

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: January 21, 2020
Place: Christ Episcopal Church, Kensington, Maryland
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
Others Present: Marc Vecchio, 3911 Dresden Street
Michael Dent, 4021 Everett Street
Paul Gaiser, 9814 Summit Avenue
Called Meeting to Order: 7:10 p.m. by Paula Fudge, Chair

Approval of Minutes of the December 18, 2019 Monthly Council

Meeting: Paula Fudge moved the minutes of the December 18, 2019 Monthly Council Meeting. Lisa Fair seconded the motion and it passed with a 5-0 vote.

Financial Report for Period December 1, 2019 to December 31,

2019: Ron Sherrow moved that the financial report for the period December 1, 2019 to December 31, 2019 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 found nothing significant to report as follow up for staff.

Building Permit Application -Fence - 3810 Dresden Street (Ford)

Sarah and Robert Ford submitted a building permit application to install a fence at their residence at 3810 Dresden 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 Snyder & Associates, dated October 21, 1999, with the proposed fence locations overlaid on the drawing, and a "cut sheet" of the proposed fence. The actual property corners have been recently staked by AV Surveying, LLC. The scope of the project is to enclose sections of the rear and Dresden

Street yard areas with a four-foot tall iron fence. Mr. Toomey recommended that this permit application be approved. A fence permit must also be obtained from the Montgomery County Department of Permitting Services. Paula Fudge moved that the building permit application be approved. Peter Marks seconded the motion and it passed with a 5-0 vote.

CCV Building Permit Summary for January 2020 meeting

New applications for a Building Permit:

3810 Dresden Street (Ford) Fence - applied 10/23/19

Approved applications awaiting issuance of the Chevy Chase

View permit

4201 Saul Road (4205 Saul Road, LLC) New house - applied 12/9/19, approved 12/18/19

Active and open permit construction projects:

- 9909 Cedar Lane (Vorhis) Additions and entry roof - applied 5/6/19, approved 5/15/19, issued 5-31-19
- 10001 Connecticut Avenue (Ansah) Major addition - applied 12/10/19, approved 12/18/19, issued 1/10/20
- 3904 Dresden Street (Graham/Aslan) Major addition - applied 6/4/19, approved 8/22/19, issued 8/23/19
- 4011 Dresden Street (Quinn) New house construction - applied 12/4/18, approved 1/16/19, issued 6/24/19
- 3803 Everett Street (Gelfuso) Dumpster - applied 6/27/19, issued 7/1/19
- 3815 Everett Street (Blank) Outside patio - applied 2/5/19, approved 2/20/19, issued 6/18/19
- 4216 Everett Street (Petry) Porch addition and rear yard garage - applied 8/29/19, approved 9/30/19
- 4016 Franklin Street (Barnes) Dumpster - applied, 11/4/19, issued 11/4/19
- 4028 Franklin Street (Strittmatter) Dumpster - applied, 11/5/19, issued 11/5/19
- 4201 Franklin Street (Scarff) Storage pod - applied 8/30/19, issued 8/31/19
- 4104 Glenridge Street (Hastings) Front portico and side entry stoop - applied 5/2/18, approved 5/16/18, extension of time approved 11/14/18, revision of plans approved 2/20/19, issued 2/26/19
- 4217 Glenridge Street (Jones) Shed - applied 12/16/19, approved 12/18/19, issued 12/18/19

- 4304 Glenridge Street (McConarty) New house construction - applied 12/11/18, approved 1/16/19, issued 4/29/19

Completed projects since the December 2019 Council meeting:

- 4309 Glenrose Street (Covell) Dumpster - Applied 2/22/19, issued 2/25/19, completed 12/15/19

Summit Avenue Sidewalk Improvement Project Update: Joe Toomey reported that the project is 95% complete and the Town has presented ECM Corporation with a punch list of items that include replacement/repair of seven driveway aprons, expansion joint caulking and pedestrian roadway markings. The scheduling of this work is dependent on weather.

Update on Connecticut Avenue Safety Issues: Jana Coe reported that SHA will share its findings and recommendations on Connecticut Avenue safety initiatives as soon as the report has been reviewed and approved internally.

