

COUNCIL OF CHEVY CHASE VIEW

Monthly Meeting

Date: March 26, 2008
Place: Christ Episcopal Church, Kensington, Maryland
Present: Michael Plantamura, Chairman; Coral Bell, Martie Mitchell,
and Peter Roman, Councilmembers
David Podolsky, Legal Counsel to Chevy Chase View
Adam Cohen, Legal Counsel to Chevy Chase View
Alan Beal, Building Permit Administrator for Chevy Chase View
Others Present: Rachel Ritvo, 4020 Everett Street
Called to Order: 7:30 p.m. by Michael Plantamura, Chairman

Approval of Minutes of February 20, 2008 Regular Meeting: Councilmember Peter Roman moved that the minutes of the February 20, 2008 regular meeting be approved. Councilmember Martie Mitchell seconded the motion. The motion passed unanimously.

Acceptance of Financial Reports for the Period February 1, 2008 to February 29, 2008: The financial report for the period February 1, 2008 to February 29, 2008 was presented. Mr. Roman moved that the report be accepted. Ms. Mitchell seconded the motion. The motion passed unanimously.

Council Member Walk: Ms. Mitchell reported no major causes for concern, with the streets having been recently cleaned, the gutters clear, and the blossoming of cherry trees contributing to an attractive landscape. Ms. Mitchell, however, did express concern over a significant number of recycling bins that were observed on the streets of Chevy Chase View. Ms. Mitchell requested that the Council ask Town Manager Jana Coe to contact Waste Management regarding their handling of recycling bins.

Ms. Mitchell reported that the house at 4101 Saul Road appears to be undergoing rehabilitative work, but did not believe that the Council had received nor approved a permit for any work to be undertaken at this address. Building Permit Administrator Alan Beal stated that an application had been filed with Montgomery County and permission was granted for the installation of pipes as a result of that application. Efforts have been made to contact the homeowner of 4101 Saul Road, but it was noted that the voice mailbox was full and no longer accepting new messages. It was reported that the owners of the above address understand that they must apply for additional permitting through the Council prior to taking any next steps. Mr. Plantamura asked other members of the Council whether they felt a stop-order was necessary at this time. It was determined that such an order was not necessary at this time, but should there be further reports of construction progress made at this address, a stop-order could be issued.

Application for Fence – 10001 Connecticut Avenue (Battle): Residents of 10001 Connecticut Avenue have applied for the construction of a fence along the rear property line, as well as along the two sides of the property. Mr. Beal reported that the proposed fence would conform to Chevy Chase View regulations. Ms. Mitchell moved that the application be approved. Mr. Roman seconded the motion. The permit application was approved unanimously.

Application for Addition – 4024 Glenrose Street (Carlsen): The residents of 4024 Glenrose Street have applied for a permit to construct an addition to the main building, which would include a new chimney. The additional two feet to be used for the chimney was determined to be consistent with the Chevy Chase View regulations, and all other aspects of the project were deemed to be conforming. Councilmember Coral Bell moved that the application be approved. Ms. Mitchell seconded the motion. The permit application was approved unanimously.

Approval for Demolition/New Home/Curb Cut – 4201 Dresden Street (Kirsch): The application for demolition of the current structure located at 4201 Dresden Street and for construction of a new house at that address includes a new curb cut, which would entail removing a small cherry tree in the public right-of-way along the property's front line. Although not shown on building plans provided to the Council, Mr. Beal informed the Councilmembers that the cherry tree is located 15 feet east of the fire hydrant shown on the plans. A second tree that is proposed to be removed is on the property owner's private property.

The property's owners, Peter and Patty Kirsch, spoke with Mr. Roman, who reported that the owners are willing to cooperate with the Council in replacing the cherry tree. Mr. Plantamura asked Chevy Chase View resident and Tree Committee Member Rachel Ritvo whether the planting of an additional tree or trees would be consistent with a larger master plan. Ms. Ritvo advised that it would be. Mr. Plantamura then observed that it would be possible for Chevy Chase View to plant the tree and then seek reimbursement from the property's owners.

Mr. Podolsky advised the Council that it is within Council's authority to approve the application with specific conditions, including a condition that the property owners must close the existing driveway on Summit Avenue if that is something about which the Council is concerned.

Mr. Beal advised the Council that Mr. Kirsch was interested in commencing construction next month and was seeking approval during the March 2008 regular meeting at this time. Mr. Beal thus advised that the Council could approve the demolition and construction of the building at this time and reserve a formal decision on the curb cut and apron creation until a later date. Mr. Plantamura expressed a desire for the property's owners to attend the April 2008 regular meeting to speak with the Council about replacing the cherry tree, and to discuss their plans regarding the existing driveway on Summit Avenue.

