



**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 Twinn & Ms. Victoria Twinn of 5503 Center Street and Mr. David & Ms. Julia Lee of 5505 Center Street

Appeal of the 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 abutting their rear property line. *This case was introduced at the Village Board's March 14 meeting.*

Documents:

[A-6895-CONTINUED.PDF](#)

4. 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 abutting their rear property line. *This case was introduced at the Village Board's March 14, 2016 meeting.*

Documents:

[A-6895-CONTINUED.PDF](#)

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

Documents:

[TREASURER REPORT.PDF](#)

6. Matters Presented For Board Discussion And Possible Action (Where Required)
Presented for Board Review and Possible Action - Request for the Village to Co-Sign the Bethesda Coalition's letter to the Montgomery County Council Regarding the Bethesda Downtown Plan

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

Documents:

[POLICE REPORT.PDF](#)

8. Manager's Report

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

Documents:

[PERMITTING AND CODE ENFORCEMENT REPORT.PDF](#)
[UPDATE OF CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS - JANUARY 2017.PDF](#)
[VILLAGE HALL ACTIVITY REPORT.PDF](#)

Appeals

Continuance of A-6895 (Appeal of the Manager's Decision):

**Mr. Christopher Ian & Ms. Victoria Twinn of 5503 Center Street and Mr. David & Ms. Julia Lee of 5505 Center Street
Regarding Work at 5502 Grove Street**

Appeal of the Village Manager's issuance of 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.

This case was introduced at the Village Board's March 14, 2016 meeting.

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JANUARY 9, 2017 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 1/5/2017
SUBJECT: CONTINUANCE OF CASE NO. A-6895 APPEAL OF THE MANAGER'S DECISION
MR. CHRISTOPHER IAN TWINN & MS. VICTORIA TWINN 5503 CENTER STREET &
MR. DAVID LEE & MS. JULIA LEE, 5505 CENTER STREET
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 THE REAR PROPERTY LINE.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

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 (6-1/2) 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 1/2) 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.



Figure 1: Looking south from 5503 Center Street at the new fence installed at 5502 Grove Street.



Figure 2: Looking south showing the fence at 5503 Center Street (on the right), and the new retaining wall and fence at 5502 Grove Street (on the left).

**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.

**Timeline since the March 14, 2016
Board Meeting**

January 9, 2017 Board Meeting

TIMELINE

FOLLOWING THE MARCH 14, 2016 BOARD MEETING
REGARDING APPEAL CASE A-6895 (SUBJECT PROPERTY: 5502 GROVE STREET)

1. The Twinns submitted a report on April 1, 2016 (see circle 9) from an engineer (Juan Samos) they had engaged to evaluate the drainage plan submitted by the Roses dated March 9, 2016, which was presented at the March 14 Board Meeting.
2. On April 8, 2016, Village staff forwarded to OIP+A, a civil engineering firm retained by the Village, the Twinns' engineer's April 1 report along with the Roses' March 9 proposed drainage plan and an as-built plan dated December 4, 2015 depicting the regrading that had been performed.
3. Representatives from OIP+A visited the properties on April 21, 2016 to assess the conditions. There was a subsequent series of emails and phone calls to develop OIP+A's final report, which was issued on June 15, 2016 and disseminated to the parties on June 23, 2016 (This plan was superseded on 10/14/2016 and is available upon request).
4. On July 1, 2016, the Roses' landscape architect submitted a revised drainage plan reflecting the recommendations contained in OIP+A's June 15 report.
5. Following a series of revisions and edits between OIP+A and the Roses' landscape architect, on September 27, 2016 the Roses' landscape architect submitted a revised plan, which OIP+A approved later that same day as being consistent with their June 15 report.
6. In the final report dated October 14, 2016 (see circle 21) OIP+A stated that the plan proposed by the Roses and dated September 27, 2016 "should mitigate the situation to a large extent". A cover letter and the final proposed grading plan were distributed to all parties on October 20, 2016 (enclosed).
7. In response to OIP+A's October 14 report, on October 31 and November 2 the Twinns' and their consulting civil engineer submitted further comments to Village staff, which was disseminated to all parties, including OIP+A (see circle 27).
8. A meeting of all parties, including the Village Manager, Village Counsel and representatives from OIP+A, was held at the Village Hall on November 23, 2016 to discuss the proposed grading plan pursuant to OIP+A's October 14 report and to discuss the Twinns' and Lees' remaining concerns.
9. Immediately following this meeting, the owners of the respective properties and the Twinns' civil engineer, along with the representatives from OIP+A and the Village's Permitting & Code Enforcement Coordinator, made a site visit to the property to reassess the conditions in response to the Twinns' concerns. Further revisions to the grading plan were discussed and verbally agreed upon at the site visit.
10. OIP+A submitted an addendum to their October 14 report, dated December 1, 2016 (see circle 29) incorporating the consensus arrived upon during the meetings on November 23, 2016. This addendum was circulated to the respective parties.

**Proposed Re-Grading Plan presented
By Mr. & Mrs. Rose of 5502 Grove Street
at the March 14, 2016
Hearing**

**Report from the Twinns' Engineer
(received April 1, 2016)**

January 9, 2017 Board Meeting

5502 GROVE ST. GRADING.

CHANGES IN WATERSHED AND STORM WATER FLOWS

CONSEQUENCES OF THE GRADING

Antecedents

The Roses (owners of Lot 26) built a retaining wall in the limits of the Twinn's property (Lot 29) to increase the land level and build a new fence. The new land configuration changed the storm water flows and increased the watershed area, making useless the drainage system the Twinns had built a few years ago and now the Twinn's backyard floods almost every time it rains. The surrounding lots (30, 27 and 28) have also been affected by the grading in different ways.

Description Of The Works Regarding The Grading

Lot 29 owners performed a grading work, including at least:

- A **retaining wall** mostly in the limits of Lot 29 and Lot 27, as can be seen in figure 1. The wall is made of wood strips with a little hole every 4 feet, approximately, as drainage system (photo #4 in figure 1). Regarding the Lot 29, the wall ends around 6 feet before the property limits in the corner with Lot 30.
- A **soil filling** to grade the yard and get a horizontal land surface in their yard
- A **fence** around the backyard on the new land level and
- A **storm water storage chamber connected to the roof gutters** and a popup emitter that smoothly allows water out and disperses it through the back yard.

Changes In The Watershed And Water Flows Introduced By The Grading Works

The **watershed** of Lot 29 has been defined here as the area where the water comes from when it rains. Its limits have been obtained by combining different criteria: (i) drawing its limits where slopes change from negative to positive or vice versa, (ii) drainage systems that cut a surface water flow (like in Lot 30) and (iii) drawing perpendiculars to contour lines. Figures 2 and 3 show longitudinal profiles and figures 4 and 6 show contour lines to define the watershed (before and after the grading). The watershed area defines the amount of water that goes to the backyard of Lot 29 when it rains depending on the precipitation rate. Obviously, the bigger the watershed is the greater amount of water it will receive.

The **water flows** are the paths the surface water follows according to the land profile when it flows by the steepest downwards slope (perpendicularly to the contour lines). The water flows define how the water from the watershed enters the back yard of Lot 29. See figure 5 for details on how water used to flow from Lot 26 towards Lot 29. For this purposes, additional contour lines have been interpolated based on the information of the original proposal.

Once the wall has been built, when the rain is light and the soil can absorb it, no major changes have been detected. The problem occurs when it rains heavily and the water flows too fast or the ground is saturated and cannot absorb additional water. The current drainage systems in Lot 29 and Lot 30 was designed after a careful and systematic analysis of the water flows entering those yards but the grading works have introduced 2 main changes regarding storm water configuration that make less efficient the drainage systems and directly affects other lots around. These changes affect the watershed and the water flows:

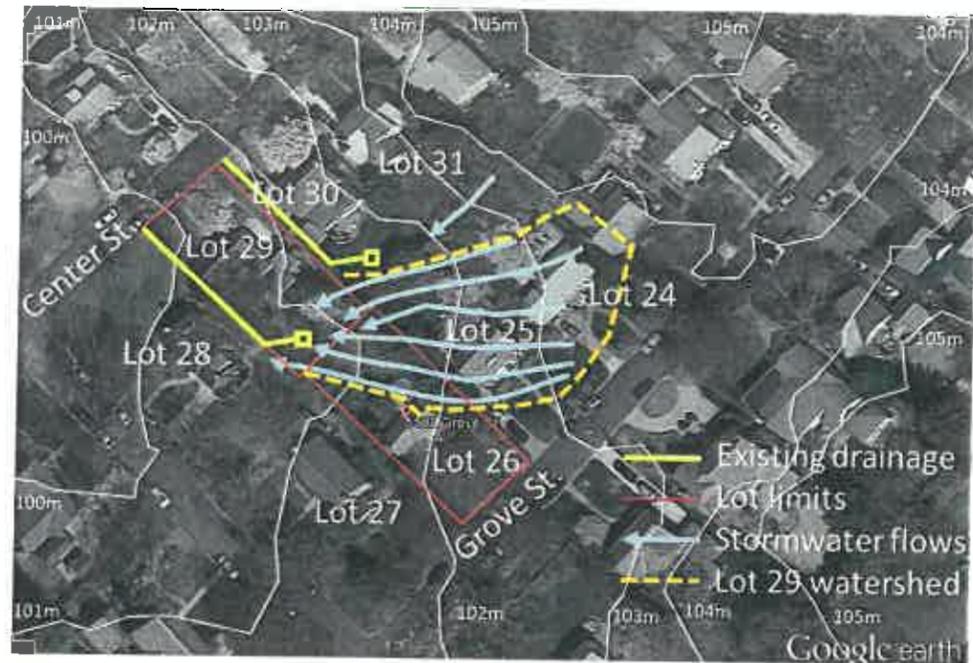


Figure 4: Contour lines and watershed limits before the grading

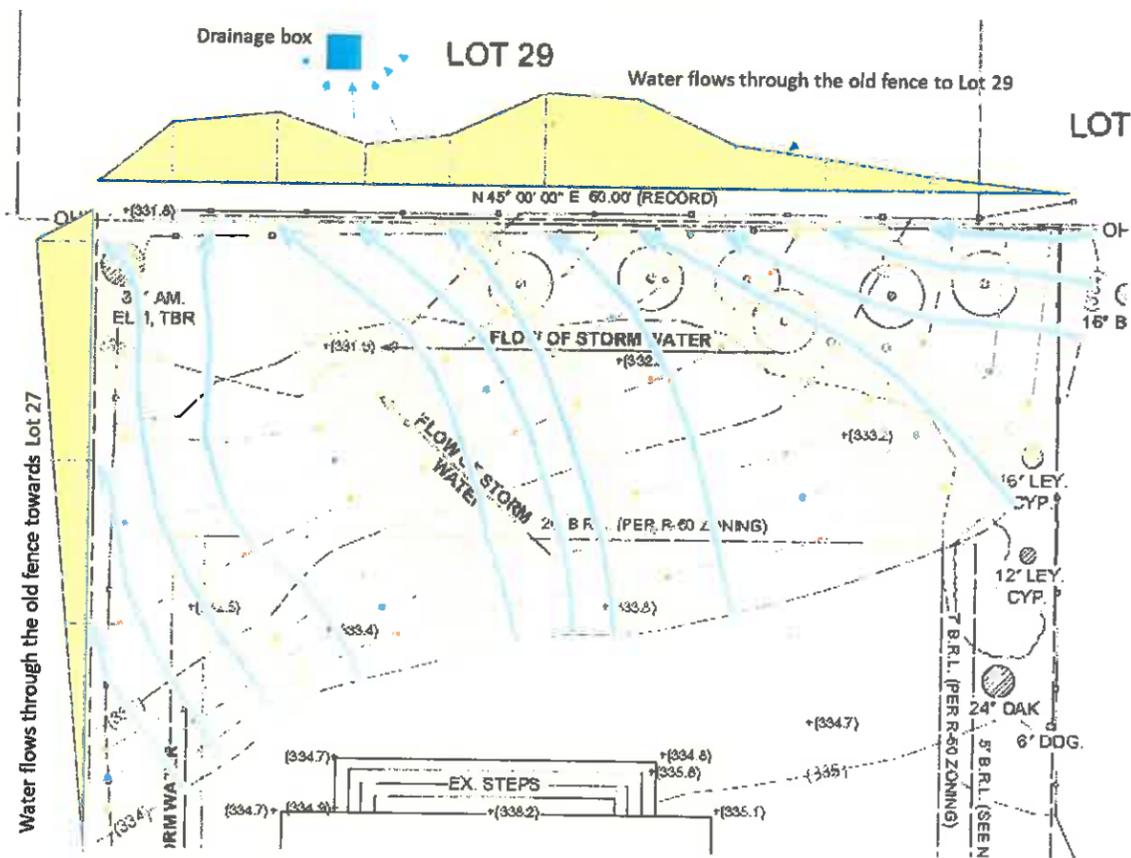


Figure 5: water flows in Lot 26 before grading

THE CURRENT PROPOSAL IS NOT A SOLUTION TO THE PROBLEM

Unfortunately, the solution described in the drawing (figure 8) provided by the advisor to the Roses does not have enough information to judge it. It might be because of some missing pages or because there is a lack of definition. Apparently it seems that some soil will be removed close to the wall to allow water flow towards Lot 29 or Lot 27 through the wall. In any case, there is missing information about land height:

- Detail of the land height in the area close to Lot 29: What will be the slope towards Lot 27 (northwest corner ie. area A in figure 8)? Will it be lower than the point where there is no wall (Lot 25 ie. Area B in figure 8)?
- Detail of the land height in the area close to Lot 27: Will the water from the popup emitter flow again towards Lot 27?

