) *Chevy Chase Village (“the Village”) Ordinances*

The Village has an independent municipal code regulating construction. Our code is enacted by our Board of Managers, who are comprised of and elected by fellow Village residents. Village regulations apply to all Village properties. Regulations apply to (but are not limited to):

- ✓ New construction
- ✓ Exterior home improvements
- ✓ Replacement and maintenance of existing driveways, sidewalks, patios and other features at grade
- ✓ Fences and walls
- ✓ Arbors
- ✓ Swimming pools and tennis courts
- ✓ Play equipment
- ✓ Air conditioners, heat pumps, geothermal systems and generators
- ✓ Dumpsters and portable storage units
- ✓ Construction in the Village right-of-way (such as irrigation systems, fences and trees)
- ✓ Noise control
- ✓ Signs
- ✓ Storm water and drainage
- ✓ Tree removal and protection

*Please note:* having a permit from Montgomery County does not guarantee a permit from the Village. A proposed project must comply with all of the Village’s municipal regulations, and Village regulations may be more restrictive than county regulations.

### **Regulations Appear to Differ: Which Should I Follow?**

Restrictions by one governing body can be more limiting than those set by another governing body. For example, a covenant may impose a 15’ building setback line for a property while the Village’s municipal code has a 25’ setback for that same property. *Always assume that the most restrictive regulation applies to your project.* You must clarify the restrictions from all levels of governance before proceeding with any project. Please call or make an appointment to meet with Village staff if you have any questions about such restrictions.

### **Who Should I Contact First for a Permit?**

If you are planning a construction or landscaping project, the first step is to call or make an appointment to meet with Village staff. Some projects that require a Village permit do not require a county permit. If you do need a county permit, Montgomery County’s Department of Permitting Services (DPS) will not issue their permit until it has received a letter from the Village Manager stating that the Village is aware a project is proposed. Village staff will gladly provide residents with a **Municipality Letter** for DPS so that the county can begin their review process. To request a Municipality Letter, fill out a Village **Pre-Design Review Meeting (PDRM) application**, as described in greater detail below.

# Resources

- *For municipal permits from the Village:*  
**Chevy Chase Village Office**  
Primary contact: Permitting & Code Enforcement Coordinator  
5906 Connecticut Ave., Chevy Chase, MD 20815  
Tele. 301-654-7300  
Website: [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)  
E-mail: [ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)
- *For Montgomery County Building Permits:*  
**Department of Permitting Services (DPS) of Montgomery County**  
2425 Reedie Dr., 7<sup>th</sup> Floor Wheaton, MD 20902  
Tele. 311  
Website: <http://permittingervices.montgomerycountymd.gov>
- *For Historic Area Work Permits (HAWPs):*  
**Historic Preservation Commission (HPC) of Montgomery County**  
Tele: 301-563-3400  
**Office Location:** 2425 Reedie Dr. 14th Floor, Wheaton, MD 20902  
HPC general website: [www.montgomeryplanning.org/historic](http://www.montgomeryplanning.org/historic)  
To search for a historic property by address, go to:  
[www.montgomeryplanning.org/gis/interactive/historic.shtm](http://www.montgomeryplanning.org/gis/interactive/historic.shtm).  
Useful link: HPC's [Step-by-Step Guide to Applying for a HAWP](#) (available on HPC website)
- *For copies of covenants on individual properties:*  
**Land Records Department of the Montgomery County Circuit Court**  
Land Records Public Information Room  
Judicial Center Bldg., 2<sup>nd</sup> floor  
50 Maryland Ave., Rockville, MD 20850  
Tele. 240-777-9477  
Website: [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)
- *For properties that border the District of Columbia:*  
**Department of Consumer & Regulatory Affairs (DCRA)**  
941 North Capitol Street, NE, Washington, DC 20002  
Tele. 202-442-4400  
Website: <http://dcra.dc.gov>
- *For properties that border Connecticut Avenue, Wisconsin Avenue and Brookeville Road:*  
**Maryland State Highway Administration (SHA) – District 3 Office (D3)**  
9300 Kenilworth Ave., Greenbelt, MD 20770  
Tele. 301-513-7300 or 800-749-0737  
Website: <http://www.sha.maryland.gov>

# Steps in the Chevy Chase Village Permitting Process

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Throughout the process of planning and implementing a construction project in Chevy Chase Village (the “Village”), the Village staff works in cooperation with Montgomery County to ensure that projects are safe to people and the environment, considerate of neighbors, and in adherence to the regulations agreed upon by our community. The following is a sequential overview of the Village’s permitting and inspection process. (Please also see the Flow Chart for Acquiring a Building Permit in Chevy Chase Village on page 9 of this User’s Guide.)

## 1. Preliminary Consultation with Village Staff

If you intend to do any construction to the interior or exterior of your home, or any other structures or impervious surfaces on your lot, the first step in the Village permitting process is to file a **Pre-Design Review Meeting (PDRM) application** with Village staff. The Village does not require a Village building permit if you are doing work only to the interior of your home, but even then other Village permits may still be necessary. This is why a PDRM is key to the entire permitting process; it allows for early and clear communication about the regulations unique to Chevy Chase Village and informs you about all the permits you will need and the site conditions your project must follow. Copies of the PDRM application form are available in the Village office, and on the Village website:

<https://www.chevychasevillagemd.gov/FormCenter/Building-Permits-9/PreDesign-Review-Meeting-PDRM-Applicatio-61>

Once the PDRM application is filed, Village staff will schedule a **Pre-Design Review Meeting** with you and your architect and/or builder. There is no fee for filing a PDRM application or for the meeting with Village staff. At your PDRM, Village staff will review the following with you:

- ✓ Village zoning regulations, some of which are unique to the Village;
- ✓ Building setback lines, height limits and lot coverage restrictions;
- ✓ Worksheets to guide your architect and/or contractor through the necessary zoning calculations;
- ✓ A list of the Village permits that will be required for your specific project (some projects that require a Village permit do not require a county permit, and vice versa);
- ✓ The process within the Village office for reviewing permit applications, issuing Village permits, inspecting projects, and closing out permits;
- ✓ A copy of the internal checklists that Village staff will be using to review your application(s) and inspect your project;
- ✓ Determining whether your property is within the historic district;
- ✓ Determining whether your project will need a Tree Preservation Plan from the Village Arborist;
- ✓ Filing fees for Village permits and other services; and
- ✓ Damage deposit (or performance bond) for your project to protect the public right-of-way.

You need not have final design plans ready at the Pre-Design Review Meeting. The more specific your plans at the PDRM, however, the more specifically the Village staff can advise you about the regulations, restrictions, permits and fees for your project.

## 2. Courtesy Permits

Some projects require a Village permit but no county permit, some projects require a county permit but no Village permit, some projects require both Village and county permits, and some projects require no permits at all. After reviewing your PDRM application, Village staff may determine that your proposed project needs no permit from the Village -- but that will not be obvious to other members of the community once your contractor begins work.

To avoid misunderstandings, **Courtesy Permits** alert fellow residents and code enforcement staff that your project has been reviewed by Village staff and needs no permit from the Village. At your request, the Village Manager will gladly issue a Courtesy Permit. If the Village staff determines based on your PDRM application that no Village or county permits are required, the Village Manager will issue a Village Courtesy Permit right away, if the resident requests it. If the Village staff determines based on your PDRM application that no Village permits are required but that a county permit is required, then after the county permits are issued, the Village Manager will issue a Village Courtesy Permit if the resident requests it.

Courtesy Permits are posted on the work site to be visible from the street just like other Village permits. There is no fee for a Courtesy Permit.

## 3. Obtaining a Municipality Letter from the Village for DPS

Montgomery County will not begin their county-level review of a proposed project on a property located within an incorporated area until they receive an official letter from the municipality stating that the municipality involved is aware that a resident plans construction. When you file the Pre-Design Review Meeting (PDRM) application with the Village office, Village staff will prepare a **Municipality Letter** for your project and send it to DPS. Filing the PDRM application with the Village *before* you seek any Montgomery County permits will speed the permit review process for you at both the county and municipal levels.