Report on WSSC Water Main Replacement Projects BRLR5837A15 and BRLR6078A16: On January 14, 2020, the Town manager and Joe Toomey met with WSSC and Rustler Contractor officials to discuss the water main replacement projects that will impact East Everett Street (Connecticut Avenue to Kensington Parkway) and small portions of Saul Road and Franklin Street (just east of Connecticut Avenue). After nearly a year of work, WSSC is just finishing phase 3 of these 5-phase projects. Phase 4 is scheduled to begin in early 2020. The Town manager will share new schedules and project details as soon as WSSC provides that information.

Report on Holiday Fund Contributions to Ecology Services Personnel: Thank you to everyone who contributed to the Holiday Fund on behalf of our workers at Ecology Services. This year Town residents contributed a total of \$9,770.00. The crews asked the Town manager to extend their thanks and to let you all know how much your generosity means to them. Thank you for your collective kindness and giving spirit during the holiday season.

FY21 Budget Planning: At the March 18, 2020 Council meeting, the Council will accept the proposed FY21 budget for presentation to Town residents for comments prior to the Annual Budget Hearing on Wednesday, April 15, 2020.

The Council will hold its budget work session on Tuesday, March 3, 2020 at 6:00 pm at Christ Episcopal Church. The work session is open to the public.

New Business

Petition for a Referendum Vote on Town Ordinance No. 81: "Regulate Accessory Dwelling Units": The Town Charter enables eligible residents the opportunity to vote to repeal or to approve recently enacted Town Ordinances.

Per Section 9 of the Town Charter, that opportunity materializes "If, within 30 days of the distribution of such ordinances, twenty-five or more registered and qualified voters of Montgomery County and residing in Chevy Chase View request the Council in writing for a referendum vote on any ordinance, the Council shall conduct such a referendum at which those persons eligible to vote at the annual elections shall be permitted to cast ballots. Any ordinance failing to receive a majority of the votes cast in such referendum shall be withdrawn by the Council."

On December 18, 2019, the Town Council passed Ordinance No. 81 - Ordinance to Regulate Accessory Dwelling Units.

On January 17, 2020, the Town Council acknowledged that thirty (30) Town residents had signed a Petition for Referendum Vote for Town Ordinance No. 81. Montgomery County Board of Elections verified that twenty-seven (27) petition signers were registered and qualified voters of Montgomery County and residing in Chevy Chase View. Per the Town Charter, the required threshold of twenty-five (25) voters requesting in writing that the Council hold a referendum vote on Ordinance No. 81 has been met and a referendum vote will be scheduled.

The Town Council will hold an information session covering the specifics of Ordinance No. 81 on Wednesday, February 19, 2020, at 7:00 pm at Christ Episcopal Church. Residents are encouraged to attend this information session and share your comments, questions and concerns with Council members.

Town residents will receive a written communication from the Council within the next two weeks. This communication will present details of Ordinance No. 81, the referendum

request, as well as details of the scheduled Referendum balloting.

Genesis of Town Ordinance No. 81

The Montgomery County Council began deliberating Zoning Text Amendment 19-01 (ZTA 19-01) in January 2019. In July 2019, the Montgomery County Council adopted ZTA 19-01 which allows the establishment and construction of second dwelling units in single-family zones, and removed some of the restrictions applicable to accessory apartments. ZTA 19-01 became effective December 31, 2019.

The Town Council, at its January 16, 2019 monthly meeting, (upon learning of the County Council's ZTA-19-01 initiative), began discussing the potential impact of ZTA 19-01 on the Town Code. The Council continued its discussions on this issue at each 2019 monthly Council meeting and reported same in the minutes.

The Town Council considered its own legislation (Ordinance No. 81) in an open work session on October 8, 2019 and introduced it at an open meeting on October 16, 2019. After proper notice to the public, the Town Council considered Ordinance No. 81 in public session on November 20, 2019, and held a public hearing on December 18, 2019. The Town Council adopted Ordinance No. 81 on December 18, 2019, effective on that date.

Summarized below are updates to the Town Code following enactment of Ordinance No. 81.

