**Chevy Chase Village**
**Board of Managers**

1. Meeting Called To Order
   Mr. Michael L. Denger, Chair

2. Approval Of Minutes From The Previous Board Of Managers' Meetings
   Regular Monthly Meeting - December 12, 2016

3. Appeals
   **Continuance of A-6895 (Appeal of the Manager's Decision): Mr. Christopher Ian a& Ms. Victoria Twinn of 5503 Center Street and Mr. David & Ms. Julia Lee of 5505 Center Street Regrading Work at 5502 Grove Street**
   Appeal of the Village Manager's issuance of Building Permit #6879 (to Mr. David J. & Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abuttting their rear property line. *This case was introduced at the Village Board's March 14, 2016 meeting.*

   Documents:

   A-6895-CONTINUED.PDF

4. Treasurer's Report
   Mr. Gary Crockett, Board Treasurer

5. Matters Presented For Board Discussion And Possible Action (Where Required)
   **Board Discussion:**

   - Analysis of the Village's Liability Insurance Coverage as Prepared by the Insurance Buyers' Council, Inc.

6. Police Report
   Mr. John M. Fitzgerald, Police Chief

7. Manager's Report

   - Building and Tree Permits and Code Enforcement Report
   - Capital and Infrastructure Upgrade Projects Report
   - Village Hall Activity Report
   - Legal Counsel Report

## Case A-6895-continued

Mr. Christopher Ian and Ms. Victoria Twinn of 5503 Center Street and Mr. David and Ms. Julia Lee of 5505 Center Street's Appeal of the Village Manager's Decision to issue Building Permit #6879 (to Mr. David J. Rose and Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting their rear property line.

Mr. Christopher Ian Twinn & Ms. Victoria Twinn
5503 Center Street
Mr. David Lee & Ms. Julia Lee
5505 Center Street

# CHEVY CHASE VILLAGE
# NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of January, 2017 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6895—CONTINUED**
**MR. CHRISTOPHER IAN AND MS. VICTORIA TWINN**
**OF 5503 CENTER STREET &**
**MR. DAVID AND MS. JULIA LEE**
**OF 5505 CENTER STREET**
**CHEVY CHASE, MARYLAND 20815**

Pursuant to Sec. 8-10(a) of the Village Code, the applicants appealed a decision of the Village Manager. The Village Manager issued Building Permit #6879 (to Mr. David J. and Ms. Megan L. Rose of 5502 Grove Street) to construct a fence measuring six feet, six inches (6'-6") in height and a retaining wall measuring a maximum of three (3) feet in height abutting their rear property line and designed to support a portion of the rear yard that was re-graded at the same time. A re-grading permit was necessary but not applied for and so was not issued in conjunction with the fence and wall permit.

This case was initially heard by the Board of Managers on March 14, 2016. The case was continued at the Board's direction pending the Village staff's review of the regrading permit application and associated regarding and drainage plan submitted on March 9, 2016 by the owners of 5502 Grove Street.

The Board will consider this case to conclude its decision on this appeal, to decide whether the fence height conforms to the Village Building Code and to decide whether the Manager's administrative determination regarding the regrading is satisfactory pursuant to the Village Building Code.

**The Chevy Chase Village Code Sec. 8-21(d) states:**

> **Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors.**
> Fence and wall height in rear yard. No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6-½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

**The Chevy Chase Village Code Sec. 8-25 states:**

**Alteration of water flow or drainage.**

(a) Permit required. Any person intending to perform grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, or the installation of any downspout or drain which, in the opinion of the Village Manager, could alter the existing or natural flow of water in such a way that it may reasonably be expected to cause such water or drainage to flow onto abutting property or onto the public right-of-way, must obtain a Building Permit therefore from the Village Manager. No permit will be issued for activity that allows water to flow onto another private property.

(b) Adverse effect. No grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, or the installation of any downspout or drain which will alter the flow of water or drainage so as to have an adverse effect on abutting or nearby properties or on the public right-of-way shall be approved by the Village Manager.

