

Thomas K. Bourke
36 Quincy St, Chevy Chase, MD 20815

October 6, 2010

Via email
Ms Shana Davis-Cook
Village Manager
Chevy Chase Village Hall

RE: Discussing the role of the LAP – October 11, 2010

Dear Shana,

In advance of the October 11th Board of Managers Meeting, I prepared this general summary of the Chevy Chase Village Local Advisory Panel (LAP) process. In order to expedite the Board Meeting I would suggest that this letter be emailed or included in any Board preparation materials sent in advance of the meeting, and it can be made available to any other interested parties depending upon your process.

Legal basis:

The Master Plan for this section of Montgomery County was revised in 1998 to include an expanded historic area for the Chevy Chase Village Historic District. The owner of any property in the designated area who is seeking permission for a renovation, expansion or demolition is required to have approval of an Historic Area Work Permit (“HAWP”) before they can get a full building permit. The County can therefore prevent issuance of a building permit and has enforcement powers (fines etc) to insure conformance.

Local Guidelines: As part of the Master Plan Amendment process in 1996-7, the Village was invited to provide local Guidelines to set forth criteria and influence how projects would be reviewed. These Guidelines required approval by Historic Preservation staff (who often helped in the drafting) and by the County Council. These Guidelines became a part of the Master Plan Amendment and therefore have a level of standing and legal basis. They cannot be amended without another Master Plan amendment, public hearings and a formal vote by the County Council.

County Process:

The Historic Area Work Permit approval requires a review by the Historic Preservation Commission (“HPC”), a group appointed by the Council, composed of architects or other knowledgeable parties, who meet every two weeks at the MNCPPC headquarters hearing room in Silver Spring. These are held on alternating Wednesday

nights at 7:30 and are open public meetings.

As part of the HPC process, the County also allowed for the establishment of Local Advisory Panels. In the 1994 County Guidelines of the HPC they state:

“Section 24A-5 of the County’s Historic Preservation Ordinance gives the Historic Preservation Commission (HPC) the authority ‘to appoint members to local advisory panels to assist and advise the commission in the performance of its functions.’ The HPC values and depends upon the useful viewpoints and information conveyed by Local Advisory Panels (LAPS) especially in the review of Historic Area Work Permits, but also in other historic preservation matters. Although their role is advisory, the LAPs’ contributions and assistance are vital to the work of the commission and to the furtherance of public knowledge of the history of Montgomery County’s communities.”

When a project is submitted to the Staff of the Commission, they send the LAP a copy without comments. Staff then prepare a formal report for the commission, and we comment on this staff report. We have gone in person to some meetings, but given the number of meetings, we have provided our comments mainly in writing via email to Staff who present them to the Commission and they become part of the record. When we have attended the meetings and asserted ourselves in the process, the HPC has said that they view our “advisory” committee as a means to obtain local input into their decision-making process, but I have observed that this is the full extent of our power to influence the process. It is important to note that the HPC is not bound to follow any of our recommendations or opinions in any way.

CCV LAP process:

We have to fit our internal process to the HPC process which is very time-constrained. HPC meet twice a month as a Commission and have less than 30 days to act on an application. We generally receive the final Staff Report on approximately the Friday before the Wednesday HPC hearing.

Given these time frames and frequency, our process is to poll our members via email. The review is cooperative and collegial, but our members represent various viewpoints and do not always come to a consensus. Given that our role is to reflect community sentiment, we do not believe that a straight up or down vote is necessarily appropriate. If there is no consensus, then I pull together our testimony to reflect the key points made by members and report these to the HPC.

It should be noted that a Chevy Chase Village email address is included in our address group and therefore all correspondence and replies between the members as a group are automatically Cc’d to the Village for the public record. We have no problem with the Village providing these emails to any interested resident, subject only to the Village’s administrative staffing priorities and policies. With this process everything is in writing, on the record, and therefore we are among the most open of any of the Village’s committees.

I also make a verbal and written report to the Village at the Annual Meeting along with other Village committee reports. During the initial Historic Designation process our committee (not an LAP at that time) worked extensively on community outreach, held meetings, provided a series of inserts into *The Crier* on the process, history etc.

LAP membership: Prospective committee volunteers are submitted to the

Board of Managers for approval and then to the HPC for their approval as well. As is the case with the other Village committees, there are no term limits, and we are very grateful for the informed, able volunteers we have. There is value in the continuity, and frankly this committee demands a fair amount of work, on a tight time frame, and without much visible recognition.

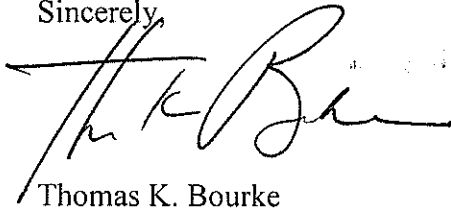
General Approach and Philosophy:

As I have consistently reported to the Village Board at the annual meetings: As members of the LAP we recognize that historic preservation regulation was an extremely divisive issue in the Village, and in a referendum the overwhelming majority opposed it. Accordingly our general approach is to push the HPC toward leniency and flexibility. Our panel was selected by the Board to have a variety of viewpoints but this is our general direction. If the Board of Managers wants to weigh in, then we welcome any input.

The second major thread that I see is that we try to be diligent in reviewing as many applications as possible so that the HPC recognizes that we are informed, reasonable, and looking over their shoulder. To the extent possible, we are seeking to use our labor to earn a seat at the table. We believe that when an issue such as the Brookville Rd sidewalk arises, then our support for the plan as proposed (and over-ride some staff objections) had more weight because of our past efforts.

In general, we believe that our process is as simple as we can make it, open, reasonable, balanced and serving the needs of the residents as much as any volunteer committee can serve them within the context of the Montgomery County process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas K. Bourke', written in a cursive style.

Thomas K. Bourke

CC: Chevy Chase Village LAP