

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: June 24, 2015
Place: Christ Episcopal Church, Kensington, Maryland
Present: Paula Fudge, Chair; Peter Marks and Ron
Sherrow, Council members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel to Chevy Chase View
Joe Toomey, CCV Building Permit Administrator

Called Meeting to Order: 7:35 p.m. by Paula Fudge, Chair

Approval of Minutes of the May 20, 2015 Monthly Meeting and June 15, 2015 Character Study Work Session: Ron Sherrow moved the minutes of the May 20, 2015 monthly meeting and the June 15, 2015 Character Study work session be approved. Peter Marks seconded the motion. The motion passed by a vote of 3-0.

Financial Report for Period May 1, 2015 to May 31, 2015:

Paula Fudge Marks moved that the financial report for the period May 1, 2015 to May 31, 2015 be accepted. Peter Marks seconded the motion and it passed by a vote of 3-0.

The Council discussed the recent U.S. Supreme Court ruling in the case *Maryland v. Wynne* which held that the State's practice whereby residents who earn income outside the State are credited for State income tax, but NOT the county and local jurisdiction taxes, is unconstitutional. The Court found that the State and county income taxes are both State taxes and the practice amounted to double taxation for those who filed income taxes in other states. They ruled it was a violation of the "dormant commerce clause" inferred from the Commerce Clause in the U.S. Constitution. Municipalities do not have the authority to impose income taxes, but we rely on the "piggyback" of the County income tax. Chevy Chase View receives 17 percent of the County's income tax collected from local residents. For those who earned income outside the state and filed income tax returns for the tax years 2012, 2013 and 2014, they can file amended Maryland State Tax returns to receive a refund plus interest. In addition, those who were watching the progress of this case through the courts and filed what are called "protective claims" on their taxes, have a longer look-back period based on when they began filing those protective claims. If the state where you paid income taxes has a rate that is less than the Maryland tax rate, then the credit that you will receive on your Maryland refund will be limited to that rate. Consult with your CPA as Maryland has cooperative agreements with some states regarding how credits are applied which may also affect your refund. We have yet to hear how the interest will be calculated, as that will

also affect your refund. Once the State has processed your refund, they will notify Chevy Chase View and we will reimburse the State for our portion of that refund and interest. Unfortunately, there is no way to assess our liability as that information is unknown at this time. The amounts are not insignificant.

Because the Comptroller is expected to process so many claims, it is of some concern that CCV not be charged for refunds made to residents of other "Chevy Chase" municipalities. For that reason, we urge everyone filing amended returns for refunds to clearly state on the return that you are a resident of **Chevy Chase VIEW**.

Council Member Walk: Ron Sherrow conducted the monthly Council member walk and reported on right-of-way issues involving traffic signs, shrubbery overgrowth and construction site oversight.

Ratify Approval of CCV Permit No. 338-06001 - 9918 Kensington Parkway (Willson): Brian Willson, of Willson, LLC, owner of the property at 9918 Kensington Parkway submitted a building permit application for an addition to his property. 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 description of the project on the application, the site plan overlaid onto the house location drawing by Capitol Surveys, Inc., dated January 8, 2014, and the construction plans drawn by Brian Willson, dated May 16, 2015. The scope of the project is to construct a 9'-8" by 11'-6" second-story addition to add a third bedroom to the home. The addition will be constructed over the existing footprint of the structure. A boundary survey is not required because the new construction will not be within four feet of a setback line.

The addition will be setback 24 feet from west property line, which is designated as the side yard of the property, and 72 feet from the south property line, which is designated as the rear yard. The Kensington Parkway front yard setback will be 41 feet. The Established Building Line (EBL) for the property is 63.0 feet, but the revised Code allows construction over the existing footprint of a non-conforming property, as long as the new construction meets the minimum 35-foot front setback, the 15-foot side setback, and the 25-foot rear setback. Because the lot is small, and because the Kensington Parkway EBL setback is very large, the only option for improvements for this property is a second story addition.

Mr. Willson has obtained a Building Permit from the Montgomery County Department of Permitting Services on June 2, 2015, number 714391, to construct the addition. Mr. Toomey recommended on June 4, 2015, that the Council should approve the application. The Council reviewed the package and voted unanimously via email to approve this application.

