

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: April 21, 2021
Place: Meeting was held via an open conference call
Present: Paula Fudge, Chair; Lisa Fair, Peter Marks, Carlos
Molina and Ron Sherrow, Council members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel for Town
Joseph Toomey, CCV Building Permit Administrator
Julie Sparacino, Moderator
Others Present: Kathleen Malloy, 4024 Franklin Street
Steven Wellner, 10114 Summit Avenue
David Goldwyn, 4212 Dresden Street
Al Carr, District 18 Representative

Called Meeting to Order: 6:40 p.m. by Paula Fudge, Chair

**Approval of Minutes of March 17, 2021 Monthly Council Meeting and
March 23, 2021 Joint Council-Stormwater Management Committee Meeting:**

Paula Fudge moved the minutes of the March 17, 2021 Monthly Council Meeting and March 23, 2021 Joint Council-Stormwater Management Committee meeting be approved. Carlos Molina seconded the motion and it passed with a 5-0 vote.

Financial Report for Period March 1, 2021 to March 31, 2021:

Paula Fudge moved that the financial report for the period March 1, 2021 to March 31, 2021 be accepted. Carlos Molina seconded the motion and it passed with a 5-0 vote.

Council Member Walk: Ron Sherrow conducted the monthly Council member walk and submitted his report to the Town Manager for follow-up.

Building Permit Application - Retaining Wall - 4014 Glenridge Street (Neckles): Alexander and Alexandra Neckles submitted a permit application for their home at 4014 Glenridge Street in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project on the application, a Location Drawing by Snider & Associates dated September 8, 2017, with the project location drawn onto it, and a photograph of the proposed style of the project. The scope of the project is to install approximately 36 linear feet of a stone retaining wall, to form a raised planting bed from the front stoop of the house to the sunroom on the left side of the house. The proposed wall will reach a maximum height of 28 inches, be no further forward

than the existing front face of the house, and no closer than 24 feet from the left (east) side property line. Mr. Toomey recommended that the Town Council approve this building permit application.

A permit from the Montgomery County Department of Permitting Services is not required for this project. Ron Sherrow moved that the permit application be approved. Lisa Fair seconded the motion and it passed with a 5-0 vote.

Building Permit Application - Retaining Wall/Fence - 9910 Kensington Parkway (Noce/Lucas): Elfin Noce and Tiffany Lucas submitted a permit application for their home at 9910 Kensington Parkway in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project in the application, the property survey by Landtech Associates, Inc., dated May 6, 2019, a landscape sketch plan of the proposed work, and a sketch of the proposed fence. The scope of the project is to install a 36-inch tall retaining wall in the rear yard, offset seven feet from the right (north) side property line, and a five-foot tall, 1x6 vertical board fencing in the side yard to enclose a section of that yard. The project also includes patio and walkway construction, and other landscape features. Mr. Toomey recommended that the Town Council approve this building permit application.

A fence permit from the Montgomery County Department of Permitting Services (number 946074) was issued on March 31, 2021. Paula Fudge moved that the permit application be approved. Ron Sherrow seconded and it passed with a 5-0 vote.

Building Permit Application - Enclose Existing Deck/Screened Porch (Wellner/Pickard): Steven Wellner and Amy Pickard submitted a permit application for their home at 10114 Summit Avenue in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project on the application, the Boundary Survey by Fitzroy J. Bertrand, dated August 17, 2020, and the construction plans by Sino-American General Contractors, dated March 19, 2021. The scope of the project is to remove the existing rear yard deck and, in its place, construct a new screen porch, with steps to ground level.

The property is a corner lot, located at Summit Avenue and Cedar Lane. The proposed porch will be set back from the Cedar Lane front property line approximately 46.5 feet, meeting the required 35-foot setback. The rear yard property line setback will be more than 45 feet, and the left (south) side yard property line setback will be more than 56 feet. Mr. Toomey recommended that the Town Council approve this building permit application.

A building permit from the Montgomery County Department of Permitting Services is also required for this project. Peter Marks moved that the permit application be approved with a condition that 'no improvements will be made to the non-conforming shed on this property'. Paula Fudge seconded the motion with said condition and it as approved with a 5-0 vote.