## 4. Acquiring Permit(s) from Montgomery County

Once Village staff has sent a Municipality Letter to DPS for your proposed project, you and your architect or general contractor may proceed to seek all necessary Montgomery County permits. Depending on the location of your property and the nature of your project, you may need permits from both Montgomery County's Department of Permitting Services (DPS), and the county's Historic Preservation Commission (HPC). The Village staff will not issue any Village permit until all applicable county permits have been issued.

## 5. Acquiring Permit(s) from Chevy Chase Village

After Montgomery County has issued its permits (DPS, and HPC in some cases), the resident and/or contractor may file **Building Permit Application** with the Village office. If your construction is interior only, a Village Building Permit may not be required for that work (see “Courtesy Permits” section above), but the Village *may still require permits* for:

- ✓ Dumpster (file a **Dumpster Permit Application**)
- ✓ Portable storage unit (file a **Portable Storage Unit Permit Application**)
- ✓ Fences and walls (file a **Building Permit Application for Fences and Walls**)
- ✓ Driveways, whether new or existing (file a **Building Permit Application for Driveways and Features at Grade**)
- ✓ Sidewalks, walkways, patios and other features at grade (file a **Building Permit Application for Driveways and Features at Grade**)
- ✓ Air conditioning units, heat pumps, geothermal systems and generators (file a **Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells**)
- ✓ Tree removal related to construction or landscaping (file a **Tree Removal Permit Application**)
- ✓ Stormwater management

Your Pre-Design Review Meeting (PDRM) should have already alerted you about the Village permits necessary for your project, and whether your project will warrant having a Tree Protection Plan prepared by the Village Arborist. Copies of all permit applications forms are available in the Village office and on the Village website ([www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)).

Village staff will not begin to review your application until your application is complete. Incomplete packages frequently delay the permitting process. This User’s Guide and the Pre-Design Review Meeting (PDRM) are intended to provide you with clear submittal requirements for all permit applications. Once you file your permit application with the Village office, Village staff will check your application for completeness. Please use the checklists and worksheets provided in this User’s Guide to ensure that your permit application is complete and accurate. Village staff should begin working on your completed application immediately.

## 6. Trees: Protecting Our Urban Forest During Construction

Please see the separate chapter in this User’s Guide (page 19) for a complete discussion of the history, purpose, and requirements of the Village’s Urban Forest Code.

The Village Code requires protections for all trees during construction. Activities that pose a risk to trees include but are not limited to: demolition, new construction, renovation, materials staging and storage, utility work, constructing or repairing a driveway, sidewalk or patio, and any re-grading or excavation within the drip line of a tree. The Village Code (Chapter 17, “Urban Forest”) requires that before undertaking any activity that poses a potential risk to a tree above a size threshold, whether on public or private property, a property owner must request that the Village’s Arborist prepare a Tree Protection Plan (TPP). The Village has unique tree protection requirements, and it is the residents’

obligation to inform all contractors and workers about these required protections. Violating the Village's tree protection ordinance carries a \$1,000 fine per tree per day.

Determining the protections that will be required for trees affected by a proposed construction project is a two-step process. When Village staff first receives your Building Permit application, they will request that the Village Arborist assess your property and your proposed project to determine if it warrants a TPP. If it does, then the Village Arborist will prepare a formal TPP for the project. There is a \$250 processing fee to property owners to cover the cost of the Village Arborist's time to prepare and then monitor the TPP. That fee is typically collected by the Village at the same time as fees for the associated building permit application.

In a TPP, the Village Arborist may prescribe protections such as root pruning, barrier fencing and plywood walkways -- all of which must be implemented before any work begins on your project. If the Village Arborist finds that a required TPP is not being adhered to at any point during your construction, your building permit will be subject to a Stop Work Order until the protections are in place. Once your project is completed, the Village Arborist must sign off as part of the final inspection and close-out process before the TPP measures may be removed.

## 7. Village Permit Issuance, Conditions and Expirations

When your building permit is ready to be issued, Village staff will schedule a **Site Management Meeting** with you and your contractor to review the site conditions applicable for your project. You and your contractor(s) are encouraged to use the Village **Site Plan Checklist** provided in the Appendices of this User's Guide to review in advance the items that Village staff will cover at your site management meeting.

The following conditions typically apply to Village permits:

- ✓ Permits are issued in the name of the property owner. The property owner may authorize, in writing, an agent to represent the property owner in connection with the application and any permit issued by the Village Manager.
- ✓ Permits must be displayed on your property so that they can be seen clearly from the street.
- ✓ Once a permit is issued, it is unlawful for anyone to modify or alter any plans or specifications without prior written approval of the Village Manager.
- ✓ Work must start within six (6) months of the date the permit is issued and must be completed no later than twelve (12) months from the date the permit is issued, or else the permit shall be void (unless an extension is granted in writing by the Village Manager).
- ✓ If a permit expires, you must seek a new permit. If you anticipate needing a permit extension, you must contact the Village staff *before* the permit expires.

## 8. May I Change My Plans After My Village Building Permit is Issued?

Once a building permit is issued, Village Code expressly prohibits any changes to any plans without written approval of the Village Manager. To modify your approved plans, follow the same basic process that you would for a new building permit: First, call Village staff to advise them of the intended change. Village staff will then prepare a **Municipality Letter** for Montgomery County's Department of Permitting Services (DPS) so that the county can proceed with its review of your

proposed change. Then contact DPS (and HPC, if necessary) to request a change to the county building permit(s). Once your county permit is amended, call or make an appointment with Village staff to proceed with filing a new **Building Permit application** to amend your current Village building permit.