(c) Conditions. The Village Manager may issue a Building Permit for grading or construction of impermeable surfaces, such as patios, driveways, walkways or terraces or other paving, which will alter the flow of water or drainage, upon such terms or conditions as the Village Manager deems necessary to avoid adverse effects upon abutting or nearby properties or onto the public right-of-way.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 29th day of December, 2016.

**Chevy Chase Village Office**
**5906 Connecticut Avenue**
**Chevy Chase, Maryland 20815**
**301-654-7300**

## MAILING LIST FOR APPEAL A-6895-CONTINUED

**MR. & MS. IAN TWINN**
**5503 CENTER STREET**
**CHEVY CHASE, MD 20815**
**AND**
**MR. & MS. DAVID LEE**
**5505 CENTER STREET**
**CHEVY CHASE, MD 20815**

| **Adjoining and confronting property owners** | |
|---|---|
| Ms. Julie Horowitz &<br>Mr. Ian Wallace<br>Or Current Resident<br>5515 Kirkside Drive<br>Chevy Chase, MD 20815 | Mr. & Mrs. Michael Blommer<br>Or Current Resident<br>5511 Kirkside Drive<br>Chevy Chase, MD 20815 |
| Mr. & Ms. David Rose<br>Or Current Resident<br>5502 Grove Street<br>Chevy Chase, MD 20815 | Mr. & Mrs. John Hay<br>Or Current Resident<br>5504 Grove Street<br>Chevy Chase, MD 20815 |
| Mr. & Mrs. Ned Rubenstein<br>Or Current Resident<br>5503 Grove Street<br>Chevy Chase, MD 20815 | Mr. & Ms. David Winstead<br>Or Current Resident<br>5505 Kirkside Drive<br>Chevy Chase, MD 20815 |

I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 29th day of December, 2016.

**Ellen Sands**
**Permitting and Code Enforcement Coordinator**
**Chevy Chase Village**
**5906 Connecticut Avenue**
**Chevy Chase, MD 20815**

CHEVY CHASE VILLAGE
ESTABLISHED 1890

December 29, 2016

Mr. & Mrs. Ian Twinn
5503 Center Street
Chevy Chase, MD 20815

Mr. & Mrs. David Lee
5505 Center Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Twinn and Mr. & Mrs. Lee:

Please note that the continuance of your appeal of the Manager's decision to issue Building Permit #6879 to the owners of 5502 Grove Street is scheduled for consideration before the Board of Managers on Monday, January 9, 2017 at 7:30 p.m. Either you or another representative must be in attendance to represent your case. At that time, additional documents may be introduced and testimony can be provided in support of the appeal.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS
MICHAEL L. DENGER
*Chair*
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*Vice Chair*
DAVID L. WINSTEAD
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*Assistant Secretary*
GARY CROCKETT
*Treasurer*
ROBERT C. GOODWIN, JR.
*Assistant Treasurer*
RICHARD M. RUDA
*Board Member*

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

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*OYSTER, IMUS, PETZOLD & ASSOCIATES, LLC*
**CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS**
11327 Amherst Avenue • Wheaton, Maryland 20902
301-949-2011 • ***www.oipengineering.com*** • 301-949-2013 (f)

# ADDENDUM TO REPORT DATED OCTOBER 14, 2016

December 1, 2016

Dear Ellen,

We have reviewed the following items that were discussed in the meeting between the town, the three neighbors at 5502 Grove Street (the Rose's), 5503 Center Street (the Twinn's) and 5505 Center Street (David Lee), and ourselves last Wednesday, November 23, 2016.

1. Catch Basin: At Mr. Twinn's suggestion, relocate the catch basin on the Rose's property so that it would direct the water in a manner that more closely resembles pre-construction flow patterns.

2. Provide a pathway for the overflow of water through the wall so that the water will not back up to the back rear of the Roses property and then flow to the Twinn's property.