Building Permit Application - Addition (Matan): James and Elizabeth Matan submitted a permit application for their home at 4021 Glenridge Street in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project on the application, and the architectural plans drawn by Flanagan Architects, identified as 26 MAR. '21 PERMIT SET, which includes the Site and Grading Plan by TES dated June 4, 2012. The scope of the project is to build a one-story addition at the rear of the house, with a patio and outdoor grill, bay windows on the first and second floors, and extensive interior renovations. The addition will be offset more than 54 feet from the right (east) side property line, and more than 71 feet from the rear property line. Mr. Toomey recommended that the Town Council approve this building permit application.

A permit application with the Montgomery County Department of Permitting Services, number 948317, was made on April 6, 2021. Ron Sherrow moved that the permit application be approved. Peter Marks seconded the motion and it passed with a 5-0 vote.

Building Permit Application - Outdoor Kitchen (4205 Saul Road LLC): Dan Demeria of 4205 Saul Road, LLC, submitted a permit application for Marco Cusani Vincento and Tonya Esposito, contract purchasers of the property at 4201 Saul Road in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project on the application, the property survey by Meridian Surveys dated October 9, 2020, with the location of proposed patio and outdoor kitchen overlaid on the survey, and a sketch of the layout of the patio and kitchen. The scope of the project is to construct a 42-inch high island bar counter top, and a 36-inch high grill island counter top. Both structures will be offset more than seven feet from the right (north) side property line. The project also includes the construction of a side yard patio on which the bar and grill islands will be located. Mr. Toomey recommended that the Town Council approve this building permit application.

A permit from the Montgomery County Department of Permitting Services is not required for this project. Paula Fudge moved that the permit application be approved. Carlos Molina seconded the motion and it passed with 5-0 vote.

CCV Building Permit Summary for April 2021

New applications for a Building Permit:

- 4014 Glenridge Street (Neckles) Retaining wall - applied 3/22/21
- 4021 Glenridge Street (Matan) Addition - applied 4/7/21
- 4312 Glenridge Street (Stogoski) Fence - applied 3/2/21
- 9910 Kensington Parkway (Noce/Lucas) Fence and retaining wall - applied 3/17/21
- 4201 Saul Road (4205 Saul Road LLC) Outdoor kitchen - applied 4/7/21
- 10114 Summit Avenue (Wellner/Pickard) Screen porch - applied 4/7/21

Applications for dumpster and storage unit permits:

- 4101 Dresden Street (Klaffky) Storage unit - applied 3/30/21, approved 3/30/21
- 4001 Glenridge Street (McDonnell) Dumpster - applied 3/31/21, issued 3/31/21

Applications on hold pending further information:

- 4312 Glenridge Street (Stogoski) Fence - applied 3/2/21

Approved applications awaiting issuance of the Chevy Chase

View permit:

- 9819 Connecticut Avenue (Spry) Porch and deck addition - applied 2/29/21, approved 3/17/21
- 4100 Dresden Street (Tyson) Shed and fence - applied 6/23/20, approved 7/15/20
- 4209 Franklin Street (Winters) Addition and entry portico - applied 2/3/21

Active and open permit construction projects:

- 4016 Dresden Street (Plank) Construct a new home - applied 4/14/20, approved 5/20/20, revision approved 6/17/20, issued 8/12/20
- 4101 Dresden Street (Klaffky) Storage unit - applied 3/30/21, issued 3/30/21
- 4213 Dresden Street (Potomac Heritage Homes) New house construction - applied 11/21/20, approved 12/16/20, issued 1/14/21
- 4001 Glenridge Street (McDonnell) Dumpster - applied 3/31/21, issued 3/31/21
- 4101 Glenridge Street (Madden) - Storage Unit - applied

3/16/21, issued 3/17/21

- 4201 Saul Road (4205 Saul Road LLC) Fence - applied 2/8/21, issued 3/8/22
- 4205 Saul Road (4205 Saul Road, LLC) New house - applied 9/3/20, approved 9/16/20, issued 12/21/20
- 4305 Saul Road (Coleman) Addition - applied 8/17/20, approved 9/16/20, issued 9/23/20
- 10011 Summit Avenue (Barch) In-ground pool - applied 12/2/20, approved 12/16/20, issued 12/29/20

Completed projects since the March 2021 Council meeting:

- 4005 Glenrose Street (Moyse/Haynos) Addition and portico - applied 1/5/21, approved 1/26/21, withdrawn 3/12/21
- 9918 Kensington Parkway (Burke) Storage pod - applied 1/6/21, issued 1/6/21

Introduce Charter Amendment #14/Resolution No. 138-04-21 to Amend Section 5 of the Charter of the Town of Chevy Chase View:

At the March 17, 2021 Council meeting, the Council directed Ron Bolt to draft a charter amendment resolution for introduction at the April 21, 2021 Council meeting, conforming the ordinance adoption process to current practice and setting the referendum threshold at the common standard of 20% of the electorate.