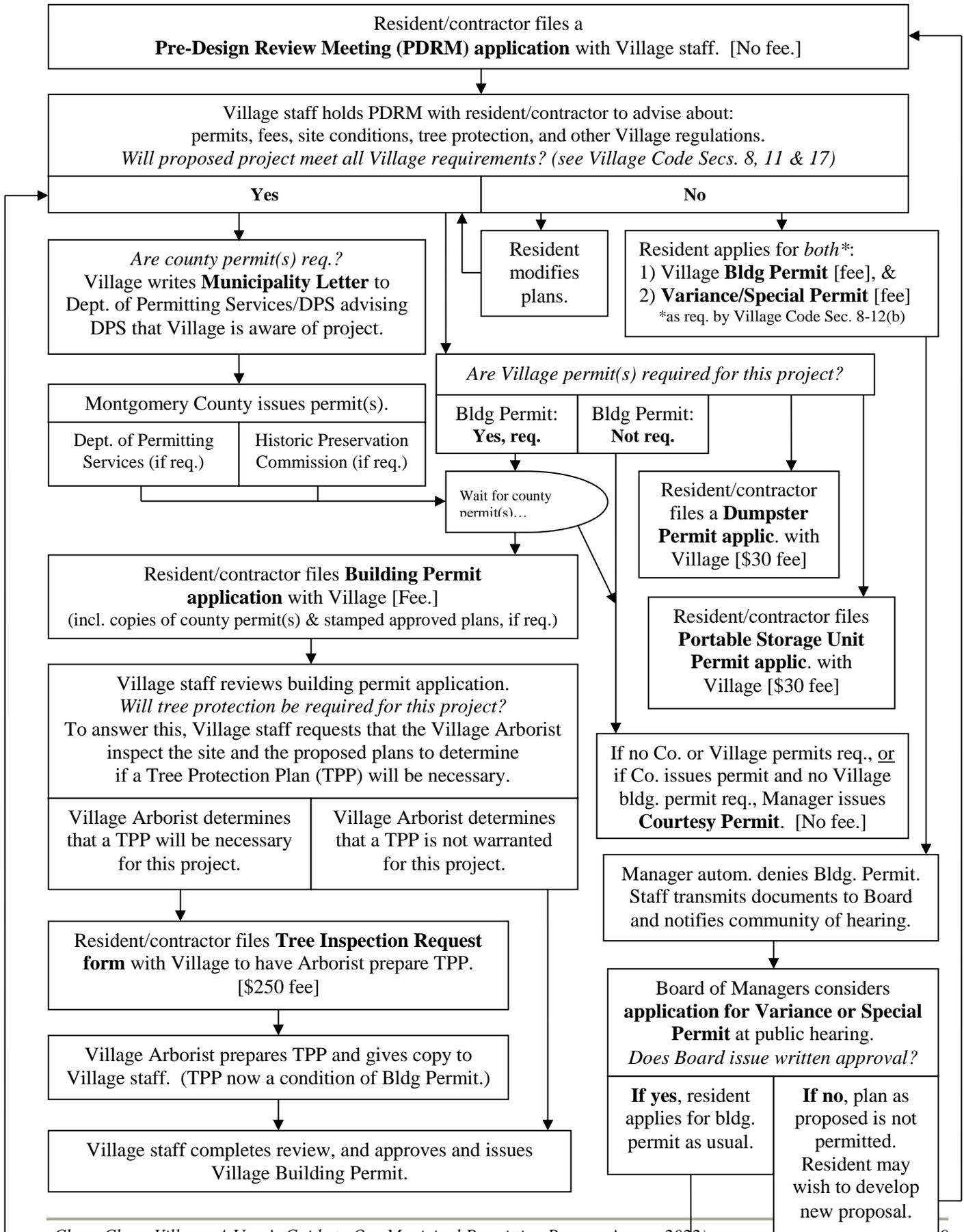
## 9. Periodic Site Inspections

During the course of your project, Village staff will periodically inspect your work site to ensure that all work is being done according to approved plans and permits and that all site management requirements and tree protection measures are being consistently adhered to. The Village Manager may issue a Stop Work Order on any project at any time if the code enforcement officer or a police officer encounters a violation. Village staff would much prefer, however, that your work site be in compliance at all times. Included in the Appendices of this User's Guide is a copy of the Village **Site Inspection Report** form that Village staff will be using to periodically inspect your work site.

## 10. Final Inspection and Close-Out

When your project is completed, contact Village staff to schedule a final inspection and close-out review. This inspection ensures that the Village right-of-way is in its original condition, which allows Village staff to release the damage deposit or performance bond for your project. Also as part of this inspection, the Village Arborist will confirm that all protected trees are in their original condition and that the Tree Protection Plan's components may be removed. Included in the Appendices of this User's Guide is a copy of the Village **Checklist: Final Inspection and Close-Out** that Village staff will be using to review your completed project.

## Flow Chart for Acquiring a Building Permit in Chevy Chase Village



# Other Frequently Asked Questions (FAQs)

## About Permitting in the Village

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### **Village Code Prohibits My Preferred Project: What Are My Options?**

Sometimes Residents wish to proceed with a project that is prohibited by the Village Code. For example, a resident might wish to build an addition that would extend beyond the building setback line. Or a resident might wish to build an addition that would require removing a tree on their property, but because the Village Arborist found the tree to be healthy, the Code requires the Village Manager to deny the Tree Removal Permit application.

The Village's Board of Managers occasionally grants exceptions to zoning restrictions and other Village Code requirements. To request such exceptions, however, residents must first apply for their requested project through the normal permit application process. *Only after a permit application has been formally filed and then denied by the Village Manager* may residents proceed with an appeal to the Board of Managers about a decision by the Village Manager or submit an application for a Special Permit or Variance with the Board of Managers. Application forms for appeals, Special Permits and variances are available on the Village website. Filing requirements for these applications are listed on the forms.

### **Will I Be Notified If My Neighbor Applies for a Village Permit?**

For permit applications that comply with all Village regulations, Chevy Chase Village does not provide public notification about pending applications. Issued Village permits must be posted on site so that they are visible to neighbors and code enforcement officers from the street. If a project does not require a Village permit, then at the property owner's request the Village Manager will issue a Courtesy Permit to post on the site to alert other residents and code enforcement officers that no permit is required.

If a resident seeks a variance or Special Permit, or appeals a decision by the Village Manager, then prior to the Board of Manager's public hearing to consider the issue, Village staff will send a letter to adjoining property owners advising them of the pending consideration by the Board. Upcoming hearings will also be listed in the Village's monthly newsletter ([The Crier](#)) and posted to the website.

### **I Dislike My Neighbor's Proposed Project: What Are My Options?**

If a resident seeks a variance or Special Permit, or appeals a decision by the Village Manager, then prior to the Board of Manager's public hearing to consider the issue, Village staff will send a letter to adjoining property owners advising them of the pending consideration by the Board. Upcoming hearings will also be listed in the Village's monthly newsletter ([The Crier](#)) and on the Village website ([www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)).

Village residents may submit written and/or verbal testimony to the Board of Managers about applications for variances or Special Permits, or for appeals of a decision by the Village Manager. The Board weighs these opinions carefully, but the opinions offered by Village residents are not binding on the Board. (The only exception to this is found in Village Code Section 8-21(d) which provides that fences or walls may exceed 6½ feet at their highest point *only if* a Special Permit is obtained from the Board *and* the owners of the adjoining property provide their written consent.)

## **My Property Is In the Historic District: Do I Need a Different Permit?**

Montgomery County places different restrictions on properties (including trees) if they are within the historic district. The Village does not make such a distinction in its own permitting process. Nevertheless, the Village will not issue a building permit until all necessary permits from the county have already been issued. Therefore, if a project requires a Historic Area Work Permit (HAWP) from the county, the Village will not issue a building permit until the HAWP is issued.

## **What Is the Difference Between Renovation and New Construction?**

Clearly, if a lot was vacant and a new structure is being erected, that is new construction. However, partial demolition or modification to an existing structure can sometimes cross the line into new construction, and Chevy Chase Village and Montgomery County have slightly different definitions of what constitutes new construction.

Under Village Code, a construction project is categorized as new construction if (1) more than 50% of an existing structure is demolished, or (2) an entirely new structure is built. Montgomery County also considers a construction project to be new construction if it increases the size of an existing structure by more than 50% (regardless of the portion of the existing structure that may have been demolished), but Village Code does not make that distinction.

In general, you would follow the same process in the Village to acquire a building permit for new construction as you would for a renovation. Village Code does, however, place certain additional limitations on new construction as compared to renovations. Limitations relate to gross floor area, the floor area ratio, and wall plate height and wall plane length. These terms are found in the ordinances of other jurisdictions, but please note that they may be defined differently in the Village's ordinances. Therefore, residents and their contractors should carefully consult the Village Code to ensure their calculations are correct. For further guidance, please refer to the Village's **Worksheet: Construction Calculations** found on the Village website ([www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)).

## **Where Does My Property End and the Public Right-Of-Way Begin?**

*[adapted from Crier article Nov. 2008/ Vol. 96, No. 10]*

The public right-of-way (ROW) is the area where the public streets, green strips and sidewalks are located. We all know intuitively that every house has private property between the house and the street, but where does the ROW begin? A common misconception is that the dividing line between public and private property is the sidewalk (if there is one). In fact, there is no predictable relationship