Apparently, there is a number of problems that will not be solved:

- The watershed seems to remain as it is right now, since the popup emitter will pour water towards Lot 29. That means that additional water will be flowing to Lot 29 instead of flowing to Lot 27 as before and frequent floods will occur since the drainage system installed in Lot 29 will be overloaded.
- The only way that water may find to flow towards Lot 29 is through the wall, and consequently only filtered water through the ground will make it. The flow of water through filtered soil is significantly less than the flow at the surface, so only a little amount of the water will be filtered and most of it will flow on the surface. Since the proposal is undefined, *the only efficient solution is to remove the soil at a lower level than the shown in photo#1 of figure 1 (where the wall ends) and make proper drainage holes in the wall. Otherwise, the water will accumulate and will flow again under the fence where there is no wall and it is currently the lowest point in Lot 26 (area B).*

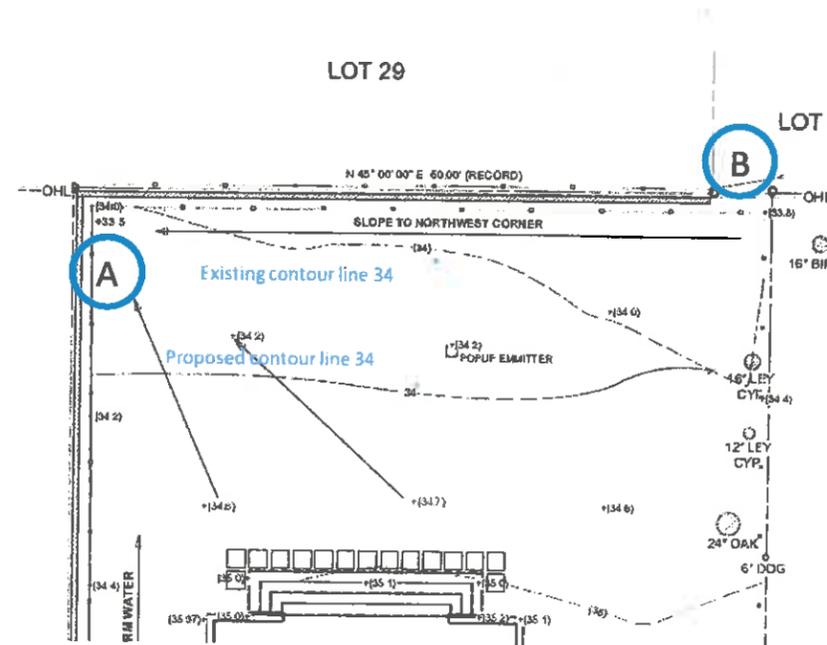


Figure 8: Proposal from the owners of Lot 26

The popup emitter that brings the water from the roof should be moved to a place where the water only could pour to Lot 27, according to the previous situation (figure 11) to avoid increase the amount of water flowing to Lot 29.

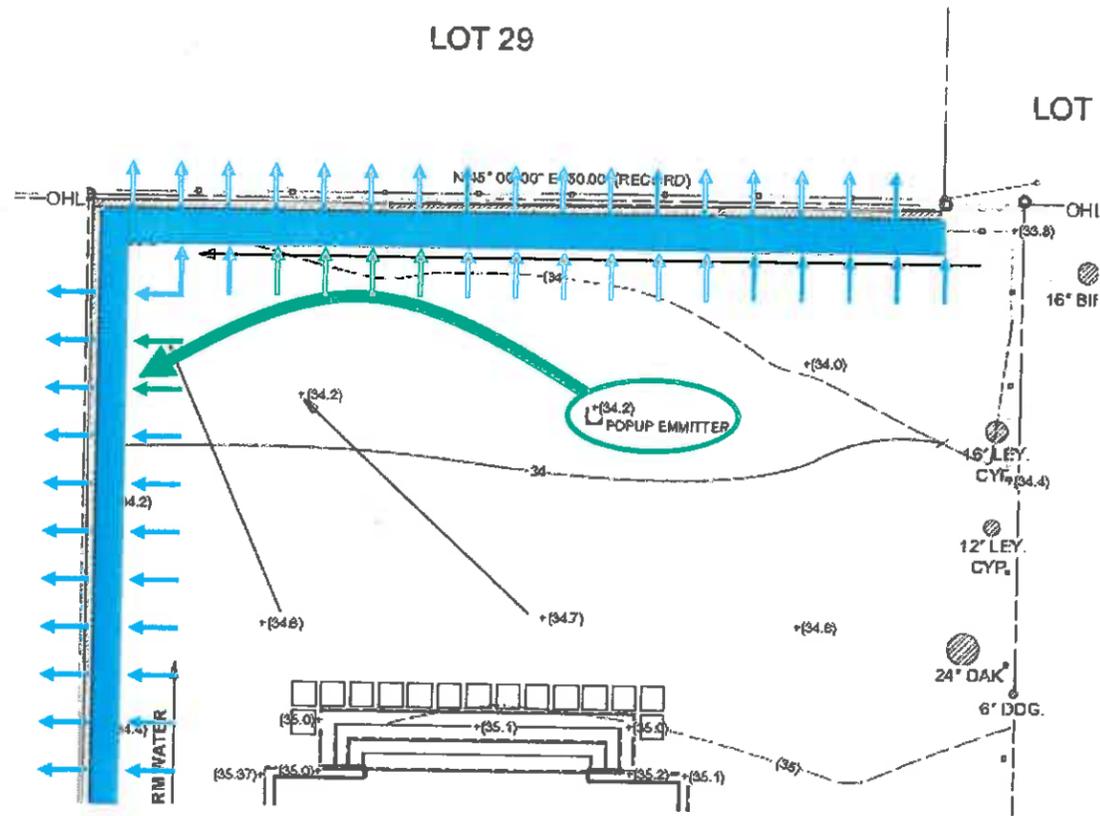


Figure 11: Alternative 1 floor drawing

Parameters to be determined here are:

- Stone size (d)
- Drainage width (w) – is a function of the stone size and the evacuation flow
- Drain section (s) – depends on the evacuation flow
- Drain spacing (L) – is a function of the drain section. In order to replicate the previous situation (pre-wall), in the center of the wall sections would have to be larger or L would need to be shorter (figure 10).

It is assumed that a 5% of the times the rain is so heavy that floods are inevitable, so these parameters should be calculated assuming a maximum failure rate of 5% (95% percentile). This means that according to one year hourly statistical series at Reagan National Airport weather station, during the last 12 months it rained in a significant way a total of 668 hours and a 95% percentile is equivalent to a rain rate of 0.26 inches/hour (figure 12). Since the watershed has an approximate area of 0.5 acres, in a first approach the hourly volume of water to be drained through the wall would be around 3,500 gallons.

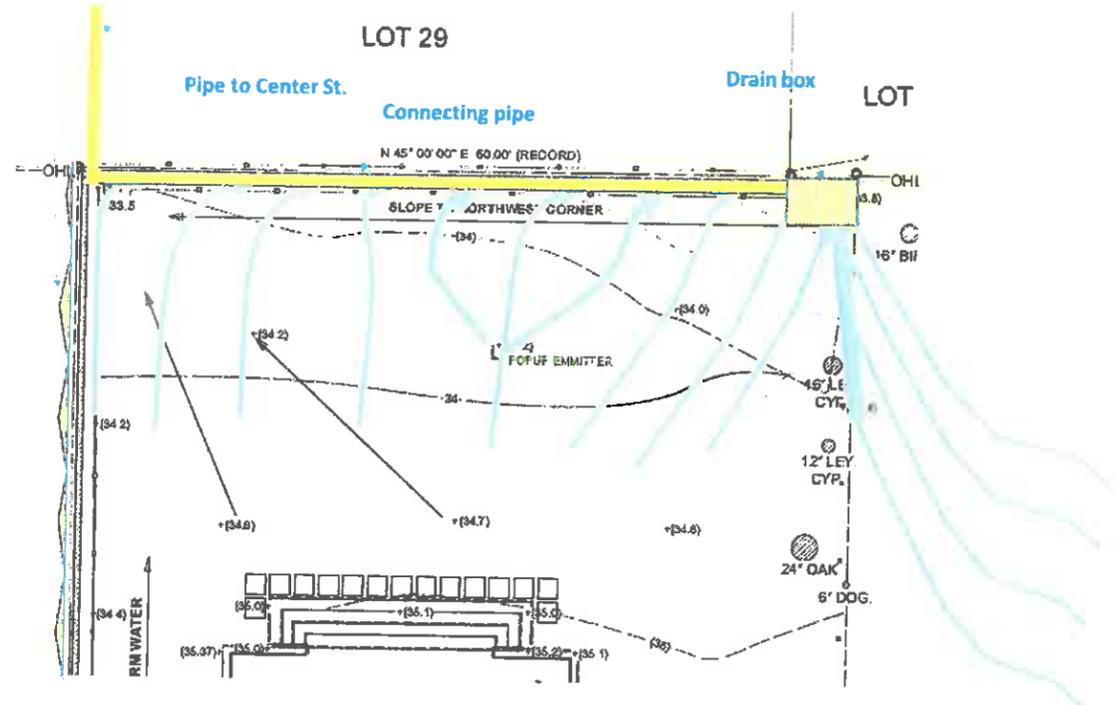


Figure 13: Alternative 2 floor drawing



Figure 14: Alternative 2 wall longitudinal profile



**OIP+A Report
Dated October 14, 2016**

January 9, 2017 Board Meeting



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 (right to left) and caused runoff to drain from the house to the rear right of the property. When runoff reaches the rear of the property, it is blocked by the retaining wall, and is directed to the rear right where it can go around the retaining wall. Thus runoff that was previously entering only a small section of 5503 Center Street (the rear right corner of 5503 Center Street), is now traversing the entire property (from the rear left to the rear right). Runoff is also being directed to the rear right corner of the adjacent lot at 5505 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.