History: In November, 2020, the Council discussed aspects of the Town Charter that would benefit from a full review and agreed to begin work sessions to conduct a thorough review of the Town Charter. Given the number of high-level issues the Council is currently managing, it discussed the need to modernize Town Charter Sec. 9.C Powers; police and corporate; distribution of ordinances; referendums, etc. The Council discussed the referendum procedures contained in the Charter. Ms. Coe noted how staff at the Maryland Municipal League reported that the Town's Charter provision allowing only 25 voters to compel a referendum on an ordinance is highly unusual, and that the standard requirement is 20% of the electorate. Ron Bolt explained that the Charter allows ordinances to be adopted without prior notice, and this may be why the referendum threshold is uncommonly low. He suggested that the ordinance adoption procedure be amended to require introduction of an ordinance prior to adoption, and for a public hearing to be held, which the Town currently does as a matter of practice. In that regard, the amendment would conform the Charter to current practice.

The Council will hold a public hearing on Charter Amendment #14 on May 19, 2021.

Update on Thrive Montgomery 2050: The Community Coalition continues to discuss steps to compile Missing Middle Housing best practices, lobbying on the benefits of compatibility, discussing

the Thrive Montgomery 2050 process, and inviting County Council members to future meetings.

Once each coalition community member has had an opportunity to review the latest iteration of Thrive, a more detailed letter will be developed for the County Council with questions, comments, and suggestions for improvement (targeting June). The focus will be on four main topics:

- a. concern about the Thrive Montgomery 2050 development process
- b. need for ensuring compatibility no matter the housing type
- c. importance of including the necessary infrastructure and transportation investments during the forthcoming budget process
- d. significance of including multi-strategy economic development and environmental policies in Thrive Montgomery 2050 document

The Community Coalition met with Councilmember Gabe Alborno and is scheduled to meet with Councilmember Andrew Friedson on April 28, 2021. The next Community Coalition meeting will be held on May 6, 2021.

Update on Connecticut Avenue Speed Enforcement): Ron Sherrow met virtually with the Village of Chevy Chase police chief to discuss staffing and facilities to operate its speed camera program. Topics of discussion included citation counts, definition of camera event and review of images that result in a citation. Mr. Sherrow will submit a written report to the Council that will detail findings of this virtual meeting.

Stormwater Management Committee: The Stormwater Management Committee held a meeting on April 6, 2021, and has delivered its final report to the Council.

After a lengthy discussion at the April 21st Town Council meeting regarding the Council's receipt and review of the SWM Committee report, the Council repeated its request for a two-step review process of the SWM report. The first step allows the Council to discuss and ask detailed questions of the SWM committee, possibly resulting in recommended changes to certain aspects of the report. This assures that the Council has a thorough understanding of the content and has been able to confirm that any assumptions are complete and accurate and that all recommendations are well considered. This first step would be accomplished in a public work session where the Council members and the SWMC members could have a conversation about the report. The second step would be to schedule a meeting in the near future for the purpose of presenting the report to the Town's residents.

The SWM Committee Chair, David Goldwyn, stated emphatically that the report is final, it has been submitted to the Council, and therefore the SWM Committee has completed its work and its charter has expired. The SWMC Chair has further stated that the SWMC will not consider altering the report in any way. The Council had hoped the SWMC would stay intact through the complete review and presentation of its report. Unfortunately, the SWMC Chair does not agree with that position.

The Council will hold a Work Session on May 4th at 6:00 PM, during which the Council will undertake a thorough review of the report. The Council encourages SWM Committee members to attend this Work Session and respond to Council members' questions or requests for clarification on the final report.