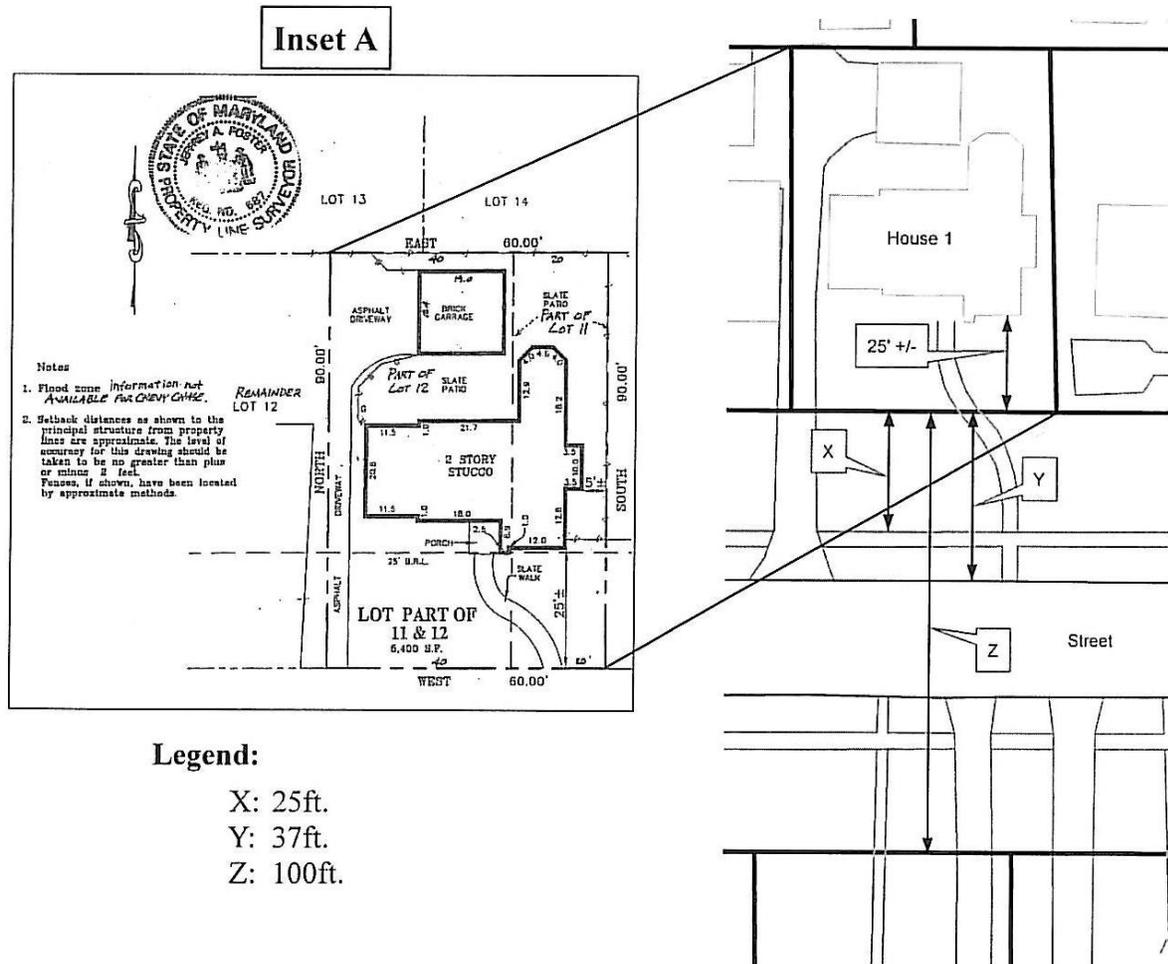
with the sidewalk, and when the sidewalk and the private property boundary are aligned, it is by chance rather than protocol.

Specific measurements for each individual property are contained in the deed you received when you purchased your home. Sometimes the deed describes the property as “lot x” or “lot x and part of lot y”; other times, the deed will describe the property’s perimeter using terms such as “proceeding in a southerly direction 125 feet and thence from that point in a westerly direction [etc.]” Property measurements are also shown on a “plat diagram” (sometimes also called a “house location diagram”). The plat diagram is part of your home purchasing documentation and was likely delivered to you along with your settlement papers. The plat diagram, which is created by a professional land surveyor, depicts your land and house from a bird’s-eye view. Understanding the dimensions on the plat diagram is the right place to start in knowing what property is yours and what is not. For building and home improvement projects, this plat diagram is essential.

The sample graphic below illustrates locations for a house, property lines, sidewalks, curbs and street. **Inset A** on the graphic below is a sample plat diagram, and it fits into the larger diagram that captures the entire breadth of the public right-of-way and the front yard of the house across the street. On the diagram on the right, note the number “25 +/-” next to the line that stretches from the house’s front wall to the property line. This line and dimension show that the front property line is approximately twenty-five feet (25’) from the house’s front wall. The “+/-” acknowledges that there is a margin of error. The range of error for a plat diagram can be up to two feet, which is why plat diagrams cannot be used for certain measurements that require a greater degree of accuracy.

On the right side of Graphic #1, **Line “X”** indicates the distance between the front property line and the sidewalk, **Line “Y”** indicates the distance between the front property line and the street curb, and **Line “Z”** indicates the distance from the front property line on one side of the street to the front property line for the house directly across the street. Line “Z” is the width of the public right-of-way. The Village right-of-way varies in width from street to street and sometimes even from block to block on the same street.

## Graphic #1



This sample property has a 25' front yard, but it illustrates just one possible outcome. A house just around the corner may have a 30' front yard. Other aspects may vary as well. Some Village streets are wide, with houses set well back from the paved roadway, while other Village streets are narrow, with the houses much closer to the roadway, and the roadway itself may not always be centered in the overall right-of-way. Given the range of possibilities, it is essential to use official plat diagrams and, in some cases, more precise engineered site plans to determine the public right-of-way boundary adjacent to your property.

### May I Build Anything on the Public Right-Of-Way?

Village regulations do allow some reasonable construction in the public right-of-way, such as landscaping, underground irrigation systems, fences, walls, and walkways. To proceed with such a project, contact Village staff: in addition to filing a standard Village Building Permit Application, you will need to execute a License to Use the Right-Of-Way, which in some cases will be recorded with your deed.

## **Building, Replacing and Maintaining Driveways**

*[adapted from Crier article Jan 2009/ Vol. 97, No. 1]*

Residents are often surprised to discover that Chevy Chase Village requires a permit to not only install a new driveway, but to replace an existing driveway as well. This includes driveway resurfacing.

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please see the Resources section on page 3 in this User's Guide for Historic Preservation Commission contact information.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to Graphic #2 below for a sample illustration of the components.

### ***(1) Driveways on Private Property***

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen (15) feet in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty (20) feet from the face of the garage. The Code applies this accommodation only for two-car garages.

### ***(2) Driveways on the Public Right-of-Way***

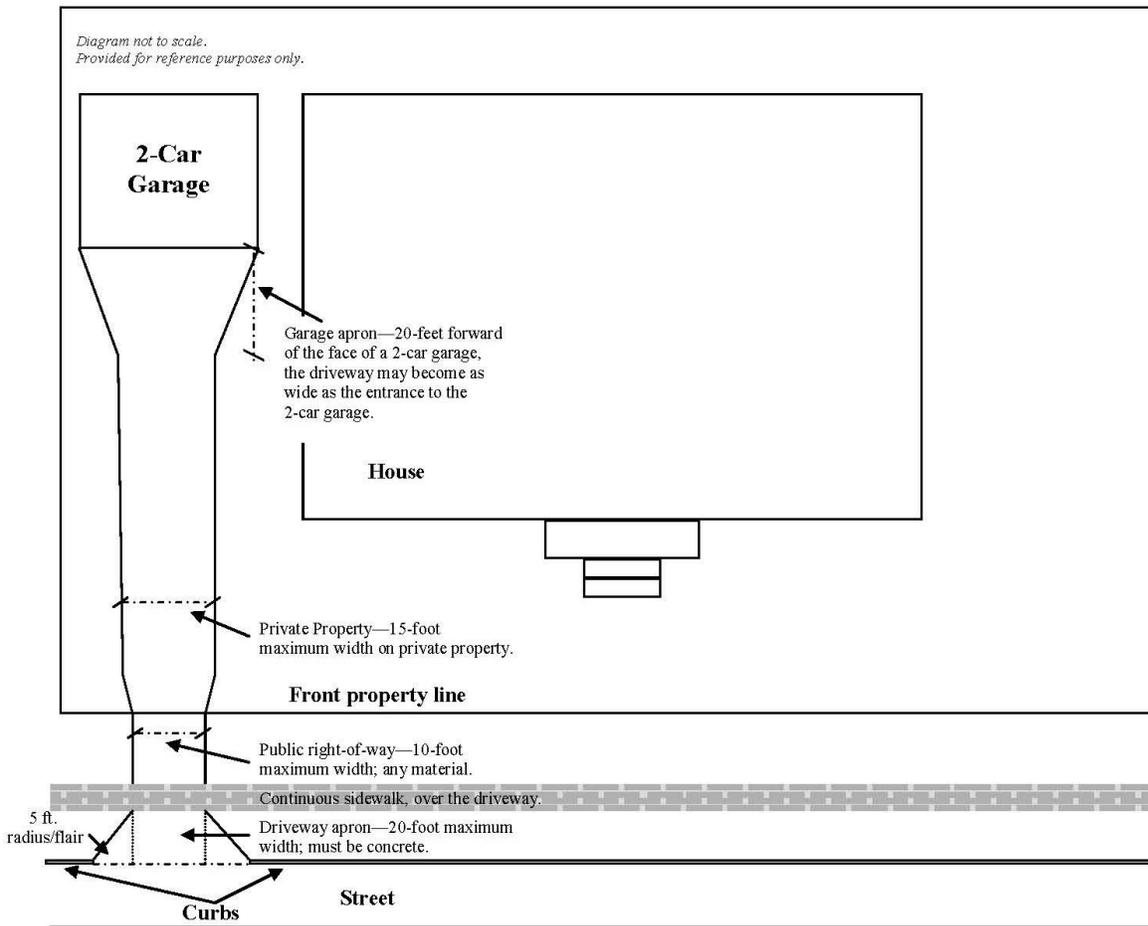
All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten (10) feet in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