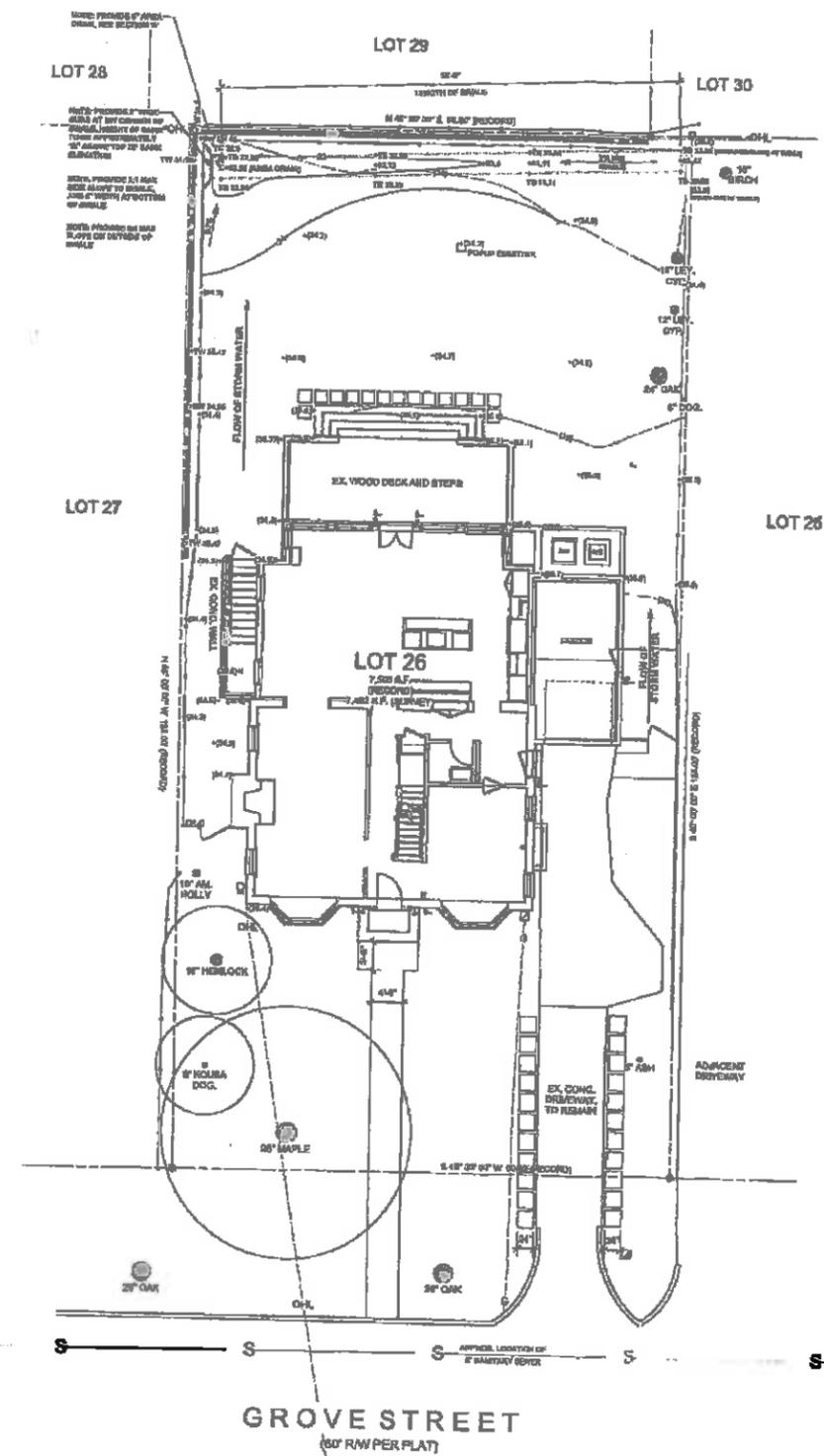
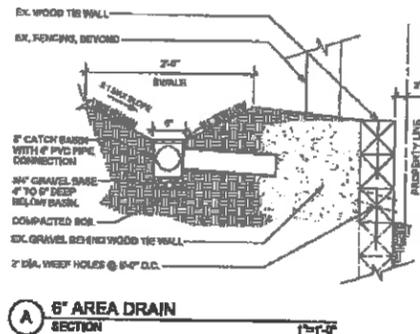
Recommendations

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



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

FOR REVIEW AND PRICING ONLY,
NOT FOR CONSTRUCTION



GENERAL NOTES

1. TOPOGRAPHY AND BOUNDARY SURVEY BY BROSER & ASSOCIATES, 200815
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 443-827-7777, OR LOG ON TO WWW.MISSUTILITY.NET/MS-48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND MAKE SURE 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 6\"/>

KEY	
	EXISTING TREE
	PROPERTY LINE
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	GAS
	WATER
	SEWER
	OVERHEAD LINE
	SANITARY SEWER
	POWER POLE
	LIGHT POLE
	SIGN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
	TREE TO BE REPLANTED
	TREE TO BE REMOVED
	LANDSCAPE CONTRACTOR
	GENERAL CONTRACTOR
	HARDSCAPE TO BE REMOVED

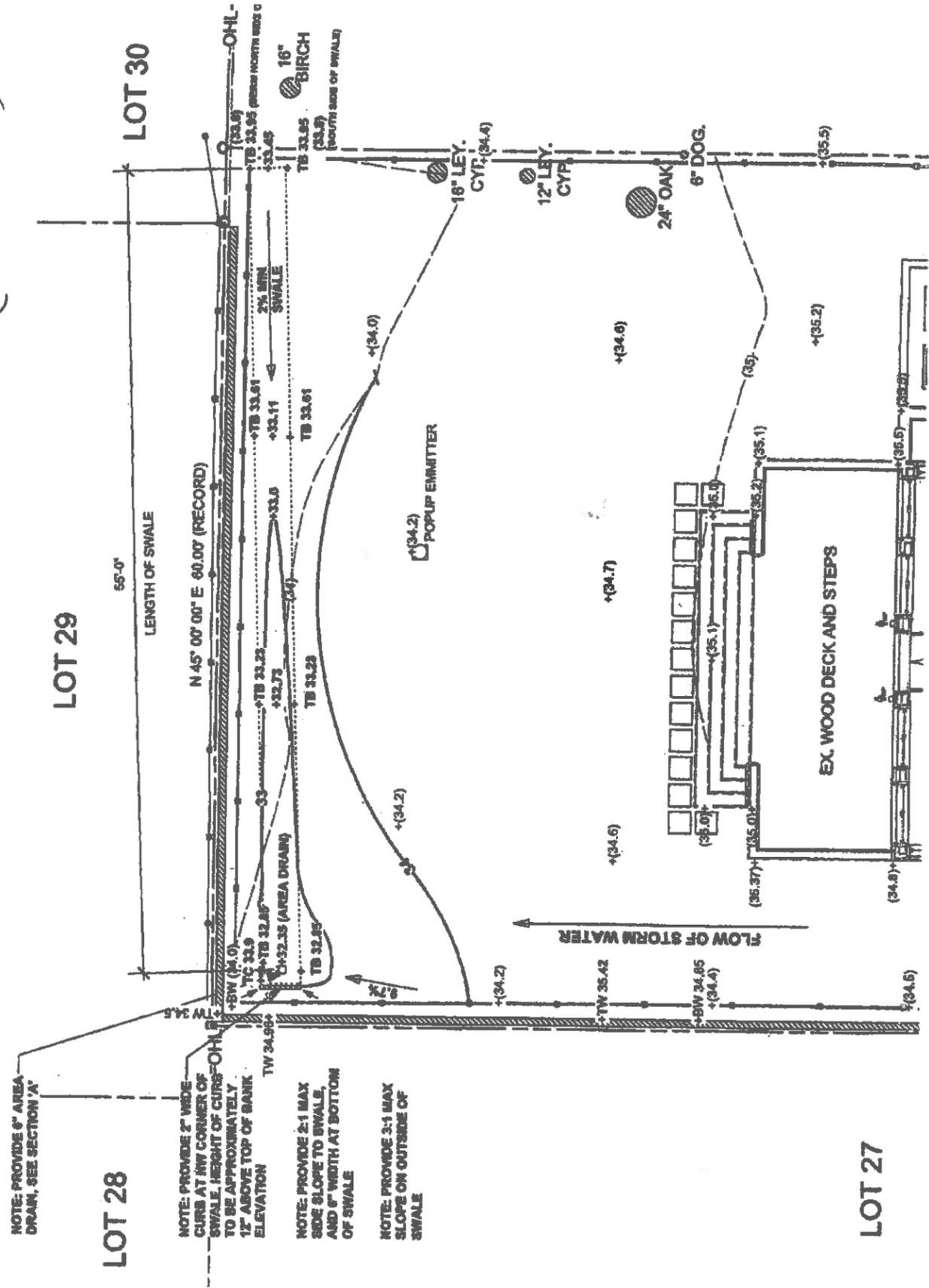
L.L.L. FENDRICK
694 West Avenue Chevy Chase, Maryland 20815
(301) 907-7700

ROSE RESIDENCE
5502 GROVE STREET, CHEVY CHASE, MD 20815

SCHMATIC GRADING AND
SUBSURFACE DRAINAGE PLAN
DATE: 08-15-11
SCALE: AS SHOWN
DRAWN BY: JLF
CHECKED BY: JLF

Plan 9/27/16 Enlargement

(NOT TO SCALE)



**Report from the Twinn's Engineer in Response to
the October 14 OIP+A Report**

January 9, 2017 Board Meeting

Case A-6895: Appeal of re-grading at 5502 Grove St

Preliminary Comments on the new proposal

PROPOSAL EVALUATION

Understanding of the proposal

The proposal includes digging the current regrading in the area close to the Twinn's lot to create a swale parallel to the wall with a minimum 2% slope ending at the west side in a 6" box connected through a 4" pipe to the gravel behind the wood wall where the grading lays.

We are assuming that with the new swale, water will not flow below the fence at the east side unless the swale overflows.

There might be some missing drawings for a whole definition of the project, so this is our understanding of the proposal based on the info made available to us. Please let us know if this is not correct.

Analyzing the proposal

The proposal improves the current situation because:

- It adds some water storage capacity (around 1 m³)
- It slightly improves drainability by connecting the drainage box to the gravel

Despite of that, the proposal is not a solution because:

1. The new design **drainage capacity is not enough.**
2. It simply **transfers the problem to the owner of lot 28** by concentrating the water flow in a point closer to his/her property.
3. **The solution requires a periodic cleaning of the box grate** to be effective, might be several times a day in windy autumn days, and if this is not guaranteed the proposed drainage box will be useless.

These conclusions come from the following analysis:

- Not enough drainage capacity:
 - According to the permeability of the soil calculations, in the best of the cases the combination of gravel plus a hole of approx. 6"x1" in the retaining wall would allow to drain between 70 and 210 liters per hour¹ depending on the height of soil above the hole. An average of 140 liters per hour can be considered, and taking into account that there are 12 holes, the draining capacity at present is around 1,680 liters per hour. This draining capacity will not improve significantly by adding the connecting pipe towards one of the holes in the wall, since the water still has to go through the gravel at a very low speed which is the bottleneck in this design.
 - Taking into account (i) the rainfall files from Reagan airport for a whole year's period starting March 1st, 2015 (most recent data available by the time of the last proposal), (ii) the water storage capacity above the holes (soil + swale) is around 8 m³ and (iii) that the retaining wall watershed is 0.14 hectares, that would mean that from a total of 668 hours of rain in a year this proposal would only be a solution for 413 hours (around 62% of the rainy hours). **For 255 hours a year the swale would overflow** moving round the end of the retaining wall and flooding across the Twinn's (and Lee's) yards as it has been doing since the regrading was completed.

¹ On site measures can be taken during a rainy day to calibrate the model. A value of 1.5 has been assumed for constant k in Darcy's equation, which is the best possible case of draining gravel.

**Revised OIP+A Report with
December 1, 2016 addendum
(following November 23 meeting and site visit)**

January 9, 2017 Board Meeting



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)

DRAFT COPY - 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.

**Administrative Determination Letters
To the Roses and
Twinn/Lees**

January 9, 2017 Board Meeting



December 28, 2016

Mr. and Mrs. David and Megan Rose
5502 Grove Street
Chevy Chase, MD 20815

Dear Mr. and Mrs. Rose:

This letter notifies you of the administrative determination that has been made with respect to amendment of building permit 6879, issued to you for construction of a wall and fence in the rear yard of 5502 Grove Street. This determination has been made based on the information received from you, the Twinns, the Lees, and the various experts that have provided input, as well as the Village's consulting engineer (OIP&A). A site visit involving OIP&A and all parties also took place on November 23, 2016. You have received copies of the OIP&A report of October 14, 2016 and the addendum dated December 1, 2016. We have also consulted with OIP&A with respect to Ms. Rose's question of December 9, 2016, which is addressed below. After this review, it has been determined that the proposal prepared by Lila Fendrick on your behalf, as amended by the OIP&A reports of October 14 and December 1, is acceptable to the Village as the requirements for the amended building permit.

The purpose for the meeting on November 23 was to share information and to describe the process that would be used by the Village to make the administrative determination of what would be an acceptable option for this construction. The main concern was to approve a plan that is designed to mitigate any adverse stormwater effects of the construction on the adjoining properties owned by the Twinns and the Lees. After a discussion of the concerns and options at the meeting, and the site visit, OIP&A issued the December 1, 2016 addendum. Since the issuance of the addendum, concerns were received from Ms. Rose and Ms. Twinn. The responses to these concerns are as follows:

I. Copy from email dated 12/9/2016 from the Roses

Staff's Summary of the Roses' position
Staff's response to Roses' position

We do, however, have some concerns about the number of weepholes suggested to be drilled into our retaining wall. As a general matter, we believe that specific details, such as the existence and number of holes, should be determined in the field and left to our discretion.