Update on Pepco Proposal to Transition to LED Streetlighting in Town:

As previously reported, the Town filed a Petition to Intervene in Pepco Rate Case #9655, stating the Town reached an agreement with Pepco in or around 2003 to replace its light fixtures, at significant cost and expense to the Town. The agreement between Pepco and the Town included the payment of monthly maintenance fees to cover future maintenance costs, and these maintenance fee payments will be left unused if the light fixtures are replaced. Per Ron Bolt's recommendations, the Town discussed these findings with Pepco officials and tried to reach an informal agreement in advance of the March 3, 2021 hearing date. Pepco recommended that Town continue its intervention case to resolve these issues.

The Town's lighting consultant, Scott Watson, recommended that the Town consider purchasing the lighting equipment in the Town owned by Pepco. Ron Bolt discussed with the Council the option of purchasing the induction lights and related equipment from Pepco, as allowed by State law, and contracting for maintenance. The Town has issued a formal request to Pepco asking that the fair market valuation of the Town's lighting equipment be provided to the Council. We await the valuation from Pepco.

Discussion on Street Maintenance Projects for FY21 and FY22:

Peter Marks reported that he and Joe Toomey had surveyed the Town streets. The summary report will be itemized and reviewed by the Town's contractor for pricing.

Ordinance No.87 - Declaration of State of Emergency and Ordinance to Activate an Emergency Plan for Town Election/Emergency Plan for 2021 Election:

The Governor of Maryland has declared a state of emergency, and as a result of the state of emergency, the Council finds that the temporary amendment, on an emergency basis, of the election rules and regulations would help control and prevent the spread of COVID-19.

Paula Fudge moved that the Council adopt Ordinance No. 87 and the Emergency Plan for the 2021 Town Election. The Emergency Plan for Town Election establishes that polling stations will not be used and there will be no in-person voting. Balloting will be undertaken by mail only. The Emergency Plan for Town Election shall be implemented for the 2021 election, only. Ron Sherrow seconded the motion and it passed by a 5-0 vote. Ordinance No. 87 is effective immediately.

Resolution No. 142-04-21 - Urging Fair Tax Duplication Payments:

The MML Chapter has adopted a resolution that demands that the County Executive and County Council adopt the agreed upon tax duplication formula and begin the restoration of tax duplication owed to municipalities. The Chapter has encouraged individual municipalities to also adopt its own resolution for two reasons - 1) add individual municipal weight to the Chapter's resolution, and 2) have a record in April 2021 documenting that the Town of Chevy Chase View Council advocated on behalf of its residents.

Peter Marks moved that the Council adopt Resolution No. 142-04-21 Urging Fair Tax Duplication Payments. Ron Sherrow seconded the motion and it passed by a 5-0 vote.

Franklin Street Speed Issues: After receiving concerns about speeding vehicles on Franklin Street, between Summit Avenue and Cedar Lane, Joe Toomey reported that he had set up the Town's speed monitor. The readings did not indicate much difference from previous readings. Because the speed monitor was installed the week before Easter (which could have affected traffic counts and speeds), the monitor will be set up a second time for the week of April 25th.

Other New Business: Ron Sherrow reported that Mindy Burke had reached out to him to see if the Town might be interested in contracting with Compost Crew so that residents could start having compostable waste picked up each week from their homes. Some Town residents pay out of pocket to use this service.

The Council discussed the matter and concluded at this time that a small percentage of residents were opting to compost and there would need to be more interest in this program before implementing it. Carlos Molina suggested that information about Compost Crew's pricing options for Town residents should be included on the website. The Council took no action on this matter.

Motion to Adjourn: At 8:40 p.m., Paula Fudge moved that the meeting be adjourned. Peter Marks seconded the motion and it passed with a 5-0 vote.

Time and Place of Next Meeting: The Council will meet virtually its May 4th work session and for the monthly meeting on May 19, 2021, at 7:00 pm.

Respectfully submitted,
Jana Coe, Town Manager

NOTES AND REMINDERS -

**Important Reminder When Filing Your
2020 Maryland State Tax Return**

By law, as a municipality, the Town of Chevy Chase View receives a portion of the Maryland state income tax the Town's residents pay each year. This revenue represents the most significant source of the Town's overall income and goes directly toward paying for services that the Town delivers to its residents in lieu of the county-provided services. Town residents DO NOT pay any additional State income taxes to live in Chevy Chase View.