New Definitions in the Town Code

"Dwelling unit" means a building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

"Accessory dwelling unit" [ADU] means a second dwelling unit that is located within a main building or an accessory building.

"Detached accessory dwelling unit" ["detached ADU"] means a dwelling unit that is an accessory building or part thereof.

Side and rear setbacks. Ordinance No. 81 updated the Town Code to specify that a detached accessory dwelling unit shall be located no closer than 15 feet from a side lot line, nor closer than 25 feet from the rear lot line. Those setbacks match current setbacks for the main house; because, a detached ADU will potentially create as much activity and noise as the main house. Setbacks exist to minimize a structure's impact to adjacent properties. The side and rear setbacks for a non-dwelling accessory building, such as a shed or garage, are unchanged. The maximum height of a detached accessory dwelling unit is 20 feet. (Town Code, Section 13-403(b) (1) (i) and (ii).)

Conversion of non-conforming buildings. The Town Code Section 13-407 disallows the conversion of existing buildings into ADUs if such buildings do not meet the required ADU setbacks at the time of the conversion.

Off-street parking. Section 13-501, concerning parking, requires a minimum of 4 off-street automobile parking spaces to be provided and maintained for the lot, at the time any detached ADU is erected, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, or at the time any accessory dwelling unit is added to the main building. The Town Code, and the County code, both require 2 parking spaces for a single-family home. The addition of a second dwelling unit on a property will likely create a demand for additional parking, and an increasing burden of on-street parking.

Storm water drainage management. Section 13-601, concerning a building permit application, requires that a stormwater drainage plan be submitted with the building permit application if the project includes an accessory dwelling unit. The stormwater drainage plan must specify the design or provisions for the control or conveyance of any increase in runoff, including but not limited to runoff from the dedicated off-street parking spaces, to adjacent public or private property. Stormwater runoff to adjacent property from the impervious surfaces of new construction is becoming an ongoing, and increasing, concern.

Rental licensing. Section 2-116, concerning rental licensing, requires that a Montgomery County rental license be obtained in order to rent any property within the Town.

This is intended to assure that any rental property, or an attached or detached ADU meets the safety and sanitary issues imposed by the Montgomery County rental requirements.

Motion to Adjourn: At 8:45 p.m., in open session, Paula Fudge made a motion to enter closed session, pursuant to Maryland Code, General Provisions Article § 3-305(b)(1) to discuss the employment, compensation, and performance evaluation of the Town Manager. Lisa Fair seconded the motion and it passed by a 5-0 vote. At 9:40 p.m., hearing no objection, Carlos Molina moved that the closed session be adjourned. Paula Fudge seconded the motion and it passed by a 5-0 vote.

Time and Place of Next Meeting: The Council will meet next for its monthly Council meeting on Wednesday, February 19, 2020, at 6:00 pm at Christ Episcopal Church, Kensington, Maryland.

Respectfully submitted,
Jana Coe, Town Manager

NOTES AND REMINDERS -

**Important Reminder When Filing Your
2019 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 2019 MD State income tax return.

For tax returns for Tax Year 2019, 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, 2019 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

U.S. Census: The U.S. census (done every 10 years) will take place on April 1, 2020. Participation is important. The data collected determines the number of seats Maryland has in the U.S. House of Representatives and is also used in distributing federal funds to local communities. Every Marylander not counted costs the state approximately \$18,250 over 10 years. The census will be electronic. Additional information can be found at the following site:
<https://census.maryland.gov/Pages/default.aspx>

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)

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, February 1, 2020**. 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 February 19, 2020 meeting must be submitted to the Town Manager by 5:00 p.m. on February 5, 2020. 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 eTownMailings: 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.

The listserv is not intended to be used by residents to contact the Town Manager or Council members. For the latter, please use the appropriate telephone number or email address for the Town Manager or Town Council member(s). To ensure the timeliest response on matters related to Town business or the Chevy Chase View Council, your inquiries are best directed to the Town Manager at janacoe@chevychaseview.org or by calling 301-949-9274.

Website - Please visit our website at www.chevychaseview.org