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LEGAL COUNSEL
SUELLEN M. FERGUSON

be concerned about moving it any further to the right (when viewed from the Roses property).

Shift catch basin ten feet to the right (east) of the west property line at the Roses' The addendum reflects this change, which has been agreed to by the Roses.

OIPA's letter included several other suggested modifications which we would welcome: (i) a proposal to increase the diameter of the pipe from the catch basin to the gravel drain tile to 6"; (ii) the use of a domed cover to reduce the probability of the catch basin clogging; (iii) possibly increasing the size of the catch basin to 9"; and (iv) additional weep holes being added in the retaining wall to allow more evenly distributed passage of the water through the wall. In addition, if the current design of the drain tile/Miradrain Board is indeed to direct water from behind the retaining wall back towards the right of the Rose's property, as described in the Village Engineer's letter of December 1, we would also welcome the capping of the perforated pipe and removal of gravel from final 5' of the retaining wall as proposed in OIPA's letter.

Increase diameter of pipe from catch basin to the drain pipe to 6"

The addendum reflects this change, which has been agreed to by the Roses.

Increase size of prefabricated catch basin to 9" x 9" and provide a protective cover or screen

The addendum reflects this change, which has been agreed to by the Roses.

Provide additional weep holes along the top and bottom rows of the timber retaining wall

The addendum reflects this change, however, the Roses have expressed concerns that the number of proposed holes could compromise the structural stability of the wall.

Provide a cap at the east terminus of the drain pipe running parallel to the retaining wall and remove the gravel bed for the pipe for the last (easternmost) five feet of pipe

The addendum reflects this change, which has been agreed to by the Roses.

However, while we believe the above changes will improve the proposed design and reduce the risk of adverse impact on lot 28, we remain fundamentally concerned that even after these changes the proposed system does not have the capacity to convey the runoff of the catchment area through or over the retaining wall in heavier rains, and as a result the re-grading will continue to have an adverse impact on our property.

According to the calculations of our engineer, in heavier rains water will back up in the swale and flow round the right hand end of the retaining wall and right across our property as at present and contrary to the objectives of the proposed modifications. We understand from the all party meeting that Maryland has a standard for determining the

The Twinns are noting the current grading on the Roses' property, which allows the water to flow toward the right rear corner of the Roses property onto Lots 29 and 30 (the Twinns' and Lees' properties).

OIPA's 10/14/2016 plan reflects a re-grading to establish a 2% slope toward the proposed catch basin.

The same email from OIPA states:

"Drainage Capacity: The report is concerned that storage volume for the storm runoff was not provided. We did not analyze this. It is our understanding that the volume of additional runoff was not a concern. Only the point at which it was entering the adjacent lot. Therefore, we concentrated our review on finding a practical, cost-effective solution that would mimic the pre-developed drainage patterns."

To be clear, we would note that the comments made by our engineer regarding capacity are focused on the capacity of the system to pass water through or over the wall to replicate the pre-existing water flow. As outlined above, our understanding is that the proposed system does not achieve this. We are not concerned with storage capacity on the Rose's property, except to the extent that it might prevent water that is "backing up" from overflowing around the right hand end of the Roses retaining wall.

The water will not be adequately conveyed over and through the retaining wall and will collect and then breach the right rear corner of the Roses property flowing onto Lots 29 and 30 (the Twinns' and Lees' properties).

OIPA's 10/14/2016 plan reflects a re-grading to establish a 2% slope toward the proposed catch basin. This, combined with the weep holes outlined in OIPA's 12/1/2016 addendum, should prevent any water from flowing to the right rear corner.

In addition to the above, we also remain very concerned that the proposed design of a pipe from the catch basin draining directly into gravel behind the retaining wall will result in the pipe clogging up over the course of a couple of years due to leaves, twigs and soil passing into the pipe but then being trapped in the gravel.

Concern that the system may fail if not properly maintained.

The Village does not regulate maintenance of stormwater systems; however, the Roses verbally acknowledged during our meeting that they intend to ensure proper maintenance of the system to ensure it operates properly. To reassure the Twinns of this commitment, the Roses have agreed to install a plastic cover over top of the catch basin to limit the amount of debris that can enter into and clog the system. This is further aided by the use of a larger diameter pipe which will allow debris to flow out and will provide easier access for cleaning.



December 29, 2016

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

Mr. and Mrs. David and Julia Lee
5505 Center Street
Chevy Chase, MD 20815
VIA ELECTRONIC MAIL

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

This letter is sent to notify you of the administrative determination that has been made with respect to amendment of Building Permit #6879, issued to David and Megan Rose, for construction of a wall and fence in the rear yard of 5502 Grove Street. Please see the attached letter dated December 28, 2016, which states the determination by the Village Manager that the plan proposed with the Rose re-grading permit application filed on March 9, 2016, as amended by the October 14 and December 1, 2016 reports from OIP&A, is acceptable to the Village. The attached letter also addresses the various questions raised after the November 23 meeting of the parties.

You will receive by separate mail a notice of public hearing to be held on January 9, 2017, to conclude consideration of the appeal that you have filed. Specifically, you had appealed the Village Manager's decision to issue Building Permit #6879 to the owners 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 the rear lot line of the property. At the first hearing with respect to your appeal on March 14, 2016, the Board asked staff to review the plans submitted on March 9, 2016, and in consultation with the Village's civil engineer, to establish a plan that would comply with Sec. 8-25 of the Village Code. In doing so, the Board encouraged you to work with the owners of the property to reach an amicable solution. The case was continued to a future meeting of the Board, pending the outcome of the Village's review of the regrading/drainage plan.

Please let us know by January 3, 2017 if the attached administrative determination with respect to the regrading/drainage issue is acceptable to you, so that we can notify the Board. The issue of the height of the fence/wall is also still to be determined. At the March 14, 2016 Board

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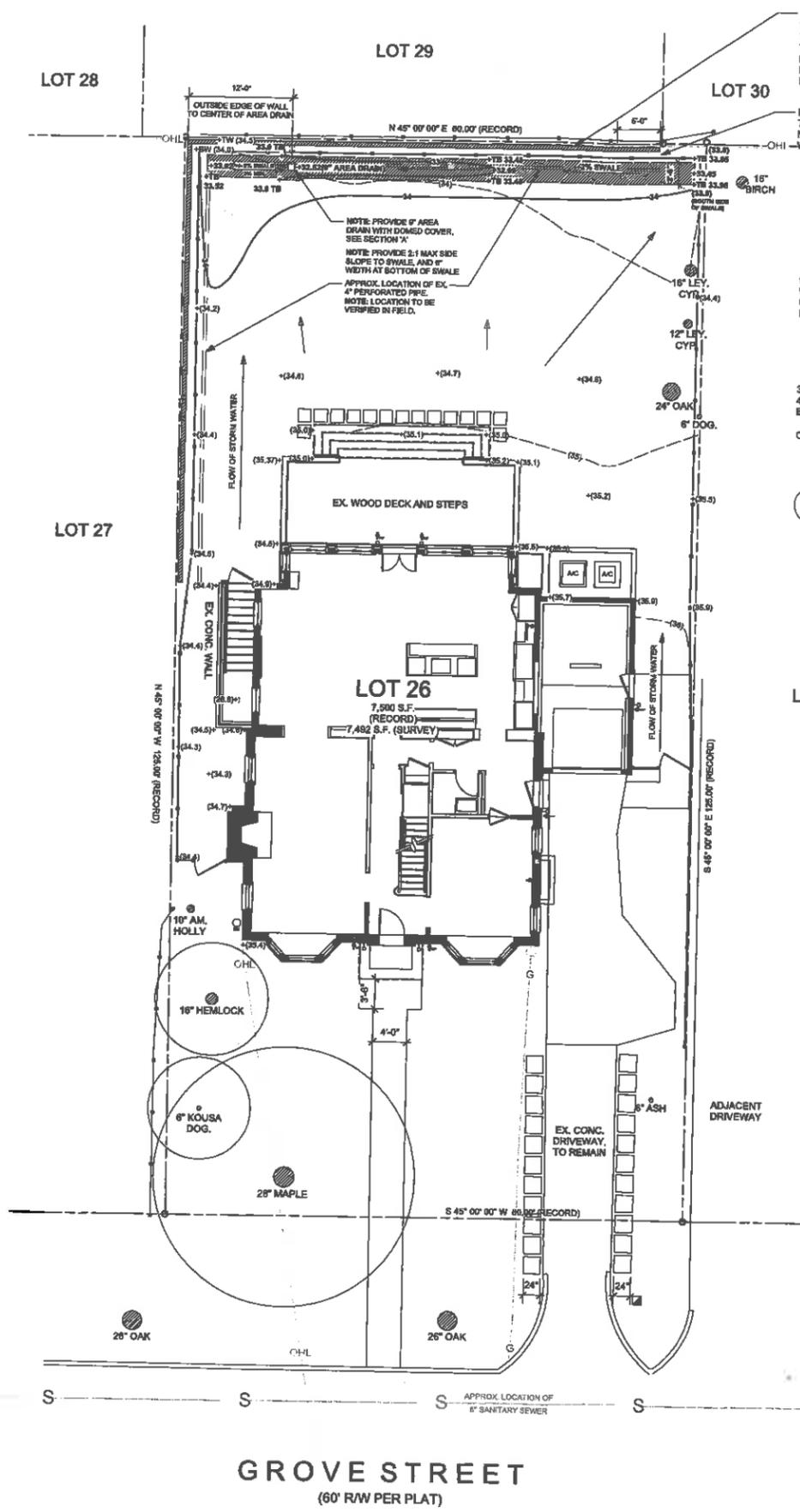
RICHARD M. RUDA
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Final Proposed Plan

January 9, 2017 Board Meeting



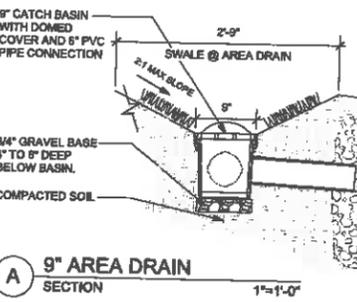
NOTE: 1/2" DIA. WEEP HOLES TO BE DRILLED INTO THE TOP TIER AND BOTTOM TWO TIERS ON NORTH SIDE OF WOOD TIE WALL, SPACED AT 2'-0" O.C., AT THE MIDPOINT OF THE TIMBERS. WHEN DRILLING THE WEEP HOLES, PIERCE THE MIRA DRAIN FABRIC TO ENSURE THAT WATER IS ABLE TO PASS THROUGH IT AND THE WEEP HOLES. ALSO, PIERCE FABRIC WHERE THERE IS A GAP IN THE TIMBERS.

NOTE: G.C. TO CAP EX. 4" PERFORATED PIPE BEHIND WOOD TIE WALL AND REMOVE 5'-0" LENGTH OF GRAVEL BEHIND THE NORTH EAST END OF THE WOOD TIE WALL. REPLACE GRAVEL WITH SUBSOIL.

NOTE: PROVIDE 9" AREA DRAIN WITH DOMED COVER. SEE SECTION 'A'.

NOTE: PROVIDE 2:1 MAX SIDE SLOPE TO SWALE, AND 8" WIDTH AT BOTTOM OF SWALE.

APPROX. LOCATION OF EX. 4" PERFORATED PIPE. NOTE: LOCATION TO BE VERIFIED IN FIELD.



EX. FENCING, BEYOND

EX. WOOD TIE WALL

G.C. TO DRILL 1/2" DIA. WEEP HOLES INTO THE TOP TIER AND BOTTOM TWO TIERS ON NORTH SIDE OF WOOD TIE WALL, SPACED AT 2'-0" O.C., AT THE MIDPOINT OF THE TIMBERS. WHEN DRILLING THE WEEP HOLES, PIERCE THE MIRA DRAIN FABRIC TO ENSURE THAT WATER IS ABLE TO PASS THROUGH IT AND THE WEEP HOLES. ALSO, PIERCE FABRIC WHERE THERE IS A GAP IN THE TIMBERS.

EX. GRADE AT BOT. OF WALL

APPROXIMATE LOCATION OF EX. PIPE BEHIND WOOD TIE WALL. LOCATION TO BE VERIFIED IN FIELD.