Subsequent to the meeting, we visited the site and discussed the proposed items in the presence of both Mr. Rose and Mr. Twinn, as well as Mr. Twinn's engineer, Mr. Samos.

We have the following observations and recommendations:

Catch Basin: Placing the catch basin 10' to the right of the outside edge of the retaining wall is preferable to the current design. According to Mr. Twinn's observation, having the water flow out of the wall at this location should more closely resemble the pre-existing flow path of the runoff. This would also reduce the amount of grading on the Rose's property since the catch basin would be moved upgrade from its existing location. We do not believe that this would cause additional adverse impact to the adjoining property. Our concern is conveying the runoff, not storing it.

In order to reduce the likelihood that the catch basin would clog, a dome cover should be used. If this is not available for a 6" catch basin, a 9" catch basin should be used. Based on our site visit, it also appears that the distance of 10' to the right of the outside edge of the retaining wall may not ensure that water bypasses the catch basin on the Twinn's property. If the Twinn's and Rose's are in agreement, we recommend that the location of the catch basin be moved 12' to the right of the outside edge of the retaining wall. We were able to find a 9" catch basin with a domed cover on line at https://drainagekits.com.

We are not opposed to a suggestion made by Mr. Samos that a larger pipe (6" instead of 4") be used to convey the water from the catch basin to the gravel drain tile. We do not think that this will substantially change the intent of our design, and the cost difference should not be substantial. Ultimately, the catch basin in Mr. Twinn's yard is limited by the pipe capacity of the 3" pipe that conveys that water to the street.

Conveyance of Overflow: There is a concern that a clogged grate, pipe or gravel drain will back up water in the proposed swale. The back up would force water to the rear right of the Rose's property before flowing to the Twinn's property. We proposed at the meeting that ½ " weep holes be drilled into the top tier of the timber wall, spaced at 2' on center, at the midpoint of the timber. As the length of the wall is approximately 55', that would allow for 26 weep holes. This would allow for the passage of additional flow in the case that the water backs up in the Rose's property.

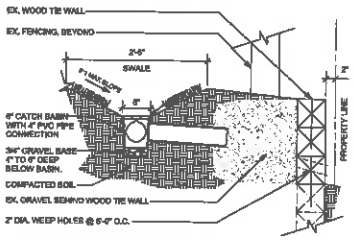
Additional observation from field visit. It is possible that the drain tile and the Miradrain Board used by the contractor is to dewater the area behind the retaining wall and direct the flow to the rear right of the subject property (to the terminus of the retaining wall). When completing these changes, the contractor should ensure that the perforated pipe and the drain tile do not outfall at the terminus of the retaining wall as this would contradict to the intention of the plan revision. Thus the perforated pipe should be capped, and the gravel removed for the final 5' of the retaining wall. Additionally, ½" weep holes should be drilled into the bottom two tiers of timbers at 2' on center on each timber. When drilling the weep holes, the drill should pierce the Mira Drain fabric to ensure that water will be able to pass through the it and the weep holes. Also, at areas were there is a gap in the timbers, the fabric should also be pierced to encourage passing of the water. A meeting with the contractor would be helpful.

Limitations of these Recommendations: As with our original report, the conclusions contained in this letter are based on data obtained from two site visits, plans and documents provided to us by the client, and information garnered from publically available aerial photography and mapping. While they reflect our best analysis of the problem presented to us, they are not guaranteed to resolve the situation studied.