Ratify Approval of CCV Permit No. 339-06002 - 9808 Summit Avenue

(Manfreda): Lisa and Brendan Manfreda, owners of 9808 Summit Avenue, submitted a building permit application to install two fence types in parts of their front, side, and rear yards. 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 their application, the schematic layout drawing by the contractor, Builders Fence Company, revised May 20, 2015, and the contractor's overlay drawing showing the proposed fence location on a house location survey produced by Real Estate Surveyors & Developers, LLC, dated May 5, 2015. The scope of the project is to install a 4-foot high white vinyl picket fence in the front and side yards, and a 6-foot high cedar board-on-board dip fence in sections of the side and rear yards where there are no fences. The fence sections will be located entirely within their property. The southeast property corner at Summit Avenue has already been staked, and is within an existing hedgerow that will be removed to facilitate the installation of the fence. A fence Permit will also be required by the Montgomery County Department of Permitting Services.

Mr. Toomey recommended on June 4, 2015, that the Council should approve the application. The Council reviewed the package and voted unanimously via email to approve this application.

Ratify Approval of CCV Permit Nos. 340-06003D and 340-06003 -

4205 Glenrose Street (Griffioen): Willem Griffioen, principal of Erasmus Heaven B.V., submitted a demolition permit application and a building permit application for the property at 4205 Glenrose Street, located in the Town of Chevy Chase View. The site plan and the architectural plans submitted with the application comply with all the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the Site Plan by Raztec Associates, Inc., dated February, 2015, and revised May 19, 2015, and the architectural plans by Architectural Methods LLC, dated April 30, 2015, and revised May 19, 2015. The scope of the project calls for the demolition of the existing single story home built in 1955, and the construction of a new two-story home with a finished basement, and a detached rear yard two-car garage. The site plan also shows that the driveway to the garage will utilize the existing driveway apron.

The Established Building Line (EBL) front yard setback for this property is 66.83 feet. The front wall of the house will be set back 70 feet. A front porch and its roof overhang will project 7.5 feet off of the front face of the house, or 4.33 feet into the allowable 5-foot projection into the EBL front yard setback requirement. The right (east) side property line setback will be

17 feet. The left (west) side property line setback will be 19 feet. Both side yard setback requirements are 15 feet. The rear yard setback will be 110.0 feet. The roof and gutter overhangs, and the chimney and window well projections, do not project beyond the allowable roof, chimney, and window well projections. The building height, which falls under the Montgomery County zoning restrictions, is shown as 29'-10", as calculated by the mid-gable method, and is less than the allowable 30-foot height.

The rear yard two-car garage will be 23 x 23 feet, and 7 feet from the right (east) side property line, and 14.2 feet from the rear property line. The height of the garage is measured as 16'-9" to the peak, and 13'-4" to the mid-point, meeting the 15-foot mean height restriction. The applicant has submitted a permit application to the Montgomery County Department of Permitting Services, on April 6, 2015, for demolition of the existing structure. That permit, number 708169, was issued on June 2, 2015. A second permit application was made on April 17, 2015, to construct a new home. That permit has not yet been issued.

Mr. Toomey recommended on May 29, 2015, that the Council should approve the applications for the demolition of the existing home and the construction of a new home/garage. The Council reviewed the package and voted unanimously via email to approve this application.

Building Permit Application - Fence - 4212 Franklin Street

(Gottshall): Jeff and Lisa Gottshall submitted a fence permit application for their home at 4212 Franklin 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 in their application, the schematic layout drawing showing the fence location overlay on the January 17, 2013 Benning & Associates, Inc. site plan drawing, as well as catalog cut sheets of the arbor and the fence. The scope of the project is to install a 6-foot high board-on-board wood fence on the side and rear property lines, and an arbor and gate from the right (west) front corner of their house to the side property line. Mr. Toomey recommended approval of this application. A fence Permit will also be required by the Montgomery County Department of Permitting Services.

Ron Sherrow moved the fence permit application be approved with the following condition - "The Town Council understands there may be a discrepancy of approximately 2.5 feet between the lot depth depicted on the site plan and the actual lot depth. This permit is approved for installation of the subject fence within the boundaries of the applicants' lot, only. The applicants should communicate with the neighbor to the rear as to the actual location of the rear boundary

line. Confirming the location of the rear boundary line is a private matter to be resolved between the neighbors". Peter Marks seconded the motion. The motion passed by a vote of 3-0.