Mr. Roman moved for the approval of the application for demolition and construction on the condition that the property's owners would reimburse the Town for the replacement of any trees removed within the public right-of-way. Ms. Mitchell seconded the motion, which then passed unanimously. Councilmembers affirmed an interest in having Mr. Kirsch appear before the Council at the next meeting.

Tree Committee Report: Mr. Roman stated that he has met with members of the Tree Committee and that there is money in the budget currently for the installation of new trees. At issue for the Committee is how many new trees should be purchased for Chevy Chase View. Mr. Roman introduced Rachel Ritvo, Chair of the Committee, who proceeded with testimony on the process the Committee is undertaking and the results of that process to date.

Ms. Ritvo noted the following: 18 notices were sent to members of the community on February 28, 2008, informing the community members that new trees would be planted in the public right-of-way in front of their homes. Responses were due by March 28, 2008. Of the 18 notices sent out, only four responses have been received. Questions have been raised over whether the new trees would affect natural sunlight, as well as concerns over the uniformity of color for maple trees and the variety of the types of trees themselves. Ms. Ritvo said she would respond to residents and the Council on this subject in the near future.

With regard to those community residents who wish not to receive a new tree, Ms. Ritvo recommended to the Council that a "deferral list" be created to explore the possibility of adding new trees consistent with the master plan, which can be used as current property owners sell their homes. She recommended that a database be maintained that indicates any previously unknown additions to the property, such as a sump pump that the Council learned was placed within the right-of-way when the abutting property owner requested that a new tree not be added to this space.

The Tree Committee expressed its intent to construe the 14 non-responses to the notices as consent to having trees placed in front of their properties as the notice so indicates. With regard to future letters, Ms. Ritvo advised that future letters should more expressly advise that removal of any trees from the right-of-way will lead to the planting of a new tree.

Also discussed as derivative to the Tree Committee's presentation was the possibility of creating a municipally-owned database that identifies the precise location of all right-of-way trees throughout Chevy Chase View. Mr. Plantamura recommended that Ms. Coe request a presentation of a proposal to develop the database.

The Tree Committee will next meet during the week of March 31, 2008. A draft master plan is expected to be completed in May or June 2008, with decisions to be made by the Council on how that plan should be presented to the community later this summer.

The Council thanked Ms. Ritvo for her service on the committee.

Connecticut Avenue Lighting Update: Martie Mitchell reported in February that a survey was completed by Mark Ketteran, a lighting consultant hired by Chevy Chase View and the Town of Kensington, and recommendations were made to change lights along Connecticut Avenue. Pepco was then contacted to explore potential options for the two Towns' purchase of Connecticut Avenue lights, as allowed by legislation enacted last year. This included a request for a meeting with Pepco officials where it was expected that Pepco would provide the price of the lights, and documents related to Pepco's agreement with Washington, D.C., which bought their streetlights from Pepco 20 years ago.

Ms. Mitchell reported that four Pepco employees attended the meeting, as well as Maryland Delegate Al Carr and Town of Kensington officials. Pepco failed to bring the requested information. They expressed difficulty in assigning a value to their street lights, asserting that the loss of revenue must be taken into account in calculating the fair market value. Pepco offered a free upgrade to all lights along Connecticut Avenue in Chevy Chase View and Kensington, provided Pepco did the installation and continued the maintenance of all the lights. At the conclusion of the meeting, Pepco agreed to review a list of options to be compiled by Mark Ketteran, and to provide us with the fair market value of the streetlights of the different options. Mr. Carr has introduced legislation in an effort to convince Pepco to come to a negotiated agreement with the municipalities regarding the fair market value of streetlights. The Maryland Senate is set to consider this legislation on March 27, 2008, with the House likely to follow suit soon after. The Council considered whether to support Delegate Carr's bill. After Mr. Podolsky briefed the Council on the effect of the legislation, which has been revised to include the prospect of a jury trial regarding the potential fair market value assessment should the lights be condemned, the Council expressed concern over the potential costs associated with such a process, and concluded that an alternate means of determining value should be identified.

The Council next considered a letter that Ms. Mitchell received just before the meeting from Pepco's president identifying various alternatives and associated prices. Ms. Mitchell expects an additional response to the list of options provided by Mr. Ketteran. Ms. Bell observed that the problem associated with the current lights and a future relationship with Pepco is that the company fails to maintain its lights. Pepco is presently willing to upgrade the lights along Connecticut Avenue for no charge; however, the Council observed that Pepco maintains a limited inventory that might not accomplish the Council's objectives for safety and appearance, and the Town would be tied to Pepco for their continued maintenance.