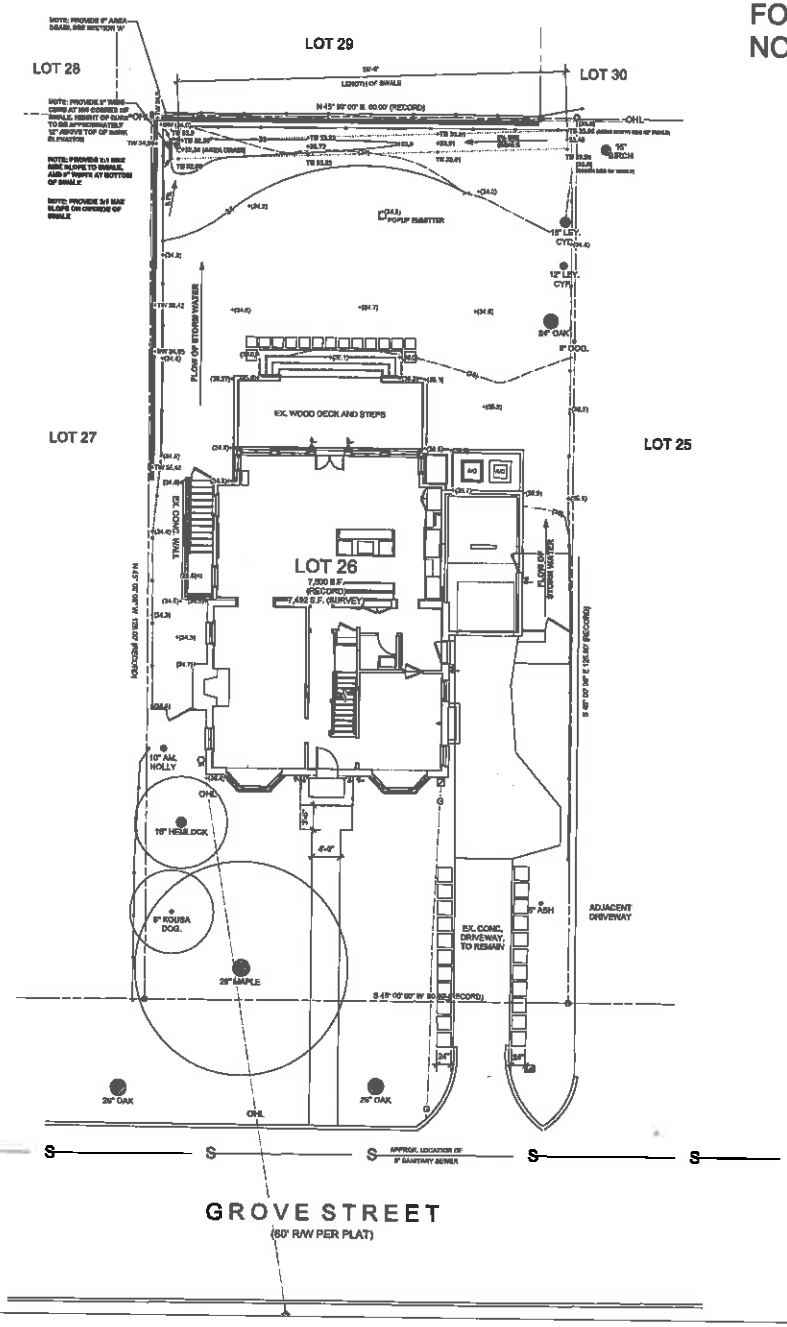
We did not excavate behind the retaining wall to confirm that the drain tile was built as stated by the contractor. Nor did we determine the exact location of property lines. We assumed that the design plans, the survey, and the information provided by the contractor were generally accurate.

Thank you for choosing Oyster, Imus, Petzold to prepare this report. If you have any questions concerning this report or we may of further service, please contact us.

FOR REVIEW AND PRICING ONLY,
NOT FOR CONSTRUCTION




A 6" AREA DRAIN
SECTION 1"=1'-0"




## GENERAL NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY BY SNIDER & ASSOCIATES, 03/07/18
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.NETRTIC 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION.
3. ALL SUBSURFACE PIPES TO BE RIGID PVC PIPE.
4. THE INTENT OF THE PLAN IS TO CAPTURE WATER RUNOFF FROM THE SUBJECT LOT, AND THE ADJACENT LOT AT 5504 GROVE STREET THAT WAS PREVIOUSLY DRAINING ACROSS THE SUBJECT PROPERTY, AND CONVEY IT TO THE PROPOSED SWALE
5. NO GRADING IS TO OCCUR ON ANY PROPERTY OTHER THAN THE SUBJECT PROPERTY, WITHOUT THE RESPECTIVE HOMEOWNER'S PERMISSION
6. A PRE-CONSTRUCTION MEETING WITH A REPRESENTATIVE FROM CHEVY CHASE VILLAGE IS REQUIRED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