EX. GRAVEL BEHIND WOOD TIE WALL

GENERAL NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY BY SNIDER & ASSOCIATES, 03/07/16
2. FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.NET/ITIC 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
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	GAS
	WATER
	SEWER
	OVERHEAD LINE
	SANITARY MH
	POWER POLE
	LIGHT POLE
	SIGN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
	TO BE TRANSPLANTED
	TO BE REMOVED
	LANDSCAPE CONTRACTOR
	GENERAL CONTRACTOR
	HARDSCAPE TO BE REMOVED

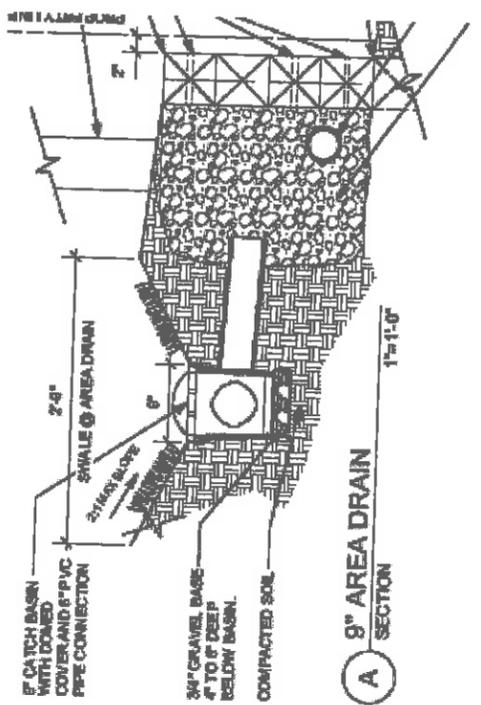
LILA FENDRICK landscape architecture & garden design
 6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700
ROSE RESIDENCE
 5502 GROVE STREET, CHEVY CHASE, MD 20815
 SCHEMATIC GRADING AND SUBSURFACE DRAINAGE PLAN 1/8"=1'-0"
 11-20-15 05:20:16 11-20-15 05:20:16 12-04-15 05:13:16 03-09-16 09:37:16 03-23-16 01:06:17 03-23-16

PLAN ENLARGEMENT

(NOT TO SCALE)

NOTE: 1/2" DIA. WEEP HOLES TO BE DRILLED INTO THE TOP AND BOTTOM TWO TIMBERS ON NORTHSIDE OF WOOD DECK. WHEN DRILLING THE WEEP HOLES, PLACE THE MIRA DRAIN FABRIC TO ENSURE THAT WATER IS ABLE TO PASS THROUGH IT AND THE WEEP HOLES. ALSO, PIERCE FABRIC WHERE THERE IS A GAP IN THE TIMBERS.

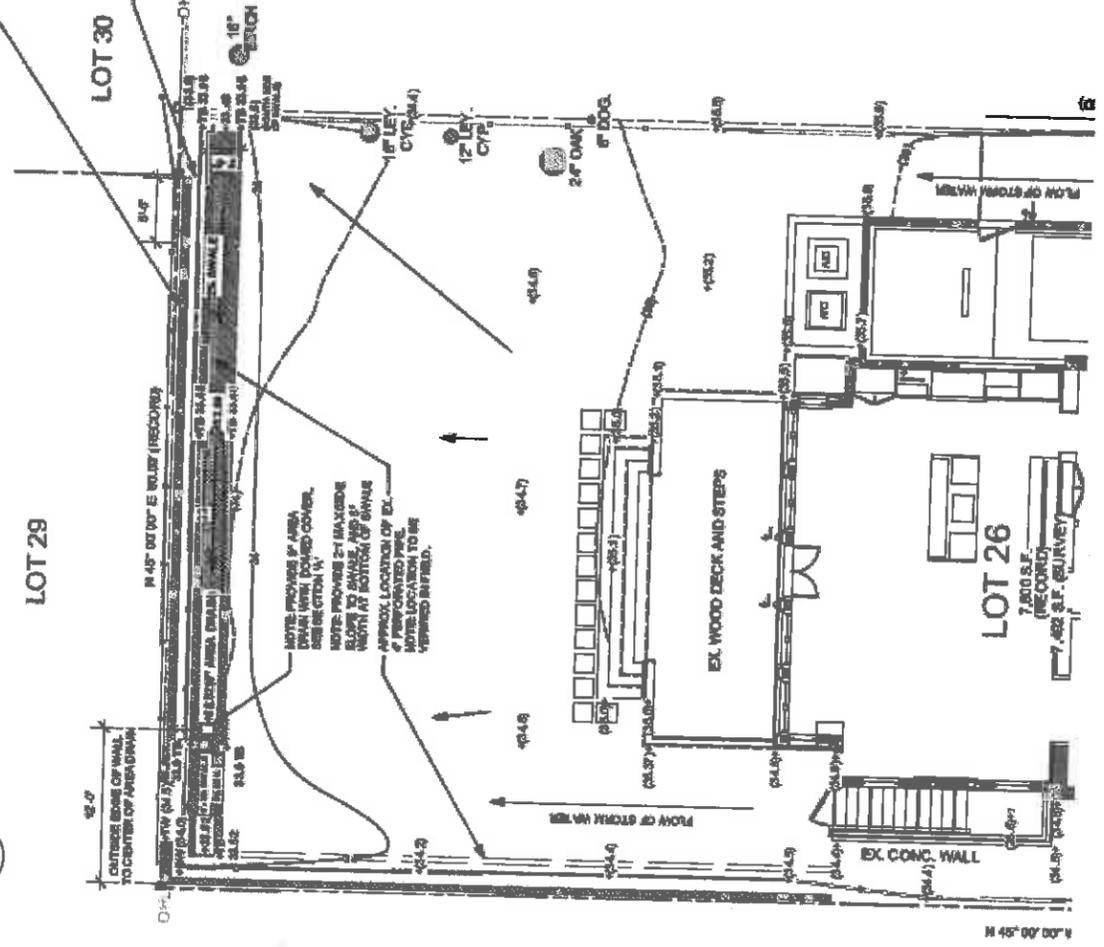
NOTE: G.C. TO CAP EX. 4" PERFORATED PIPE BISHOP WOOD THE WALL AND REMOVE 6'-0" LENGTH OF GRAVEL BEHIND THE NORTH EAST END OF THE WOOD DECK WALL. REPLACE GRAVEL WITH SUBSOIL.



A 9" AREA DRAIN SECTION

LOT 25

02



14.45' 00\"/>

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 & Mr. Ian Wallace Or Current Resident 5515 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Michael Blommer Or Current Resident 5511 Kirkside Drive Chevy Chase, MD 20815
Mr. & Ms. David Rose Or Current Resident 5502 Grove Street Chevy Chase, MD 20815	Mr. & Mrs. John Hay Or Current Resident 5504 Grove Street Chevy Chase, MD 20815
Mr. & Mrs. Ned Rubenstein Or Current Resident 5503 Grove Street Chevy Chase, MD 20815	Mr. & Ms. David Winstead Or Current Resident 5505 Kirkside Drive 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
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LEGAL COUNSEL
SUELLEN M. FERGUSON



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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.



OYSTER, IMUS, PETZOLD & ASSOCIATES, LLC
CIVIL ENGINEERS ♦ LAND PLANNERS ♦ SURVEYORS
11327 Amherst Ave., Suite A ♦ Wheaton, Maryland 20902
301-949-2011 ♦ www.olpengineering.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.

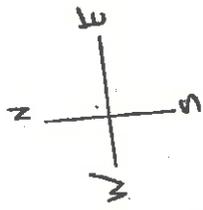
Thank you for choosing Oyster, Imus, Petzold to prepare this report. If you have any questions concerning this report or we may of further service, please contact us.

Respectfully Submitted by,

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



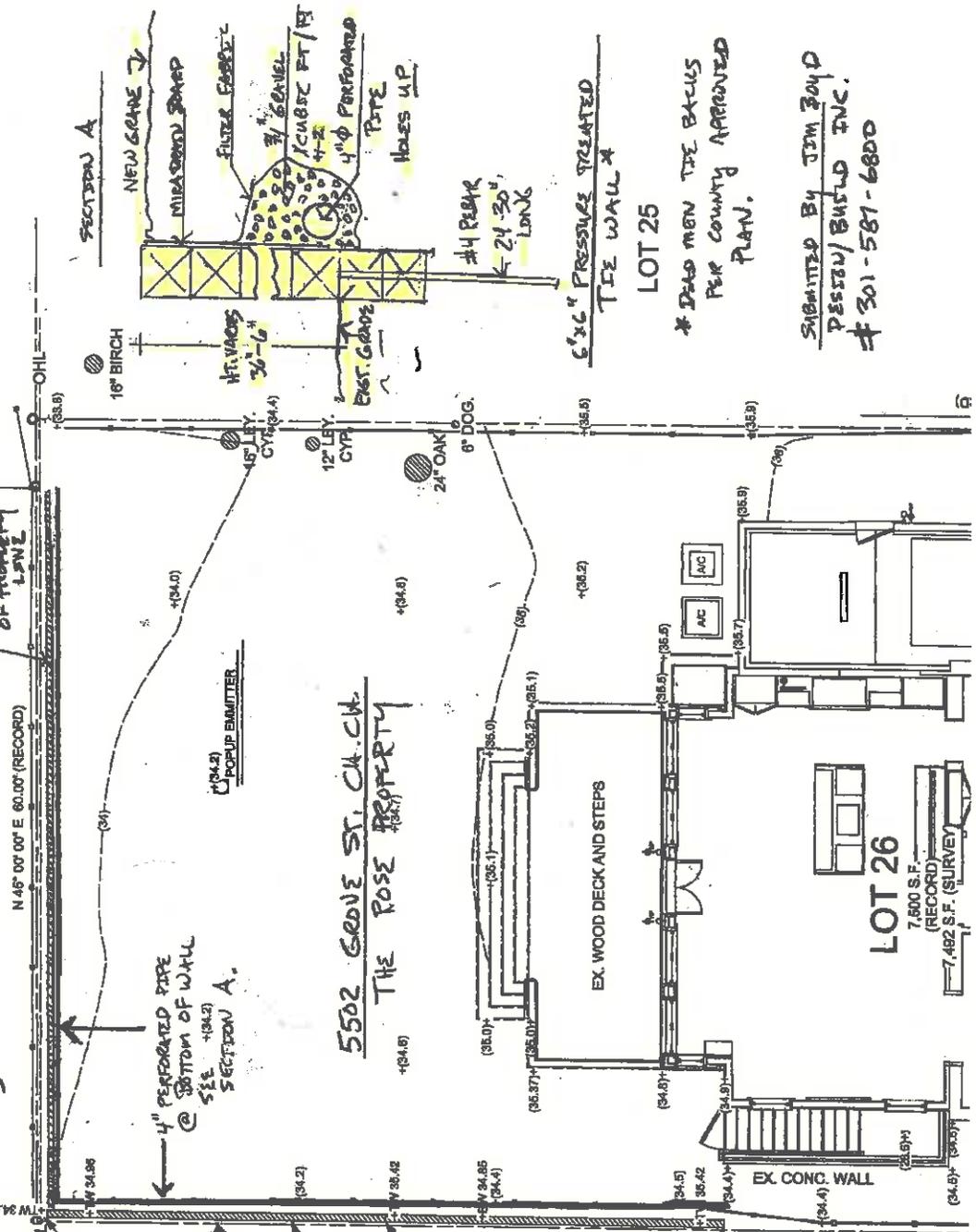
Aerial Photo from MCAtlas website. Lot Numbers in red. Photo taken prior to construction. Subject Property is Lot 26.



LOT 28

LOT 29

LOT 30



BACK OF WALL IS 3'-6\"/>

N 45° 00' 00" E 60.00' (RECORD)

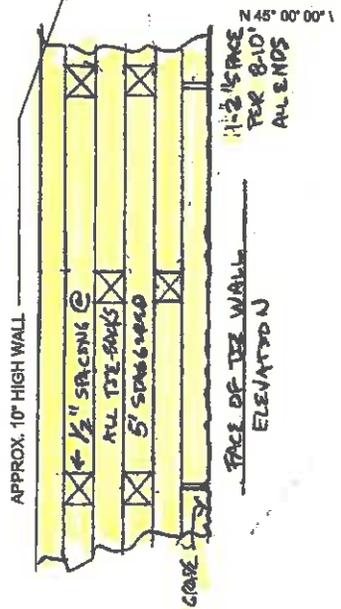
APPROX. 3'-2" HIGH WALL
NOTE: WALL STEPS DOWN 5.5' AT CORNER

★ SEE FACE OF TIE WALL ELEVATION BELOW.