To ensure that the Town of Chevy Chase View receives all State income tax revenues due to the Town, we ask you to please take special care when completing your 2020 MD State income tax return.

For tax returns for Tax Year 2020, please be aware that MD Form 502 has been updated to require specific information to identify the return filer as a resident of the Town of Chevy Chase View. **See below a sample of the first page of MD Form 502.** This required information is located in the box directly under your mailing address.

1. Enter number **1617** (the 4-digit political subdivision code assigned to Chevy Chase View). Please see the left red arrow below.
2. Under "Maryland Political Subdivision", include **Chevy Chase View** (if filing electronically there may be a character limit, and if so, use the abbreviation **Ch Ch View**). Please see the right red arrow as well as the note shown below.

REQUIRED: Maryland Physical address of taxing area as of December 31, 2020 or last day of the taxable year for fiscal year taxpayers. **See Instruction 6. Part-year residents see Instruction 26.**

1617 **Chevy Chase View**

4 Digit Political Subdivision Code (See Instruction 6) Maryland Political Subdivision (See Instruction 6)

Maryland Physical Address Line 1 (Street No. and Street Name) (No PO Box)

Maryland Physical Address Line 2 (Apt No., Suite No., Floor No.) (No PO Box)

City MD State ZIP Code + 4 Maryland County

Unleashed Dogs: Many residents are expressing increasing concern about unleashed dogs in the Town. Dog owners are reminded of the following provisions in the Montgomery County Code, Chapter 5, related to Animals and Public Nuisance:

Animal Trespass (Montgomery County Code, Sec. 5-203(a)(3)) - "An owner must not allow an animal to enter private property without the property owner's permission. (\$100 fine). Any dog is at large if it is outside the owner's premises and not leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission or is participating in an approved activity." (\$100 fine for first offense; \$500 fine for each subsequent violation).

Unwanted Contact - "The pet owner must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping." (\$500 fine).

You are reminded to clean up after your dog and place the bag in your own trash container for disposal by Ecology Services' crew.

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, June 5, 2021**. As a reminder, heavy refuse includes major appliances (must have Freon removed), furniture, large toys, bicycles, and plumbing fixtures. Excluded are batteries, propane tanks, bricks, general construction debris and iron pipes. Please have your items at the curb by 7:00 AM on Saturday as the truck comes through early.

Application for Building Permit - Building Permit Applications for consideration at the May 19, 2021 meeting must be submitted to the Town Manager by 5:00 p.m. on May 5, 2021. Please note that the review may take several days, and an application is not considered perfected until the Town Permit Administrator-Municipal Engineer completes his review. Please contact Jana Coe, Town Manager, at janacoe@chevy Chaseview.org or by calling 301-949-9274.

PLEASE TAKE ADVANTAGE OF THE FOLLOWING THREE COMMUNICATION OPTIONS FOR TOWN RESIDENTS ONLY

1. Sign Up for eTown Mailings: You can now receive the monthly CCV Council meeting minutes and other Council messages and important announcements from the Town Manager. This does not replace the CCV listserv. Go to the CCV website - on the front page under "Quick Links" - you will find the box that says "eTown Mailings". Enter your mail address in the white field, then hit "Go". This will take you to the website of our partner, Constant Contact. Re-type your email address in the box that says "Confirm your email address". Enter your first name, last name and street address in the section titled "Your Information". Finally click the button at the bottom left that says "Save Profile Changes". After you have completed these steps, you will receive an email confirming your registration. Please note that when one member of your household registers for our electronic mailing list, we will discontinue mailing hard copies of these documents to your household.

2. Town Directory and Members Only Access: The Town publishes a Resident Directory in early Fall each year. In addition, this Resident Directory is available online, when you to sign up for "Members Only" (link) access to the Resident Directory. When you sign up for access, the online Resident Directory will be updated to include the

information you provide. If you are new to the Town, we would like to add you to the Town's online Resident Directory. Then, when the annual directory is reprinted in the Fall, your information will be included in the printed version as well. The Town Manager administers online access accounts and formally activates residents' accounts. You will receive an email with instructions once approved. We take your privacy seriously and have done everything possible to bring this useful content to you in a secure manner.

3. Listserv - Please consider becoming a member of the CCV listserv by emailing ChevyChaseViewNet+subscribe@groups.io