## KEY

| | |
|---|---|
| ● | EXISTING TREES |
| | PROPERTY LINE |
| + (99.5) | EXISTING ELEVATION |
| + 99.5 | PROPOSED ELEVATION |
| (100) | EXISTING CONTOUR |
| 100 | PROPOSED CONTOUR |
| G | GAS |
| W | WATER |
| S | SEWER |
| OHL | OVERHEAD LINE |
| Ⓢ | SANITARY MH |
| | POWER POLE |
| | LIGHT POLE |
| | SIGN |
| | EX. WOOD FENCE |
| | EX. METAL FENCE |
| | PROP. WOOD FENCE |
| TBT | TO BE TRANSPLANTED |
| TBR | TO BE REMOVED |
| LC | LANDSCAPE CONTRACTOR |
| GC | GENERAL CONTRACTOR |
| | HARDSCAPE TO BE REMOVED |


LILA FENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700


# ROSE RESIDENCE
5502 GROVE STREET, CHEVY CHASE, MD 20815

SCHEMATIC GRADING AND SUBSURFACE DRAINAGE PLAN 1/8"=1'-0"

4

OIP+A

OYSTER, IMUS, PETZOLD & ASSOCIATES, LLC
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS
11327 Amherst Ave., Suite A • Wheaton, Maryland 20902
301-949-2011 • www.oipengineering.com • 301-949-2013 (f)

October 14, 2016

# DRAINAGE REPORT FOR 5502 GROVE STREET IN CHEVY CHASE, MARYLAND

## *Background*

Oyster, Imus, Petzold & Associates, LLC (OIPA), has reviewed the plans provided to us by Chevy Chase Village for 5502 Grove Street (Lot 26) and conducted a site visit to assess the impact of new construction on the adjacent properties at 5503 and 5505 Center Street (Lots 29 and 30, respectively). It is our assessment that the grading performed on the site and the construction of the fence and retaining wall did change the drainage patterns to negatively impact the adjacent properties at Lot 29 and Lot 30. Thus we feel that the new construction does not comply with Section 8-25 of the Village Code which states that the "*Alteration of water flow or drainage <as a result of new construction> ... shall not have an adverse effect on abutting or nearby properties...*"

## *Observations*

Based on the plans provided to us, the pre-construction storm water runoff for the subject property (Lot 26) drained from the front right to the rear left of the property. (All references to locations on a property such as front, back, right and left are based on a person standing in the street in front of the noted property and looking at the house.) This drainage pattern also directs water from the adjacent properties at 5504 and 5506 Grove Street to both the subject property and to 5503 Center Street, as can be seen on GIS topographic data available for Montgomery County.

The grading on the subject property disrupted the previous drainage pattern and caused runoff from the house to flow to the rear right of the property instead of to the rear left of the property. Runoff from the adjacent uphill properties is similarly effected and is directed to the rear right of the subject property from where it is conveyed around the retaining wall. Runoff that was previously entering as sheet flow towards the rear of the property at 5503 Center Street is now being concentrated by the construction of the new wall and the concentrated water flows from the up stream end of the wall and traverses the property at 5503 Center Street.

Other factors that we considered, but that we do not feel contribute significantly to the drainage patterns are (1) the soil in the rear of Lot 26 may have been additionally compacted during construction, which would make the ground less permeable for absorbing rainfall and runoff, (2) the removal of any trees in the rear of Lot 26 would result in less runoff being intercepted by the foliage and removed from the water table by the tree roots, and (3) the flatter grade in the rear of Lot 26 may encourage greater infiltration as the runoff would move at a slower rate over a flatter surface and then have more time to infiltrate into the soil.