### ***(3) Driveway Aprons***

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten (10) foot maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five (5) foot radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty (20) feet. While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed in accordance with current Montgomery County standards.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

## Graphic #2



Unlike other improvements in the public right-of-way, a **License to Use the Public Right-of-Way** is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.

For a complete understanding of the Village's driveway regulations, see Chapter 8 of the Village Code, which is available on the Village's website at <[www.chevy Chase Village MD.gov](http://www.chevy Chase Village MD.gov)>. If you have questions regarding the Village's permit requirements for driveways or any other work on your property, contact the Village staff at 301-654-7300 or <[ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)>.

## Building, Replacing and Maintaining Fences and Walls

[adapted from Crier article Feb 2009/ Vol. 97, No. 2]

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission if the property is within the

Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" to the highest point of the fence or wall (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6½ feet high, then a cap on that post would exceed the height limit.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one half (6½) feet in height.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

To obtain a Village building permit for a fence or wall, residents should follow the same process for obtaining a Village building permit for a fence or wall as they would for any other building project. That is:

- ✓ File a **Pre-Design Review Meeting (PDRM) application** with Village staff;
- ✓ Obtain a **Municipality Letter** from the Village office for DPS;
- ✓ Acquire all necessary Montgomery County permits, and once these are issued; and
- ✓ File a **Building Permit Application for Fences and Walls** with the Village office.

For a more thorough discussion of these steps, please refer to the section in this User's Guide entitled "Steps in the Chevy Chase Village Permitting Process" on page 4, and to the "Flow Chart for Acquiring a Building Permit in Chevy Chase Village" on page 9.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which will be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height. Fences and walls in the Village's rights-of-way must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the paved roadway. Fences or walls within fifteen (15) feet of an intersection may not exceed three (3) feet in height. The Village office will not issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

Some fences, such as stockade fences, have what some consider a "nice" side and an "ugly" side. There is no legal requirement that the "nice" side of a fence face your neighbors or the public street, although the Village encourages all residents to be considerate of their neighbors.

## **Building, Replacing and Maintaining Air Conditioners, Heat Pumps, Generators & Geothermal Wells**

[adapted from *Crier* article March 2009/ Vol. 97, No. 3]

The Village Code (Sec. 8-22) requires a Village building permit for installation or replacement of external air conditioning units, heat pumps, and generators. Village Code provides that these units may not be installed (without a special permit) in the front yard at all. New installations may not be within seven (7) feet of the side or rear lot line rear lot line; replacement units may not be closer than five (5) feet to the side and rear lot lines. Installation of geothermal wells also requires a Village permit.

To obtain a Village building permit for an air conditioner, heat pump, generator or geothermal well, residents (or their contractors) should follow the same basic application process as they would for any other building project in the Village. That is:

- ✓ File a **Pre-Design Review Meeting application** with the Village staff;
- ✓ Obtain a **Municipality Letter** from the Village for DPS;
- ✓ Acquire all necessary Montgomery County permits, and once these are issued;
- ✓ File a **Building Permit Application for Air Conditioners, Heaters, Generators and Geothermal Wells** with the Village office.

For a more thorough discussion of these steps, please refer to the section in this User's Guide entitled "Steps in the Chevy Chase Village Permitting Process" on page 4, and to the "Flow Chart for Acquiring a Building Permit in Chevy Chase Village" on page 9.

Older air conditioning units were commonly installed in locations that violate current building code regulations. These units are classified as "developmental nonconformities" because they do not conform to the current Village Code. When residents replace these units, the replacement units must comply with the current Village Code. For a resident to replace a nonconforming unit with another unit in the same nonconforming location, the resident must first obtain special permission from the Board of Managers.

### **Do I Need a Village Permit for a Landscaping Project?**

You may need a Village building permit for landscaping work on your property. The ambiguity here depends on what people typically consider to be "landscaping." Planting trees and shrubs on your property needs no permit. To install or replace walkways, patios, terraces, porches, fences or walls, however, a Village building permit is required. Please refer to the section in this User's Guide entitled "Steps in the Chevy Chase Village Permitting Process" on page 4, and to the "Flow Chart for Acquiring a Building Permit in Chevy Chase Village" on page 9.

## **Do I Need a Village Permit for a Dumpster?**

You will need a Village permit to locate a dumpster on your property; dumpsters are regulated by Village Code Section 8-7. Village regulations consider a dumpster to be any large bin used to store construction and/or demolition debris awaiting transportation to a dispersal site including, but not limited to, detachable wheeled trailers. To obtain a Village permit, complete a Village **Dumpster Permit Application**, which are available in the Village office and on the Village website at: <https://www.chevy Chase Villagemd.gov/FormCenter/Building-Permits-9/Dumpster-Permit-Application-51>. Village dumpster permits are issued for 90 days. Thereafter, renewals are good for 60 days and may be renewed at no charge. If the dumpster permit expires, you must apply for a new permit. Dumpster Permit applications require a \$30.00 filing fee.

Dumpsters may never be located on Village streets. Dumpsters must be located and changed out on the owner's property. Dumpsters may not be changed out on Village streets. The building site must be kept clear of all rubbish, including trash and construction-related debris. Dumpsters may not be used as collection points for other construction sites. Dumpsters may not be used for perishable waste because it attracts vermin.

## **Do I Need a Village Permit for a Portable Storage Unit?**

Portable storage units are regulated by Village Code Section 8-7. You will need a Village permit to locate a portable storage unit on your property. To obtain a Village permit, complete a Village **Portable Storage Unit Permit Application**, which are available in the Village office and on the Village website at <https://www.chevy Chase Villagemd.gov/FormCenter/Building-Permits-9/Portable-Storage-Unit-Permit-Application-76>. Portable Storage Units Permits are good for 30 days. Thereafter, renewals are good for 30 days and may be renewed at no charge. Portable storage units must be located on the owner's private property, subject to such terms or restrictions as the Village Manager deems necessary. Portable Storage Unit Permit applications require a \$30.00 filing fee.

## **Are Portable Sanitation Facilities Regulated in Chevy Chase Village?**

Portable sanitation facilities are a necessary component of many construction projects. Regulation of portable sanitation facilities is done through the building permit application process. Approval for portable sanitation facility is covered by the related building permit; no separate permit or fee is required for these portable sanitation facilities. As part of the site plan review, Village staff will specify where portable sanitation facilities may be located on a work site and the screening that will be required for them.

# **Our Urban Forest: Tree Removal, Tree Protection and Reforestation in Chevy Chase Village**

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## **Overview of the Urban Forest Code**

The stately streets of Chevy Chase Village owe much of their unique beauty to the Village's well-established urban forest. In addition to aesthetic value, our trees protect air quality, abate noise, mitigate storm water runoff and provide habitat for wildlife. To ensure that future generations will experience the same enjoyment and quality of life in the Village as residents today, the Board of Managers in 1982 began implementing a series of programs to protect all trees in the Village.