Notification of Change in Plans - 9900 Summit Avenue (McCarthy):

A "Notification of Change" in the plans was presented to the Council for 9900 Summit Avenue. Mr. Toomey has spoken with Ada DeJesus, of the Montgomery County Department of Housing and Community Affairs, Division of Housing, Office of Licensing and Regulation. Ms. DeJesus said that the new County Zoning Ordinance which went into effect last October 30, 2014, eliminated the classification of Registered Living Unit, and now requires all secondary living quarters to be set up and licensed as an accessory apartment.

To proceed with their County building permit review, Mrs. McCarthy was required to apply for the Class 3 Accessory Apartment.

The following CCV building permit summary was submitted by Joe Toomey, CCV Building Permit Administrator:

CCV Building Permit Summary for June 2015

Applications for CCV Building Permit:

- 4205 Glenrose Street (Griffioen) Demolition of an existing home and construction of a new home and rear yard garage - applied 4/6/15, interim approval 6/1/15
- 9918 Kensington Parkway (Willson) Addition - applied 5/20/15, interim approval 6/8/15, issued 6/8/15
- 9808 Summit Avenue (Manafreda) Fence - applied 5/26/15, interim approval 6/8/15
- 4212 Franklin Street (Gottshall) Fence - applied 5/11/15

Request for a Revision to a Building Permit:

- 9900 Summit Avenue (McCarthy) Addition - approved 9/17/14, extension approved 3/18/15, notification of change 6/24/15

Approved applications awaiting issuance of CCV permit:

- 9819 Connecticut Avenue (Spry) Shed - applied 5/5/15, approved 5/20/15
- 9900 Summit Avenue (McCarthy) Addition - approved 9/17/14, extension approved 3/18/15, notification of change 6/24/15

Active and open permit construction projects:

- 10111 Cedar Lane (Francis/Hacking) Construction of a new house - approved 9/17/14, issued 11/24/14

- 4220 Dresden Street (Kehoe) Construction of a new house - approved 11/19/14, revised 12/17/14, issued 1/5/15
- 4220 Dresden Street (Kehoe) Fence - approved 4/15/15
- 4220 Dresden Street (Kehoe) Pool - approved 4/15/15
- 4224 Dresden Street (4224 Dresden Street, LLC) - Construction of a new house - approved 11/19/14, issued 12/15/14
- 4225 Dresden Street (Vaghi) Addition - approved 5/21/14, Time extension approved 11/19/14, issued 2/5/15
- 4001 Everett Street (Wratney) Addition - approved 10/15/14, issued 10/27/14
- 4120 Everett Street (Griffioen) Demolition of an existing garage and new garage construction - approved 5/21/14 issued 5/22/14, revised 6/18/14
- 4120 Everett Street (Griffioen) Addition - approve 6/18/14, issued 7/16/14, revised 9/17/14, revised 11/19/14, revised 2/25/15
- 4101 Franklin Street (Turgeon) New house and garage - issued 3/24/14
- 4034 Glenridge Street (RSC Investments LLC) Addition - interim approval 8/21/14, issued 8/21/14, revised 11/19/14
- 4308 Glenrose Street (Conlan) New house construction - approved 5/21/14, issued 6/11/14, revised 11/19/14
- 4314 Glenrose Street (Green) Wall and fence - interim approval 10/10/14, issued 10/10/14

Completed projects since April 2015 Council meeting:

- 9800 Summit Avenue (Villafana) Fence - applied 10/10/14, interim approval 3/6/15, issued 3/18/15, completed 6/11/15

East Dresden and Cleveland Street Lighting Proposal Update: Jana Coe reported that the joint purchase with the Town of Chevy Chase for the thirteen (13) NERI streetlights has been finalized. Chevy Chase View's portion of the order consists of five (5) lights for East Dresden Street and Cleveland Street. The delivery timetable is projected to be mid- to late August.\

Date for Next Character Study Work Session: The Council discussed the date for the presentation of findings to the CCV residents. The date will most likely be in October, and will be confirmed by posting to the CCV website and Constant Contact notices.

Connecticut Avenue Sidewalk Update: Jana Coe reported that SHA has not provided an update during the past month.

Comcast Franchise Renewal Update: Phil Roter, Cable and Broadband Services Administrator, Department of Technology Services for Montgomery County Government, provided an update on the status of the proposed Comcast Franchise Renewal Agreement. It is expected that a proposed Memorandum of Understanding will be provided to CCV in or about September.