PROPOSED 6" P.T. WOOD TIE WALL @ PROPERTY LINE

NOTE: WALL STEPS DOWN 5.5'

LOT 27



APPROX. 10' HIGH WALL

11'-2" SPACE PER 8'-10" ALL EMBOS

FACE OF TIE WALL ELEVATION

5502 GEORGE ST. CH. CLK.
THE ROSE PROPERTY

LOT 25

6" X 6" PRESSURE TREATED TIE WALL

* DEDICATED TIE WALLS PER COUNTY APPROVED PLAN.

SUBMITTED BY JIM BOYD PESSON/BUILD INC. # 301-581-6800

LOT 26
7,800 S.F. (RECORD)
7,482 S.F. (SURVEY)

EX. WOOD DECK AND STEPS



AC

AC

EX. CONC. WALL

O.H.L.

O.H.L.

16" BIRCH

18" LEY. CYP (34.4)

12" LEY. CYP

24" OAK

8" DOG.

16" VIVAS 36'-6"

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Treasurer's Report July-December (6 months of FY 2017)

Overall:

This report is a six-month snapshot of FY 2017. The Village received its first quarterly income tax payment of \$1,286,678.01 in November, which projects to income tax revenue of \$2,747,690.88, approximately \$548,000 over the budgeted amount. We have also received the tax duplication payment that comes from the county in the amount of \$100,524. We have a budgeted deficit of \$46,117, we now project a surplus of approximately \$230,000 though it's still early and things can change as the year progresses. Our FY 2016 audit is officially completed and available on the Village's website. In addition, the full audit of the Comptrollers Office's Revenue Administration Division's incorrect classification of addresses and misallocated revenues is also complete and available for anyone who wants to view it at the Village office.

Income Tax Revenue:

In November, the Village received the first quarterly installment of the income tax revenue for FY 2017 in the amount of \$1,286,678.01. This consisted of a quarterly distribution of \$493,407.96 and a one-time reconciliation of \$793,270.15. The quarterly distribution is approximately \$64,000 greater than last years which is a result of more tax returns both in volume and income being processed then the previous year. This also is the first year the rules of the Wynne case take effect where certain tax payers can offset their county income tax payment from income and taxes earned and paid in other states. The income tax projects to come in 25% higher than the budgeted amount.

Property Tax Revenue:

We received \$118,513 in November. We project this to come in at budget since the Village approved the constant yield for FY 2017.

Safe Speed Net Revenue:

So far this year's revenue is trending about 20% below budget for the first six months. There has been some construction during the first couple of months which has had some impact on safe speed citations; otherwise there is no specific reason for the decline in revenue so far this fiscal year other than continuing driver's awareness of cameras in this region.

Miscellaneous Revenue:

As of now it is tracking slightly above budget. We received a tax duplication payment of \$100, 524, which was about \$15,000 above the budgeted amount.

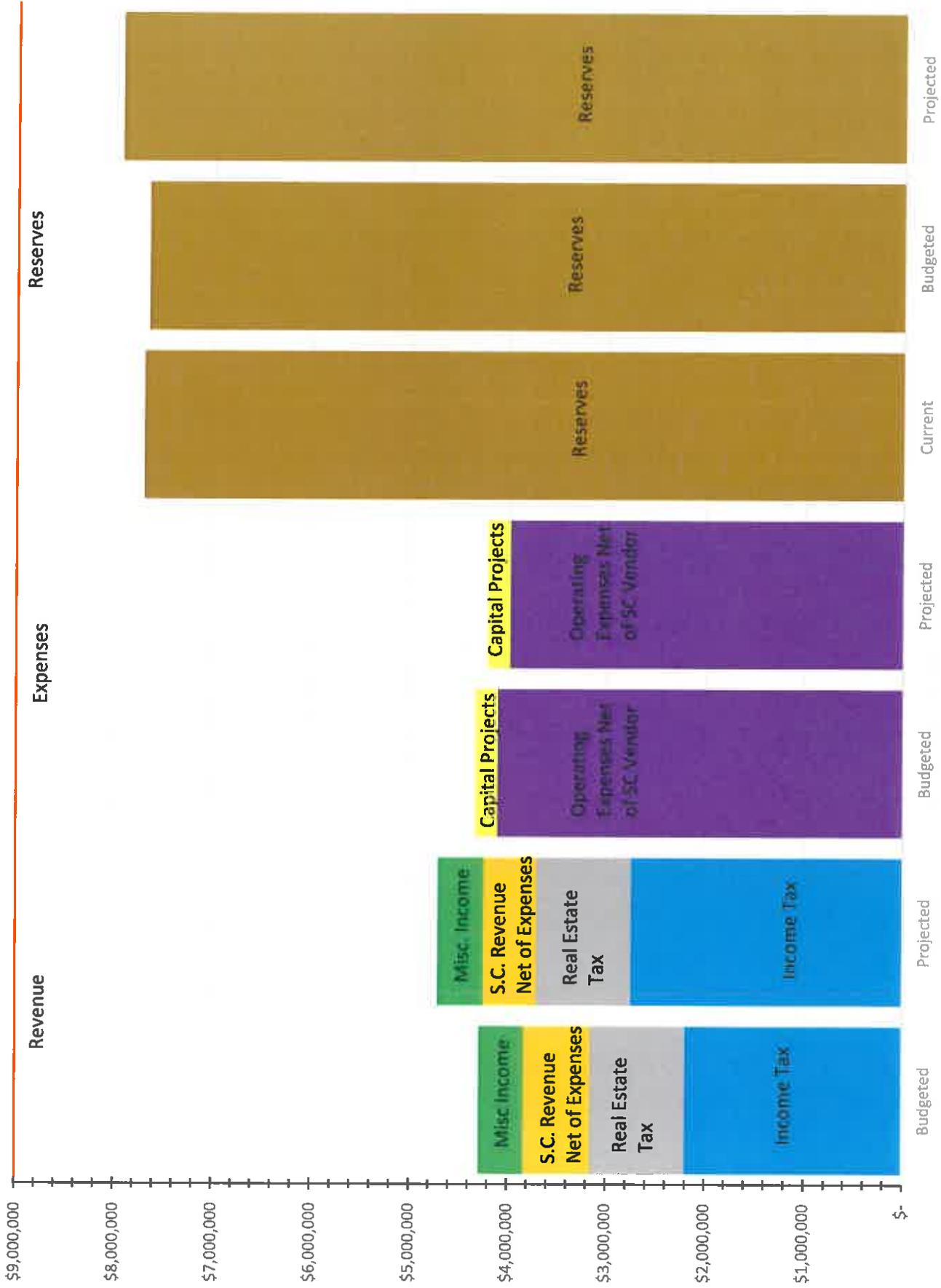
Capital Expenses:

Our expenses are projected to be \$227,500 and so far the projects we have begun are street maintenance and the purchase of a new skid steer for public works.

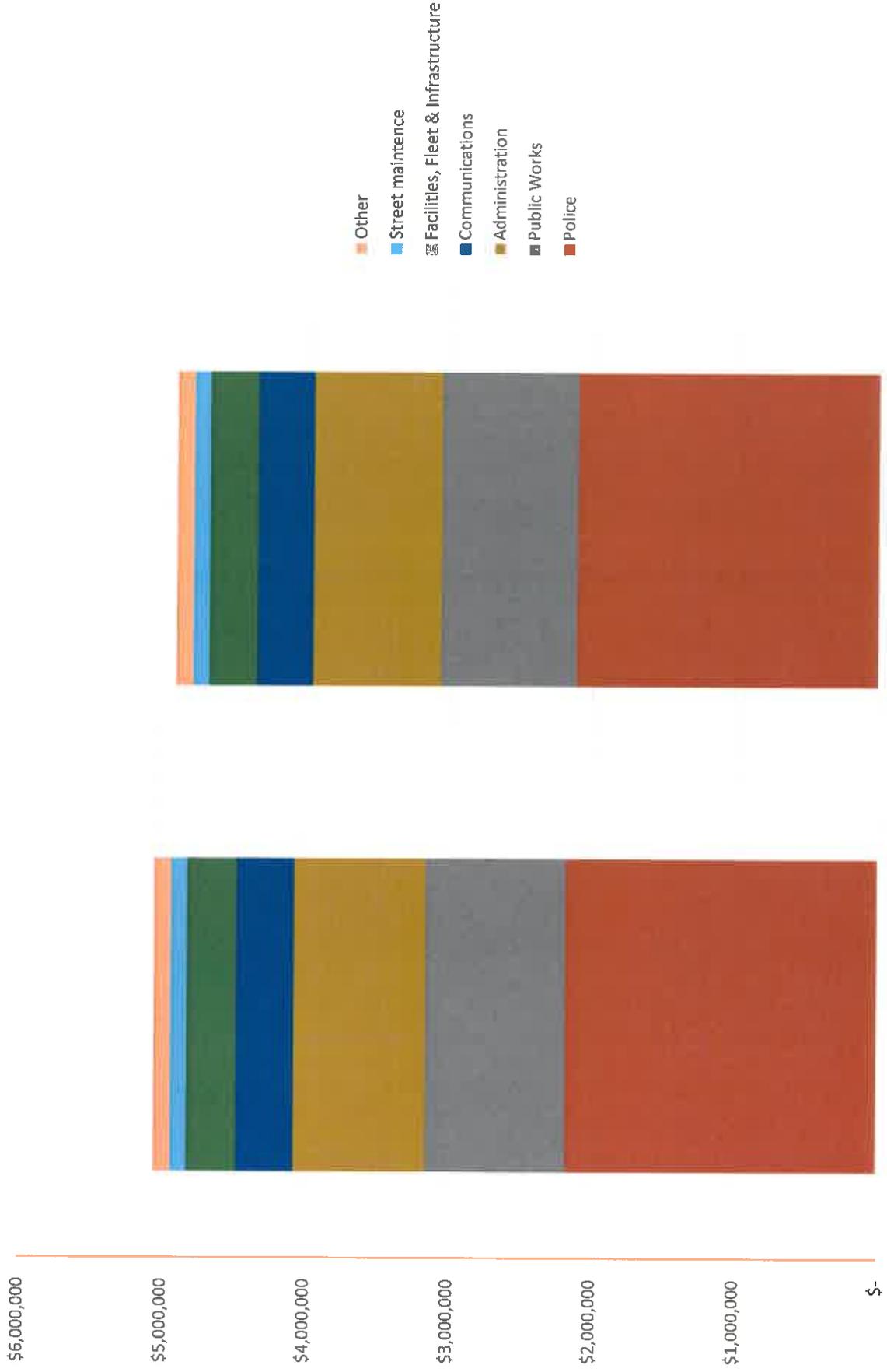
Operating Expense:

We project this will be 3-4% below budget.

Revenue and Expenses Budget versus Projected



Expenses Budgeted versus Projected



December 2016 CCVPD Highlights

I. Crime/Operational

1. **Contractor truck stolen—keys were left in the truck:** A truck loaded with masonry tools was driven away with the keys from a job site in the 100 block of East Melrose Street on Friday, December 30.
2. **One unlocked car entered:** Overnight 12/06-12/07 (Tue/Wed), a Blackberry device worth \$300 was taken from a car parked on the street in the unit block of Hesketh Street
3. **Seasonal package theft prevention results:** Only 2 package thefts reported during the initiative that ran from November 25-December 26
4. **Officer discovers package thefts during house checks:** On December 29, Officer Hrnjak was doing a house check on Grafton between Kirkside and Wisconsin when he spotted two opened boxes discarded on the front lawn. Labels on the boxes bore addresses of 2 nearby homes. The addressees confirmed that the packages were stolen.