The first program initiated by the Board of Managers was a "tagging" project whereby most public trees in the Village were examined, catalogued, and tagged. Currently, the Village monitors about 2,000 public trees (not including park trees). The Village works in cooperation with the Maryland Department of Natural Resources (DNR) to maintain the public trees in the Village.

In 1988, the Board of Managers adopted Chapter 17 of the Village Code, entitled the "Urban Forest." Because our urban forest is comprised of parks, street trees, and private yards, this ordinance applies to all trees on public and private property. The most important aspect of this ordinance is that any tree with a trunk larger than 24-inches in circumference measured at 4½ feet above ground level may not be removed, destroyed or otherwise harmed without a permit from the Village Manager. Violating this ordinance carries a \$1,000 fine per tree, per day.

## **Tree Maintenance**

A permit is not required for normal and reasonable trimming or other tree care designed to maintain health, shape, or balance of a tree. Residents must hire a licensed tree expert (LTE) contractor regulated by the Maryland Department of Natural Resources (DNR).

If a tree in need of maintenance has a Village tag on it (typically a metal tag located at about eye level), contact the Village office to request maintenance by the Village. If a tree is not tagged, then in most cases the property owner adjacent to the right-of-way is responsible for routine maintenance of the tree.

## **Tree Removal**

You will need a Village permit to remove any tree on your property that has a trunk larger than 24 inches in circumference at four and one-half (4½) feet above the ground. (This circumference is equivalent to a diameter of 7.65 inches.) Chapter 17 of the Village Code prohibits the removal or destruction, including undertaking "any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager" (Village Code Sec. 17-2). This

prohibition applies to all trees with a trunk measuring at least 24 inches in circumference at four and one-half (4½) feet above the ground. If a tree divides at less than 4½ feet above the ground, measure the trunk directly beneath the dividing point.

If you wish to remove a tree on your property, take the following steps. First, measure the circumference of the tree trunk to determine if it meets the size threshold in Village Code Chapter 17. If the tree meets the size threshold, then file (1) a Village **Tree Removal Permit application** and (2) a Village **Tree Inspection Request Form**. The Village Arborist will inspect and assess each tree requested for removal and provide Village staff with a written report of findings. There is \$50 per tree fee (up to a \$350 maximum per application) to have the Village Arborist do this inspection for tree removal requests. There are limited exceptions for certain trees identified as “undesirable species” and if the tree is being removed due to Dutch elm disease or elm blight; in such cases, there is no fee for tree removal. Contact the Village office for clarifications if you are in doubt.

Please be aware that under the Village Code, the Village Manager may issue a permit for tree removal *if and only if at least one of the following conditions applies:*

- ✓ The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- ✓ The tree is dead or dying, or is in danger of falling;
- ✓ The tree constitutes a hazard to the safety of persons;
- ✓ The tree constitutes a hazard and threatens injury to property;
- ✓ The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- ✓ The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.
- ✓ The tree is on a list of tree species of little value, as determined by the Board of Managers after consultation with the Village Arborist and Village Tree Committee.

If any of these criteria are met through the Village Arborist’s written report, then the Village Manager will be authorized to issue a Tree Removal Permit. Tree removal permits must be displayed to be visible from the street while the tree is removed. Trees may be removed by any tree contractor with a Maryland Department of Natural Resources (DNR) license. Contractors without a Maryland DNR license may not remove trees in the Village, even if the contractor is licensed in another state.

If the Village Arborist finds that none of the criteria for removal specified by the Village Urban Forest Code are met, then under the Code the Village Manager will be required to deny a tree removal request. Village staff will notify the applicant in writing of the Village Arborist’s findings and the permit denial.

The timeframe for the above process is approximately four to five days, as follows:

- ✓ Arborist’s inspection and written report – a minimum of two to three days from when the Tree Removal Permit application, Tree Inspection Request form, and fees are filed with the Village office.
- ✓ Village Manager’s decision – depending on what time the report is returned by the Arborist, usually within one day.

- ✓ Village staff informs resident of Arborist's findings (if permit denied) or issues paper copy of permit (if permit approved) – usually within one day.

If a Tree Removal Permit application is denied, a property owner may decide to accept the findings of the Village Arborist, or to appeal the decision. The appeal process is described below.

## Appeals for Tree Removal

An applicant denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Appeals must be in writing and made within ten (10) days of the permit denial (see Village Code Sec. 17-4). The Village Manager shall transmit the appeal to the Tree Ordinance Board (TOB). In considering your appeal, the TOB may require reforestation so that there will be no net loss of trees to the Village's urban forest.

To file an appeal, please fill out the Village **Statement of Appeal for Tree Removal Permit** application (available in the Village office and on the Village website). Complete filing requirements are listed on the application form.

In some cases, a property owner may wish to remove a tree which everyone knows from the start is healthy. For example, a property owner may wish to replace a healthy tree with other plantings for aesthetic reasons, or a property owner may wish to build an addition where a healthy tree currently stands. In such cases, the property owner can expedite the appeal process by simultaneously filing:

- 1) **Tree Inspection Request** form (because a written report from the Village Arborist is required as part of the statement of appeal to the Board of Managers)
- 2) **Tree Removal Permit** application (which must be denied by the Manager under the Village Code) [\$50 per tree fee, up to \$350 max. per application.]; and
- 3) **Statement of Appeal for Tree Removal Permit.**

The process would be somewhat expedited because the Village Manager's denial of the Tree Removal Permit application would be immediate and the appeal process would already be underway at the outset.

## Reforestation

If the Board of Managers approves tree removal on appeal, the Board may require that the property owner implement a **reforestation plan** to replace the removed tree(s). The Board has developed reforestation guidelines, and the Village's Tree Committee has developed a standard list of trees that meet the qualifications for a reforestation tree. If you anticipate filing a statement of appeal for tree removal, please ask Village staff for the Board's latest reforestation guidelines and the Tree Committee's most recent list of tree species that meet these guidelines. Property owners required to prepare such a reforestation plan may hire any DNR-licensed tree expert to assist them in developing the plan in accordance with these guidelines. The Village's Code Enforcement Officer is responsible for later verifying that a Board-mandated reforestation plan has been implemented.

## Tree Removal in the Historic District

If your property is within the historic district, you may need a Historic Area Work Permit (HAWP) from Montgomery County to remove a tree. Generally, getting a HAWP for tree removal only applies in cases where you have already filed an appeal with the Board of Managers for a Village Tree Removal Permit. The reason is that if the Village Arborist determines that the tree in question is healthy and sound, then the Village Manager cannot approve the Village Tree Removal Permit, and the HAWP is irrelevant. If a property owner appeals the Village Manager's denial of a Village Tree Removal Permit, and the Board approves that permit on appeal, and the property is within the historic district, then the property owner may still need a HAWP from the county to proceed with removal. Contact the Historic Preservation Commission (HPC; see "Resources" in this User's Guide for contact information) to determine whether your property lies within the historic district and to learn what steps to take with the county to obtain a HAWP for tree removal. If you submit a Village Tree Removal Permit Application form to the Village office, as part of the application review Village staff will verify whether your property is within the historic district.

## Tree Protection During Construction Projects

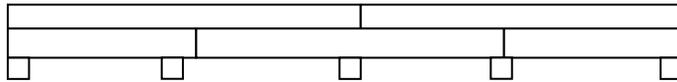
Village Code requires that before undertaking any activity that poses a potential risk to a tree that has a trunk larger than twenty-four (24)- inches in circumference measured 4½ feet above ground level, a property owner must have the Village Arborist prepare a Tree Protection Plan (TPP). Activities that pose a risk to trees include but are not limited to: demolition, new construction, renovation, materials staging and storage, utility work, construction of a driveway, patio or other impervious surface, and re-grading or excavating within the drip line of a tree. Violating this Village ordinance carries a \$1,000 fine per tree per day.