## *Recommendations*

We believe that the solution prepared by the Landscape Architect, Lila Fendrick, in her latest submittal, dated September 27, 2016, should mitigate the current situation to a large extent. Her plans provide a swale (a shallow ditch) that intercepts the runoff from the adjacent

lot at 5504 Grove Street (to the right of the subject property) and then directs it to an inlet in the rear left of the property. This inlet, in turn, conveys the water into a gravel "drain tile" that sets behind the retaining wall, at a location where the water was previously draining. From the "drain tile" the water should eventually drain through the ground, and through "weep holes" in the timber retaining wall, to the neighboring property at the location where the storm water runoff was originally flowing to, prior to the original grading that occurred on the subject property.

***Brief Review of Drainage Report Prepared Provided by the Neighbor's Engineer***

At the request of Chevy Chase Village, we briefly reviewed the report prepared by the neighbor's engineer. Figures 5, 6 and 7 appear to give an accurate description of the changes in water flows caused by the grading on the subject property that have adversely impacted the neighboring lots. We also agree with the report's finding that a sufficient drainage system has to exist behind the retaining wall to convey the runoff through the retaining wall. The contractor has stated that such a system was installed for this project.

***Limitations***

The conclusions contained in this report are based on data obtained from a single site visit, plans and documents provided to us by the client, and information garnered from publically available aerial photography and mapping. While they reflect our best analysis of the problem presented to us, they are not guaranteed to resolve the situation studied.

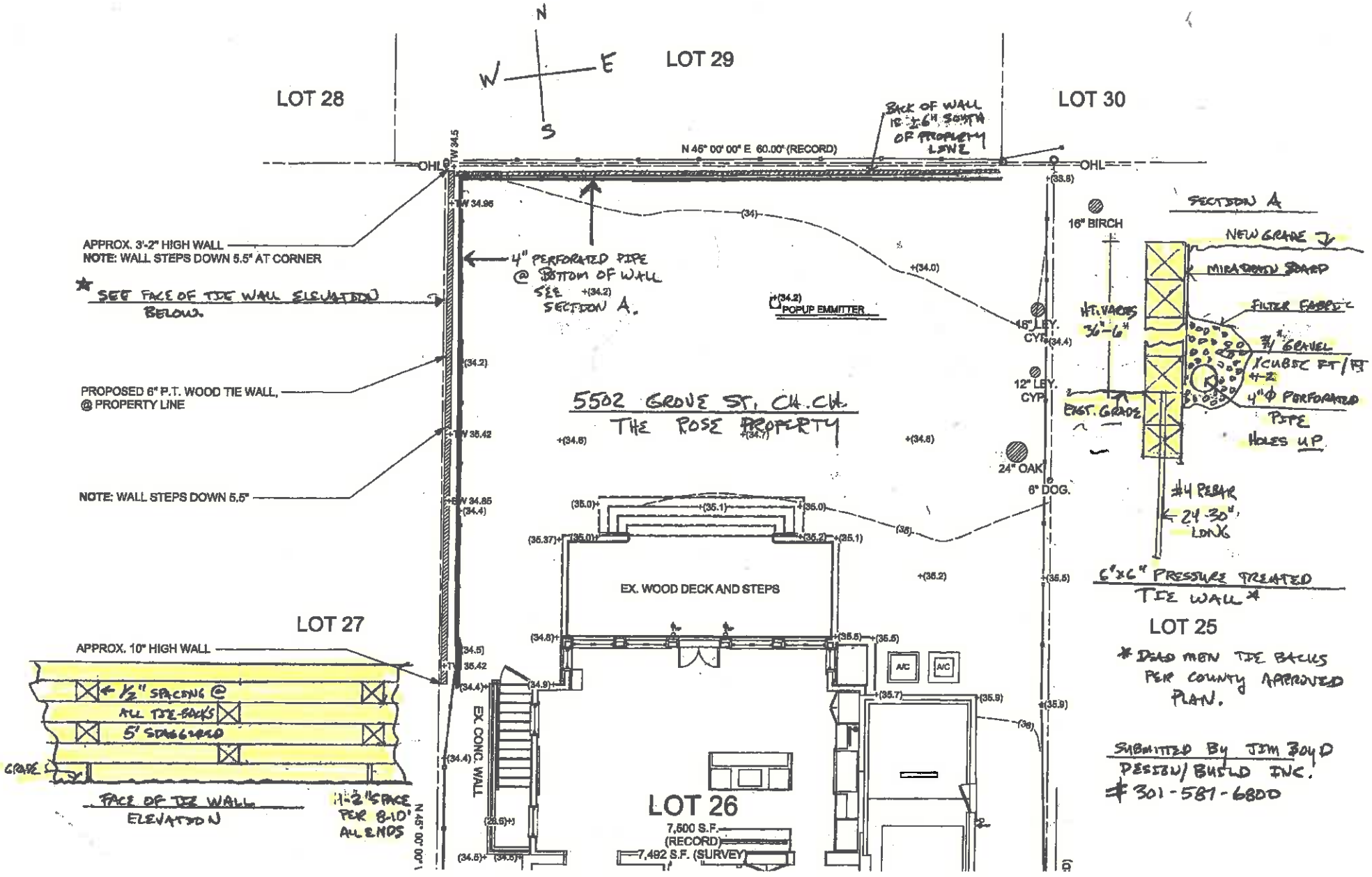
We did not excavate behind the retaining wall to confirm that the drain tile was built as stated by the contractor. Nor did we determine the exact location of property lines. We assumed that the design plans, the survey, and the information provided by the contractor were generally accurate.