Continued Discussion of Community Police Summer Pilot Program: Ron Sherrow reported that he is still fact finding to determine if there could be possible additional options for community policing during the summer months, including house checks for residents on vacation. He had no recommendation at this time. Paula Fudge felt it was prudent that the Council proceed on this issue in a slow and careful manner.

Approval of Chamberlain Contractor Proposal for Curb/Apron/Road Repairs: The Council reviewed the two proposals submitted by Chamberlain Contractors for FY15. The first proposal, which details specific curb and gutter removal/replacement as well as several concrete apron replacements, totals \$16,250.00.

The second proposal, which details utility repair/mill/overlay work related to construction activity, totals \$20,845.00. This work will be paid for by WSSC/Washington Gas reimbursements as well as the balance due from cash performance bonds posted in conjunction with construction activity. There are no Town funds allocated to these construction project repairs. The work will be scheduled in August 2015. Coral Bell was not in attendance at the meeting; however, she has reviewed the proposals and recommends approval.

Joe Toomey and Jana Coe have worked with the utility companies to secure the necessary reimbursements for damage to curbs, pavement and cuts made in the road. Ron Sherrow moved the proposals be approved. Peter Marks seconded the motion. The motion passed by a vote of 3-0.

Appreciation and Recognition to Christ Episcopal Church: Paula Fudge moved that the Town donate \$1,000.00 to Christ Episcopal Church as a gesture of appreciation for the use of church facilities during the past year. The staff has been very accommodating of the space needed for the many work sessions and multiple meetings over the past twelve months. Ron Sherrow seconded the motion and it passed by a vote of 3-0, with Coral Bell casting her vote in favor. Peter Marks abstained from the vote as he is a member of the church.

Update on CCV Directory Development: Jana Coe reported that the CCV standalone directory for CCV residents will be finalized next week. Every effort has been made to include new residents' information; however, some information may not be current if CCV

residents have not responded to requests for verifications over the past six months. The directory should be ready for distribution in late July.

Other New Business:

Approval of Precision Concrete Cutting Proposal: Jana Coe presented a proposal submitted by Precision Concrete Cutting to perform their patented saw cut method to remove trip hazards from concrete sidewalks in 52 locations with the Town. The process is much less intrusive than removal and replacement of concrete sidewalks. The process extends the life of sidewalks and saves up to 75% versus removal and replacement. Paula Fudge moved that the proposal totaling \$2,347.50 be approved. Peter Marks seconded the motion and it passed unanimously.

CCV Picnic - IMPORTANT: Paula Fudge, chair of the CCV Council, has been coordinating the picnic over the past four years and has decided she can no longer continue as the picnic coordinator. In order to continue this tradition, the Council is asking for volunteers who are willing to take over the coordination of the setup/takedown of the picnic this year. No date has been set for this year's picnic. If you know of anyone who might be interested, please call (301-949-9274) or email the Town Manager at ccviewmanager@verizon.net.

Motion to Adjourn: At 10:10 p.m., Ron Sherrow moved the Council meeting be adjourned. Paula Fudge seconded the motion and it passed by a vote of 3-0.

Time and Place of Next Meeting: The Council will meet next for its monthly meeting on Wednesday, July 15, 2015, at 7:30 p.m. at the Christ Episcopal Church, Kensington, Maryland.

Respectfully submitted,
Jana Coe, Town Manager

NOTES AND REMINDERS -

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, July 11, 2015**. This date change is due to the July 4th holiday. 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.

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.

Storm Drains - If there is a storm drain adjacent to your property, would you mind helping us out? If you could clear the accumulated debris from the grates occasionally, it will be better to add this debris to the weekly yard pickup as opposed to ending up in the Chesapeake Bay! Thank you.

Listserv - Please consider becoming a member of the CCV listserv. Send an email to ChevyChaseViewNet-subscribe@yahoogroups.com. **As a reminder, the ChevyChaseViewNet 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 ccviewmanager@verizon.net or by calling 301-949-9274.**

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

Application for Building Permit - Building Permit Applications for consideration at the July 15, 2015, meeting must be submitted to the Town Manager by 5:00 p.m. on July 1, 2015. Please note that the review may take several days and an application is not considered perfected until the Town Building Permit Administrator completes his review. Please contact Jana Coe, Town Manager, at ccviewmanager@verizon.net or 301-949-9274.