When you file a **Pre-Design Review Meeting (PDRM) application** with Village staff, they will ask the Village Arborist to review your proposed project and property to determine whether a TPP will be warranted. If the Village Arborist determines that a TPP will be warranted, then when you file a Village **Building Permit application**, you should *also* file a Village **Tree Inspection Request form**. Forms are available in the Village office and on the Village website. To have the Village Arborist prepare a TPP, a property owner must pay a \$250 fee to cover the process. That fee is typically assessed at the same time as the fees for the related building permit application.

The purpose of a TPP is to minimize the impact of construction activities on trees, including but not limited to: mechanical injury to roots, trunks and branches; compaction of soil that degrades functioning roots and inhibits the development of new ones; and changes in grade that can cut off or suffocate roots. A TPP may include the following components:

- ❑ Root pruning.
- ❑ Soil injection with root growth stimulant (RGS) and fungal (Mycorrhizal) treatment.
- ❑ Tree Protection Fencing. Barrier fencing must be welded wire fencing at least four (4) feet high. Stakes for fencing must six (6) feet high and spaced no more than eight (8) feet apart (or closer) to prevent fence from sagging. Distance of fence from tree will depend on tree diameter and project details, but should protect drip line as much as possible.

- ❑ Filter fabric on the ground.
- ❑ Wood chips over the filter fabric.
- ❑ Plywood walkway. To create the walkway, install two alternating (staggered) layers of plywood (3/4" x 4' x 8') screwed on top of support boards (either 6"x6" or 4"x4"). Plywood sheets are screwed together. Welded wire fencing is placed next to the plywood walkway on the side closest to the tree. (See illustration below.)



< two layers of plywood, alternating.

< support boards screwed to plywood above.

Any tree preservation measures prescribed by the Village Arborist for your work site must be installed before construction begins and maintained throughout the project; otherwise, the project may be subject to a Stop Work Order at any time.

During construction and subsequent landscaping, fencing must stay intact and allow no traffic or storage inside the barrier fence. Since construction projects typically place stress on trees, thereby making them more susceptible to drought, trees should be watered as seasonal requirements dictate. Once all construction and landscaping for your project is completed, remove wood chips, fence, and filter fabric within a week of close-out. A second root growth stimulant and/or fungal treatment may be prescribed by the Village Arborist.

## What are the Responsibilities of the Village Arborist?

Chevy Chase Village has for many years contracted with a certified arborist to serve as a consultant to the Village Manager and the Board of Managers to assist the Village in implementing and enforcing the Urban Forest Code. The Village Arborist has the following duties:

- ✓ *The Village Arborist continually monitors, and arranges for maintenance of, tagged trees in the public right-of-way. The Village covers the costs of this routine tree monitoring and maintenance as part of the general cost of managing and maintaining the Village right-of-way. In most cases, the Village Arborist does not assess or arrange for the maintenance of trees in the public right-of-way that are not tagged.*
- ✓ *Pursuant to tree removal requests, the Village Arborist assesses and provides a written report to the Village Manager for tree(s) on private property to determine if the tree(s) meet the criteria in the Urban Forest Code allowing the Village Manager to approve a removal request. Tree Removal Permit applications have a filing fee of \$50 per tree (up to a maximum of \$350 per application). Please see the “Tree Removal” section above for a full description of the tree removal request process. If a property owner has not filed a Tree Removal Permit application (and the associated Tree Inspection Request form), then the Village Arborist is not authorized to assess trees on private property for removal. Property owners may hire a DNR-licensed arborist or tree contractor to assess and maintain their trees at any time.*
- ✓ *Pursuant to Village Building Permit applications, the Village Arborist prepares Tree Preservation Plans (TPPs). TPPs delineate the steps that may be required as a condition of issuing a building permit to adequately protect all trees on and adjacent to a project during construction. When a property owner submits a Village Building Permit application, Village*

staff will ask the Village Arborist to review the property and the construction plans to determine whether the proposed project warrants a TPP. If the Village Arborist determines that a TPP is warranted for the project, then the property owner must submit a **Village Tree Inspection Request Form** to have the Village Arborist prepare a formal TPP for the project. (The Village Arborist will also be responsible for periodically inspecting work sites to ensure that TPPs are being consistently adhered to.) There is a \$250 fee to property owners to cover the cost of Village Arborist's time to prepare and then monitor the TPP. That fee is typically assessed at the same time as the fees for the associated building permit application.

All other tree-related issues on private property should be handled by a DNR-licensed arborist or tree contractor hired by the property owner.

## **A Tree Has Fallen in My Yard: What Should I Do?**

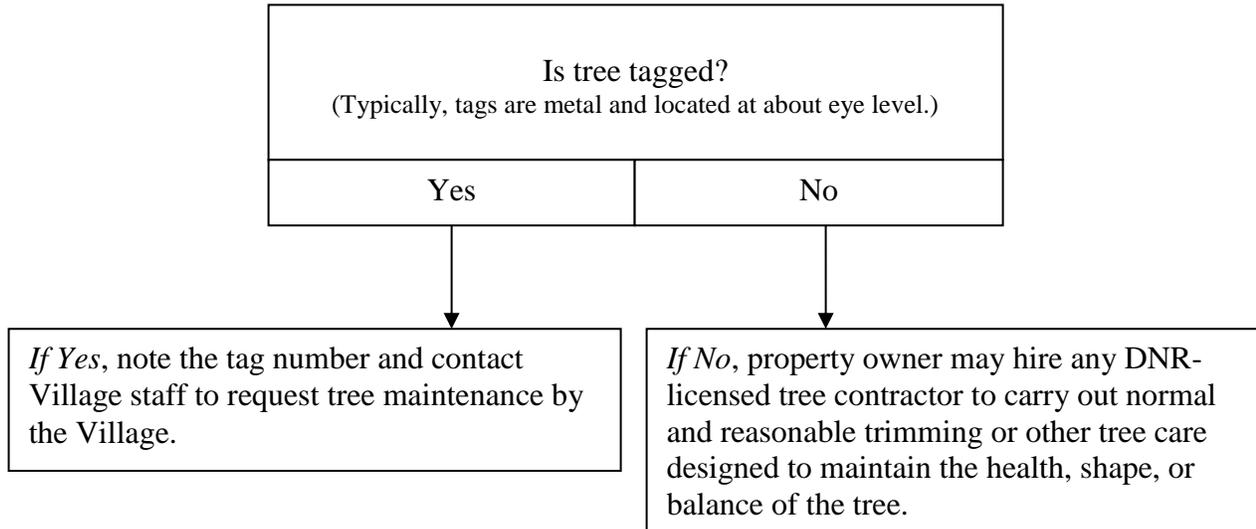
If a tree on your property has entirely fallen down, it is not necessary to get a tree removal permit from the Village to have the tree removed. Property owners may hire any MD DNR-licensed tree contractor to remove the downed tree. *However, property owners should first submit a picture of the downed tree to the Village office and request a Courtesy Permit from the Village office to post during tree removal so that Village staff and fellow Village residents will know the tree removal has been authorized.* There is no fee for a Courtesy permit from the Village office.

If a tree on your property has been damaged following a storm and you are unsure about whether it must be removed or can be saved, send a picture of the damaged tree to the Village office so that Village staff can assess whether a Courtesy Permit can be issued for removal or whether further assessment by a DNR-licensed arborist is in order. Property owners may of course hire any MD DNR-licensed arborist at any time to assess trees on their property and to do any reasonable trimming to maintain the health, shape, and balance of trees. If a DNR-licensed arborist or tree contractor determines that the tree must be removed, then the property owner must submit a Village Tree Inspection Request (for independent assessment by the Village Arborist) and a Village Tree Removal Permit application to the Village office, as described above.