II. Administrative/Training

1. The 2017 Legislative Session of the Maryland General Assembly begins Wednesday, January 11 at noon; Chief Fitzgerald will remain involved in the MCPA/MSA Legislative Subcommittee and will track bills of interest to the Village
2. Officers completed the following training in December: speed camera system refresher; annual pistol qualification; use-of-force decision making; pistol armorer (1 officer); mandated in-service

Select Reported Crimes 2016 vs. 2015				
	December '16	December '15	YTD'16	YTD'15
Assault	0	0	1 ^a	1
Auto Theft & attempts	1	0	4 ^b	3
Burglary & attempts	0	0	4 ^c	9
Theft & attempts	5	5	78	75
Robbery	0	0	0	0

- a. dispute between contractor and subcontractor; very minor injury
- b. keys were used to steal these 4 cars
- c. one of these incidents was a bicycle stolen from inside an open garage

	Select Reported Crimes 2010-Present						
	2010	2011	2012	2013	2014	2015	2016 as of 12/31/16
Assault	0	0	2	2	0	1	1
Auto Theft & attempts	3	6	2	5	0	3	4
Burglary & attempts	7	14	3	4	8	9	4
Theft & attempts	46	67	97	60	38	75	78
Robbery	1	0	0	0	1	0	0



POLICE DEPARTMENT
 5906 Connecticut Avenue, Chevy Chase, Maryland 20815
 (301) 654-7300 FAX: (301) 654-7304
 chevychasevillagemd.gov



John Fitzgerald
 Chief of Police

MEMORANDUM

TO: John Fitzgerald, Chief of Police

FROM: Bruce I Gessford, Communications Lead Dispatcher *BIG*

DATE: January 2, 2017

SUBJECT: Monthly Communications Report for December 2016

	<u>Dec. 16</u>	<u>YTD16</u>	<u>Dec. 15</u>	<u>YTD15</u>
Walk In	186	2,025	170	2,011
Incoming Phone Calls requiring no action*	1,023	12,232	951	13,546
Incoming Phone Calls requiring an action**	363	3,664	349	3,906
House Check Requests	235	2,072	229	2,161
Key Pick Up/Drop Off	82	634	69	702
Mail Pick Up	114	1,138	81	1,087
Special Pick Up Requests	68	1,049	79	1,057
Trash and Recycle Complaints	1	25	4	32

***Note: Incoming phone calls requiring no action include: information requests, forwarding calls internally and externally, providing directions, etc.**

****Note: Incoming phone calls requiring an action may include: house check requests, special pick ups, trash and recycle complaints, etc.**

(*) Estimated total calls. Recording System was down for approximately 6 days.

Chevy Chase Village

Monthly Incident Report

December 2016

Burglary (including attempts)	0	Theft from Auto (including attempts)	1
911 Disconnect	1	Lost Property	0
Alarm	32	Miscellaneous	22
Animal Bite	0	Mental Illness	1
Animal Complaint	6	Missing Person	0
Assault and Battery/Other Domestic	0	Noise Complaint	6
Assist Citizen	12	Open Door	7
Assist Other Agency	11	Power Outage	0
Attempted Theft of Auto/Other Vehicle	0	Parking Complaint	1
Burglary (including attempts)	0	Recovered Property/Montgomery County	0
CDS - Possession Paraphernalia	0	Recovered Property/Other	0
Check the Welfare	1	Suspicious Persons/Vehicles	23
Code Enforcement	4	Sudden Death - Natural	0
Collisions	15	Thefts (including attempts)	5
Hit and Run Property Damage	2	Thefts from Auto	1
Property Damage Collision	13	Thefts from Other	4
Personal Injury Collision	0	Theft of Auto/Other Vehicle	1
Disabled Vehicle	3	Threatening/Annoying Phone Call	0
DUI	1	Traffic Stop	1
Family Trouble	0	Trees / Limbs Down	0
Fire-Other	0	Trespassing	0
Identity Theft / Forgery	2	Vandalism	0
Hazard - General	0	Vandalism-Motor Vehicle	0
Hazard - Roadway / Traffic	8	Vendor Violation	1
Ill Person	0	Wanted Person	0
Injury Non-Traffic	0	Water Main Break	0
Investigation/Police Information	1	Wires Down	0

Collisions within Chevy Chase Village December 2016

Connecticut Avenue@		Chevy Chase Circle@	
Bradley Lane	1	Connecticut Avenue	3
East Irving Street	1	Brookville Road@	
Oxford Street	1	East Irving Street	1
Quincy Street	3	Primrose Street	1
West Kirke Street	1	Oliver Street@	
Other Locations		Western Avenue	1
139 Grafton Street	1		
105 Primrose Street	1		

Chevy Chase Village Monthly Traffic Report December 2016

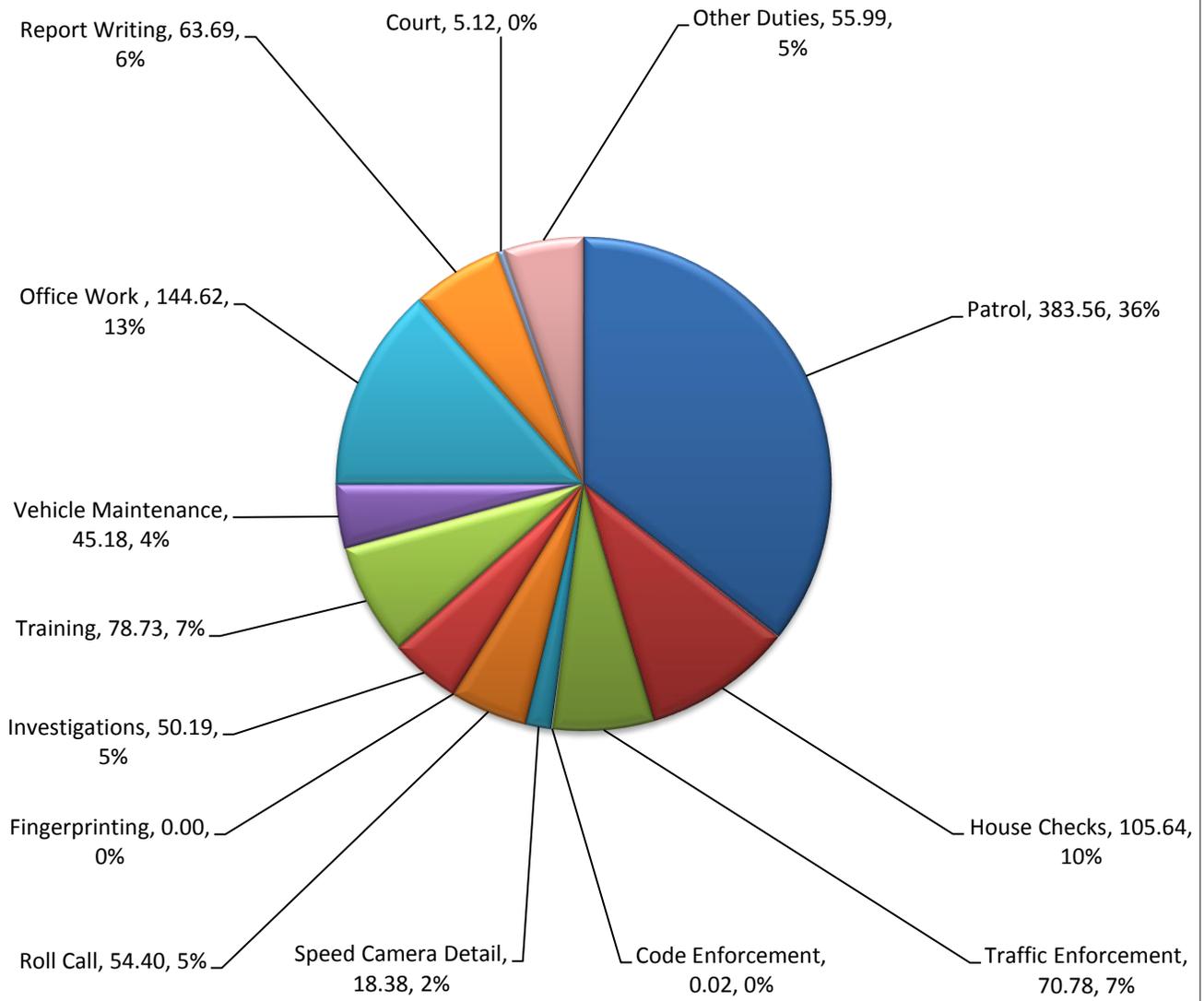
Chevy Chase Village Code Enforcement Report December 2016

Equipment Repair Orders	1	Police Officers	
Miscellaneous Violations	9	Compliance Inquiry	5
Parking Violations	5	Investigations	0
Sign Violations	1		
Warnings Written	29	Municipal & Civil Citations Issued	0
Speeding Violations	2	Municipal & Civil Warnings Issued	0

Chevy Chase Village Agency Personnel Report

	Dec.	YTD
Citizen Complaints	1	3
Citizen Compliments	10	34

Chevy Chase Village Police Department Officer Hours for December 2016 within Chevy Chase Village

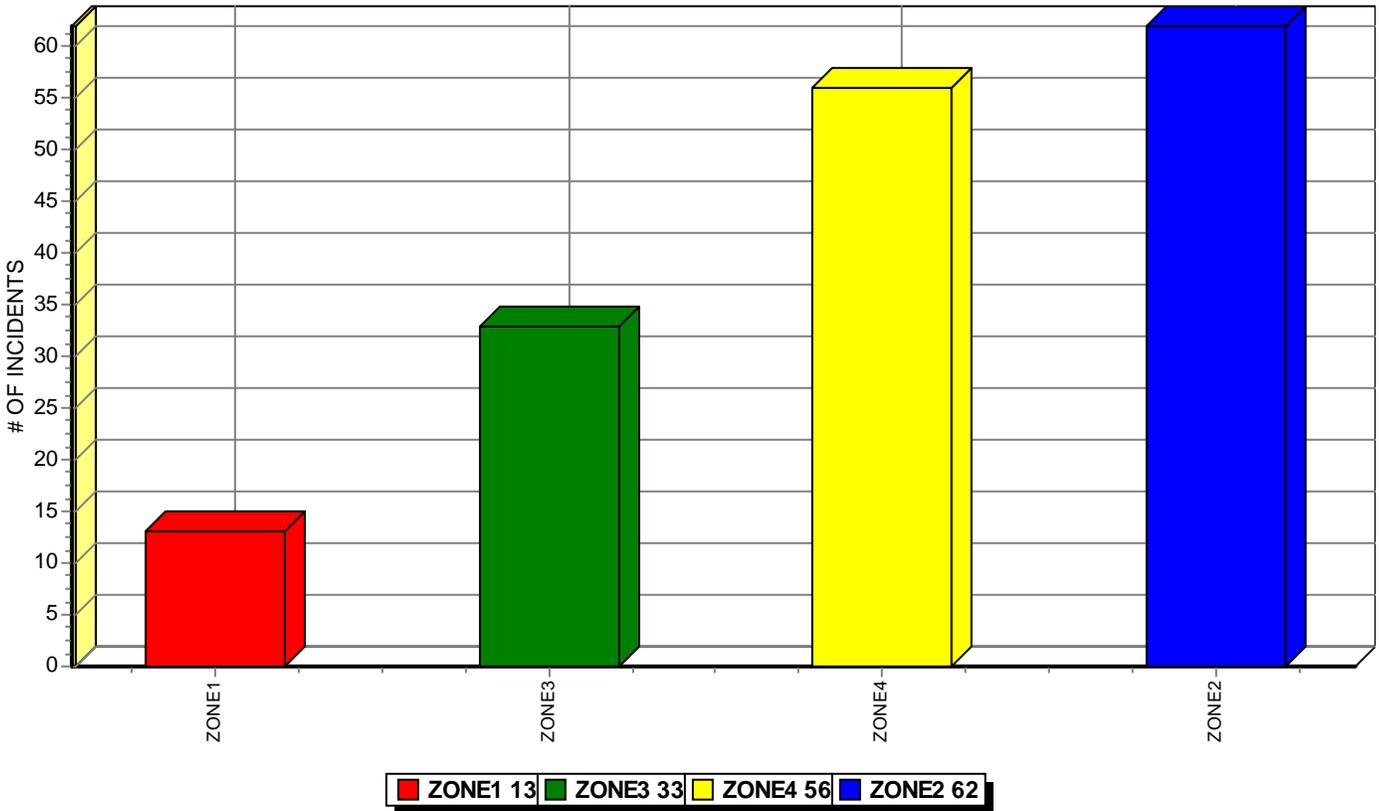


* Note: The SafeSpeed Coordinator's hours are 105.22, which are not included above