Thank you for choosing Oyster, Imus, Petzold to prepare this report. If you have any questions concerning this report or we may of further service, please contact us.

Respectfully Submitted by,

Peter Noursi, P.E., Principal
Oyster, Imus, Petzold & Associates, LLC

**Aerial Photo from MCAtlas website. Lot Numbers in red. Photo taken prior to construction. Subject Property is Lot 26.**


N
W
E
S
LOT 28
LOT 29
LOT 30
LOT 27
LOT 26
LOT 25
BACK OF WALL IS ±6" SOUTH OF PROPERTY LINE
N 46° 00' 00" E 60.00' (RECORD)
OHL
APPROX. 3'-2" HIGH WALL
NOTE: WALL STEPS DOWN 5.5" AT CORNER
★ SEE FACE OF TIE WALL ELEVATION BELOW.
4" PERFORATED PIPE @ BOTTOM OF WALL SEE SECTION A.
POPUP EMMITTER
PROPOSED 6" P.T. WOOD TIE WALL, @ PROPERTY LINE
NOTE: WALL STEPS DOWN 5.5"
5502 GROVE ST, CH. CH.
THE ROSE PROPERTY
16" BIRCH
18" LEY. CYP.
12" LEY. CYP.
24" OAK
6" DOG.
EX. WOOD DECK AND STEPS
A/C
EX. CONC. WALL
7,500 S.F. (RECORD)
7,492 S.F. (SURVEY)
APPROX. 10" HIGH WALL
½" SPACING @ ALL TIE-BACKS 5' STAGGERED
GRADE
FACE OF TIE WALL ELEVATION
1'-2" SPACE PER 8-10' ALL ENDS
SECTION A
NEW GRADE
MIRAFOND BOARD
FILTER FABRIC
¾" GRAVEL 1 CUBIC FT/FT 4-2
4" Φ PERFORATED PIPE HOLES UP
HT. VARIES 36"-6"
EXIST. GRADE
#4 REBAR 24-30" LONG
6"x6" PRESSURE TREATED TIE WALL*
* DEAD MEN TIE BACKS PER COUNTY APPROVED PLAN.
SUBMITTED BY JIM BOYD DESIGN/BUILD INC.
# 301-581-6800