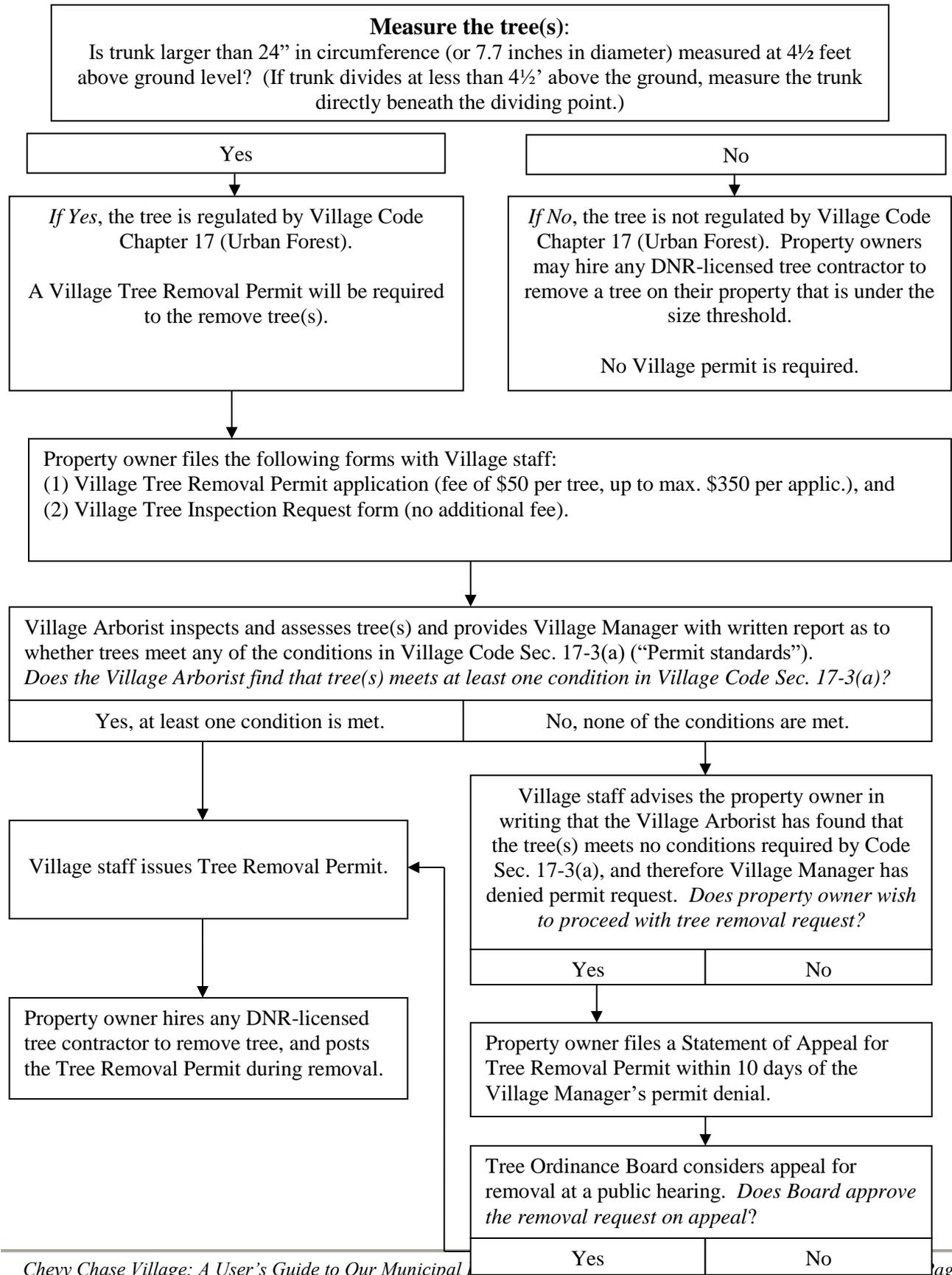
## **Conclusion: Our Thanks**

While the Urban Forest Code may sometimes feel onerous to a property owner faced with an injured or unwanted tree, over time our community benefits tremendously by preserving as many of our trees as possible. When tree removal is unavoidable, reforestation in the Village ensures that our urban forest will flourish for generations to come. The Village residents and staff sincerely appreciate the extra effort periodically required by all members of the community to preserve our urban forest.

## Flow Chart for Tree Maintenance in Chevy Chase Village



## Flow Chart for Removing Trees on Private Property in Chevy Chase Village



# **Stormwater, Drainage, and Sediment Control in Chevy Chase Village**

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## **Why We Regulate Construction for Stormwater, Drainage & Sediment**

Construction projects almost inevitably disturb soil to some extent. Construction projects can also lead to changes in grading and drainage patterns. When rain falls on destabilized soil, dirt can temporarily run into the public right-of-way or onto adjoining properties until the soil is stabilized again. Changes in grading and drainage patterns can lead to repeated long-term puddling or even flooding on adjoining properties during rainstorms. Drainage into sidewalks and streets in winter months can lead to ice buildup, which can be a serious public safety hazard. For all these reasons, many county and municipal building codes have long recognized the need to control drainage and sediment during and after construction.

In recent decades, however, jurisdictions across the United States have begun to recognize the role that storm water plays in water quality many miles downstream from a construction site. When increasing amounts of soil are covered by impervious surfaces (whether a building, a driveway, or a patio), the soil is unable to absorb the rain as it falls and greater volumes of water are sent downstream. In a heavy rainstorm, the cumulative effect of these impervious surfaces is to send sudden and large volumes of stormwater into streams, eroding streambeds and carrying silt further downstream. In addition, the stormwater runoff picks up fertilizer, pesticides, and oil and antifreeze from the roadways, and carries it downstream. The impacts seem small for any one property or street, but the cumulative long-term impact on the Chesapeake Bay has been dramatic.

Stormwater, drainage and sediment control are thus related but distinct issues for construction projects. In recent years, the State of Maryland and Montgomery County have begun implementing more thorough stormwater runoff and drainage regulations. For example, Montgomery County regulates construction sites for stormwater and drainage where there is land disturbing activity on more than 5,000 square feet of land, or activity results in 100 cubic yards or more of earth movement, or for new construction.

## **Stormwater, Drainage and Sediment Control in Chevy Chase Village**

The relatively flat topography in Chevy Chase Village poses a special challenge for residents, architects and Village staff alike because even small construction projects, or large construction projects that make only small changes to grade or drainage patterns, can have surprising results to adjoining properties and the right-of-way in subsequent rainstorms. This situation demands extra courtesy and vigilance by Village residents and their contractors in considering the stormwater runoff and drainage effects of their construction and landscaping projects.

Some contractors require as a matter of course that Village residents employ a civil engineer to oversee the stormwater runoff and drainage patterns of a construction or landscaping project. This may not be

feasible for every project. Nevertheless, residents must be aware that they are responsible for short-term and long-term effects to abutting property from construction and landscaping projects.

Village Code Chapter 8 (Sec. 8-25) gives the Village Manager the authority to require a building permit if a project might reasonably be expected to alter water flow or drainage. This section also allows the Village Manager to impose terms or conditions on any building permit pertaining to alterations to the flow of water or drainage. Village Code Chapter 11 (“Stormwater Management”) regulates stormwater management for new construction. (The complete Village Code is available on the Village website: [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov).)

As is required of them by the Village Code, Village staff will review projects with regard to drainage impacts on neighbors and the right-of-way. Residents must recognize, however, that the Village office has no civil engineers on staff and that Village staff cannot serve as the final arbiter of whether a project causes a drainage problem to neighbors. Furthermore, if a resident acquires a Village Building Permit and then completes the project through final inspection and close-out, this does not absolve the resident of responsibility for later remedying any alterations to the flow of water or drainage on to abutting properties or the right-of-way that may result from the project.

## **Conclusion**

To approve your building permit application, the Village Manager will need some documentation showing that the proposed construction will not create a water drainage problem for neighbors. The extent of this documentation will vary from case to case and from site to site, based on topography and other factors.

The final decision as to whether a proposed project has a satisfactory drainage plan will be made by the Village Manager. Village staff may not be able to determine before the Village Manager’s final review if the drainage plan provided with a building permit application will be adequate. Therefore, to ensure that there will be no last minute documentation required for your permit approval, applicants are encouraged to submit as part of their building permit application a drainage plan prepared by a civil engineer.

## **Appendices**

**All application forms are available in the Chevy Chase Village Office (5906 Connecticut Ave.)  
and on the Chevy Chase Village website:  
[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov).**