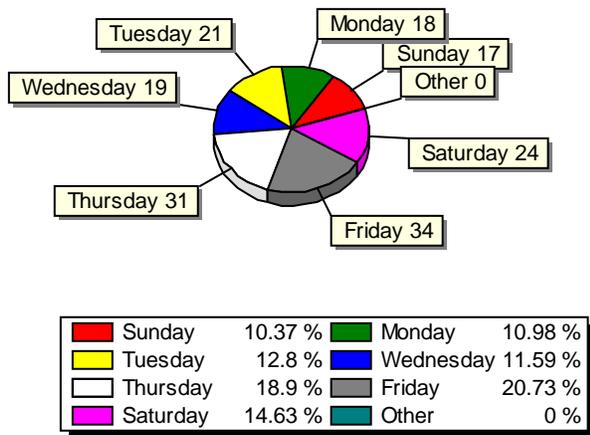
CHEVY CHASE VILLAGE POLICE

1/5/2017 8:24:14 AM

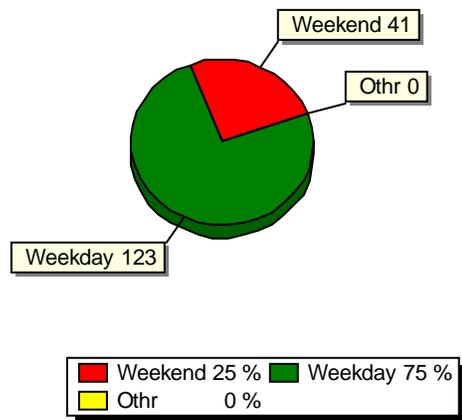
Incident Frequency by DISTRICT (Top 4 of 4 Shown) (Using DATE RECD)



By Day of Week

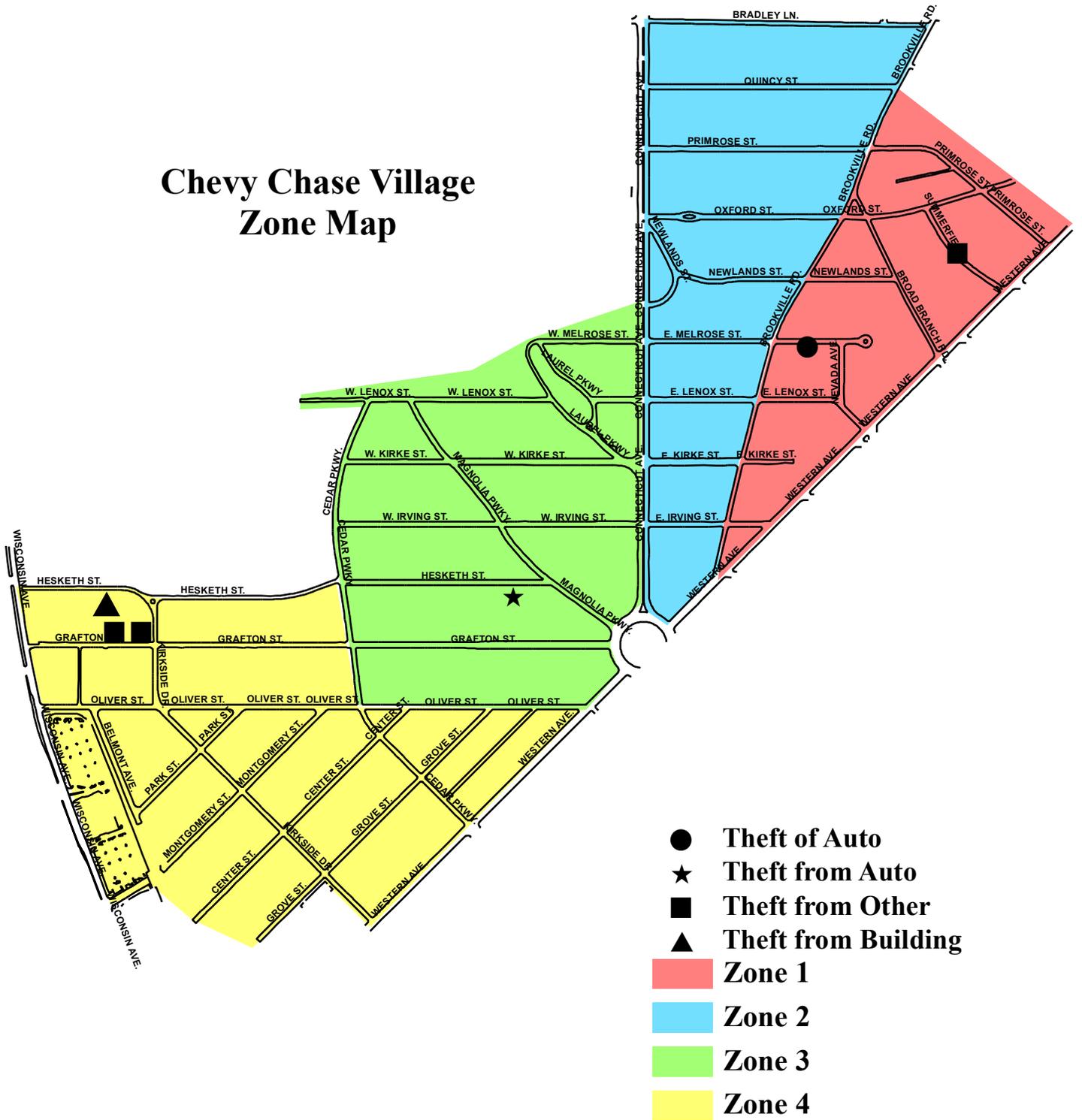


Weekday vs Weekend



Search Criteria: (DISTRICT >= 'ZONE1')
 (DISTRICT <= 'ZONE4')
 (INCDNUM like '%%')
 (DATE_RECD >= TO_DATE('12/1/2016','MM/DD/YYYY'))
 (DATE_RECD <= TO_DATE('12/31/2016','MM/DD/YYYY'))

Chevy Chase Village Zone Map



Chevy Chase Village
Building & Tree Removal Permits
Permits Issued- December 2016

Building Permits

Permit #	Address	Type of Work
7082	6 West Kirke Street	Replace two air conditioners in the west (side) yard.
7081	9 Oxford Street	Install two 4" PVC drain pipes through the Oxford St. ROW.
6827	16 West Kirke Street	Extension of a permit for alterations & new rear addition.
6827-amended	16 West Kirke Street	Amendment to previously approved plan to include new rear porch.
7079	20 West Lenox Street	Install new fencing in the rear yard.
7078	7 Primrose Street	Replace front walkway.
7077	5605 Center Street	Install two drain pipes through the Center Street ROW.
7076	5605 Center Street	Construct new patio and walkways.
7075	5605 Center Street	Construct rear two story addition.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2290	11 Magnolia Pkwy.	(1) False Cypress	Per 17-3(a)(7); hazardous	No
2289	101 East Kirke St.	(1) False Cypress	Per 17-3(a)(7); hazardous	No
2288	19 Quincy Street	(1) Magnolia (1) Norway Maple	Dead Hazardous	No

Expiring Permit Notices Mailed This Month

None Required

Chevy Chase Village

Permitting and Code Enforcement Activity December 2016

Telephone Queries: +/- 85

Walk-Ins: +/- 25

Pre-Design Review Meetings: 4

Municipality Letters (issued to the County for new projects): 1

Administrative Building Permits Issued: 7 Administrative Building Permit; 1 Building Permit Extension; 1 Building Permit Amendment; 4 Dumpster Extensions; 1 Courtesy.

Licenses to Use the Public Right-of-Way: 2

Appeals: Two decisions were drafted from the November meeting.

Administrative Appeals: One in process for demolition of a detached garage.

Tree Ordinance Board: None active.

Enforcement Incidents: Routine code enforcement patrol and site inspections of construction projects were conducted. Additionally:

- Staff observed two job sites with construction materials placed in the public right-of-way. At one property the materials had been placed very close to the curb (there is no sidewalk in this block), and at the other the materials were very close to the public sidewalk. Staff contacted the project manager of each job and they had the materials relocated promptly.
- Pursuant to denial of a variance application, staff has been working with the Village Manager and Counsel to enforce the Board decision and initiate abatement or compliance for a play structure installed in the front yard of a property. The resident has modified the play equipment so that it is no longer considered “permanently anchored” and is no longer subject to Building Code regulations pursuant to structures.
- Staff observed that lattice panels had been installed in the front yard of a property in the CCV Historic District and that no building permits had been issued at this address. When contacted the resident stated that the panels were not intended to be permanent- they had been placed during training of a new puppy and would be removed that week. The panels have since been removed.
- Staff has been coordinating exchanges between the involved parties in an Appeal of the Manager’s Decision.
- Two instances of work having been performed without the applicable permits having been obtained, both at addresses located in the CCV Historic District, have been resolved; the applicable HAWP and CCV permits have been obtained.
- Several instances of expired dumpster permits and commercial signs placed at job sites were identified and resolved.

Tree Requests: 5 requests were made to the Village arborist for tree inspections pursuant to removals or Tree Protection Plan requests for construction projects.

Administrative Tree Removal Permits: 3 permits were issued for removal of a total of four (4) trees, two (2) of which were approved pursuant to Sec 17-3(a)(7) (Species of Little Value).

Expired Permit Memos Sent: None required

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

Memo

To: Board of Managers
From: Michael W. Younes, Director of Municipal Operations *MW*
CC: Shana Davis-Cook, Village Manager
Date: 1/4/2017
Re: Update on Capital and Infrastructure Upgrade Projects

Below please find an update on the various capital and infrastructure upgrade projects currently underway within the Village:

	Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
In-Partnership with M-NCPPC				
Western Grove Park Development	Construction	5 months	Ongoing	May 2017
Utility Upgrades				
Sewer/Water Main Replacement (5500 block of Western Avenue)	Alignment Study/Design	TBD	Spring 2018 (construction)	TBD
Washington Gas Main Replacement – Bradley Lane	Restoration	Ongoing	Ongoing	Late Spring 2017
PEPCO Tree Pruning and Removals	Complete	Complete	Complete	Complete

PEPCO Tree Pruning and Removals:

- All of PEPCO’s tree pruning and removal work is complete.
- Over the winter, the Village Public Works Department will grind out the stumps from the three (3) PEPCO removals and five (5) Village initiated removals to prep the sites for new trees to be planted in the future.

Washington Gas Main Replacement (Bradley Lane):

- Work to replace and upgrade the gas main along Bradley Lane has been completed and the old main has been deactivated.



- Concrete sidewalk, curb and driveway apron restoration work has been completed.
- Restoration of the trench line with permanent asphalt is still pending due to holidays, cold weather and availability of hot-mix asphalt.
- At the Board's February meeting, I will present staff's recommended final paving restoration reimbursement agreement between the Village and Washington Gas for Board review and possible approval.
- Final mill and overlay of Bradley Lane will not occur until late spring to allow for the trench to fully settle and due to minimum temperature requirements to apply surface asphalt.

Western Grove Park Development:

- Progress has been hard to come by in December due to the weather, holidays and delays in getting trade permits from DC and WSSC.
- Over the next couple weeks, the contractor's stone mason will begin the process of building mock-ups for the stone veneer, cobblestone and bluestone flatwork for approval by the design team.
- The following activities are scheduled for January:
 - Install stone veneer, cobblestone edging and bluestone flatwork following mock-up approval.
 - Complete water service connections.
 - Install natural play area underdrain system and border edging.
 - Install cedar pedestrian bridge.
- With the delays thus far and anticipating future delays throughout the winter, completion of the park has shifted to May 2017.

WSSC:

Water/Sewer Main Replacement (5500 block of Western Avenue):

- No updates since last month's report.

Memo

To: Chevy Chase Village Board of Managers
From: Tamu M.J. Tucker, Community Liaison/Administrative Assistant
CC: Shana R. Davis-Cook, Village Manager
Date: January 4, 2017
Re: Village Hall Use for December 2016

Below is a chart that reflects the type and frequency of events held in the Village Hall during the month of December 2016:

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events) — Birthday Party (over 12), Birthday Party (under 12), Holiday Charity Party, Rehearsal Dinner	4	\$1,875
Community Use —Board of Managers’ Monthly Meeting; Chevy Chase Village Holiday Party	2	\$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (2); Section 5 Monthly Meeting; Friends of Chevy Chase Circle; Garden Club of Chevy Chase Meeting.	5	\$0.00
Piano Use – Chevy Chase @ Home Holiday Party, Rehearsal Dinner	2	\$0.00