The Council will continue discussions on this matter at its next regular meeting.

Speed Camera Update: Mr. Plantamura requested a report on the status of speed camera legislation currently being considered in Annapolis, Maryland from Mr. Podolsky. Mr. Podolsky reported that bills have been passed by the House of Delegates and the Maryland Senate. The Senate version proposes to expand the use of speed cameras to residential and work zones throughout the State, increases the fine from \$40 to \$75, and redirect the proceeds of all fines from municipalities to the State.

The House version does not redirect revenues. It is expected that the Maryland House and Senate will take up resolving the differences between the bills in conference committee very soon.

Discussion of Renovation vs. Demolition: Due to the absence of Councilmember Ray Bernor from this meeting, discussion of this subject has been deferred until a future meeting.

Formal Acceptance of FY 2008-2009 Budget: Mr. Plantamura presented the proposed budget to the Council. Ms. Bell moved for acceptance of the proposed budget for presentation to the community for comments and a public hearing. Mr. Roman seconded the motion and it was approved unanimously. The annual budget meeting (including a public hearing on the proposed budget) has been scheduled for Wednesday, April 16th at 7:00 pm, prior to the regular meeting's scheduled start time of 7:30 pm on that date.

Appointment of Nominating Committee for May 8, 2008 Elections: Mr. Plantamura announced that elections will be held only if there are more announced candidates than there are seats on the Council to be filled. Mr. Roman moved to appoint Kathleen Haggerty, Lynn Bailets and Diana Ursano to the committee, which Ms. Bell seconded. The motion passed unanimously, and Mr. Plantamura thanked the committee in advance for its service.

Amendment of Budget to Reallocate Expenses for Right-of-Way Maintenance, Planting and Removal: Mr. Plantamura requested consideration of the following amendments to the FY 2007-2008 Budget: (a) amend the budget for Right-of-Way Tree Maintenance from \$12,000 to \$16,000; (b) amend the budget for Right-of-Way Tree Removal from \$18,000 to \$10,000; and (c) amend the budget for Right-of-Way Tree Planting from \$8,000 to \$12,000. Mr. Roman moved for approval of these amendments, with Ms. Mitchell seconding the motion. The motion was approved unanimously.

Other New Business – Curbing of Dogs: Mr. Plantamura asked that the record show that a resident of Chevy Chase View has asked Ms. Coe to remind residents to curb their dogs.

Other New Business – Community Development Block Grant Funding: Chevy Chase View has received a letter from Montgomery County to request the inclusion of Chevy Chase View's population within an application for a federal Community Development Block Grant (CDBG). Mr. Plantamura requested that all Councilmembers read the letter and be prepared to fully consider it at the next regular meeting.

Adjournment: At 8:47 p.m., Mr. Roman moved to adjourn the meeting, which Ms. Bell seconded. The motion passed unanimously.

Time and Place of Next Meeting: The Council will next convene for its annual budget meeting on Wednesday, April 16, 2008, at 7:00 p.m. at the Christ Episcopal Church,

Kensington, Maryland. Following the budget meeting, the Council will then conduct a regular meeting at 7:30 p.m. at the same location.

Respectfully submitted,

Jana Coe
Town Manager

Application for Building Permit – Building Permit Applications for consideration at the April 16, 2008, meeting must be fully perfected by 5:00 p.m. on April 2, 2008. Applications can be submitted to Alan Beal, the Building Permit Administrator, for review. Please note that Mr. Beal’s review may take several days and an application is not considered perfected until Mr. Beal completes his review. Any questions about this process should be directed to Mr. Beal at 202-607-4153.

Bulk Pick-Up - The next bulk pick-up will be Saturday, April 5, 2008. Bulk pick-ups are held on the first Saturday of the month. As a reminder, heavy refuse includes major appliances, furniture, large toys, bicycles, plumbing fixtures and up to two tires cut in quarters. Excluded are batteries, propane tanks, bricks and 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.

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

Listserv – Please consider becoming a member of the CCV listserv. Send an email to ChevyChaseViewNet-subscribe@yahooogroups.com.

Backyard Refuse Service – Waste Management provides backyard refuse service. It is not necessary to take your cans to the curb for refuse removal.

Annual Spring Yard Cleanup – The annual spring yard cleanup is scheduled for April 22-25, 2008. A separate notice will be mailed.