Chevy Chase Village
Board of Managers

1. Meeting Called To Order
   Mr. Robert Goodwin, Jr., Acting Chair

2. Approval Of Minutes From The Previous Board Of Managers' Meeting
   Executive Session--June 13, 2016
   Regular Monthly Meeting--June 13, 2016

3. Consent Agenda- Tree Removal Consent Agreements

   3.I. Tree Removals Requested By Pepco On Behalf Of The Property Owners:
   A-2246: Mr. and Mrs. Thomas Dupree, 8 Magnolia Parkway
   Removal of one 14-inch diameter Ash tree located in the south (side) yard of the property.

   A-2247: Mr. and Mrs. Valery Amiel, 5701 Wisconsin Avenue
   Removal of one 18-inch diameter Ash tree located in the Wisconsin Avenue (front) yard of the property.

   Documents:

   A-2246 MR. AND MRS. THOMAS DUPREE, 8 MAGNOLIA PARKWAY.PDF
   A-2247 MR. AND MRS. VALERY AMIEL, 5701 WISCONSIN AVENUE.PDF

4. Variance And Special Permit Requests

   4.I. A-6974 (Special Permit Request): Ms. Janet N. Regan & Mr. Patrick M. Regan, 6 Quincy Street
   Attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height onto an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

   Documents:

   A-6976 (VARIANCE REQUEST) 6 QUINCY STREET.PDF

   4.II. A-6980 (Variance Request): Mr. Manuel Bramao & Ms. Jamie Lubar Bramao, 1 East Lenox Street
   Construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

   Documents:

   A-6980 VARIANCE REQUEST 1 EAST LENOX STREET.PDF

   4.III. A-6977 (A), (B), & (C) (Variance Request) Mr. Manuel P. Bramao & Ms. Jamie Lubar Bramao 1 East Lenox Street
   Install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:
   a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then
   b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and

   c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

   Documents:

   A-6977 (A), (B), (C) (VARIANCE REQUEST) 1 EAST LENOX STREET.PDF

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

   Documents:

   TREASURER REPORT JULY 2016.PDF

6. Matters Presented For Board Discussion And Possible Action (Where Required)

   6.I. Adoption Of Resolution No. 04-02-16
   An Ordinance to amend Chapter 2, "Public Ethics", Sec. 2-6, "Financial Disclosure - Village Elected Officials and Candidates to be Village Elected Officials", to require that an applicant for appointment to an elected position file a Financial Disclosure Statement at the time the Certificate of

Officials", to require that an applicant for appointment to an elected position file a Financial Disclosure Statement at the time the Certificate of Appointment is filed.

Documents:

ADOPTION OF RESOLUTION NO. 04-02-16.PDF

7. Committee Matters

7.I. Election Supervisors

- Reappointment of Charlotte Jones Carroll (East Irving Street) as Chair, term ending July 2017
- Reappointment of Mary Sheehan (West Kirke Street) as a member, term ending July 2020

7.II. Board Reappointments Of Chairs To Village Committees (All 2-Year Appointments)

- Financial Review: Louis Morsberger (Cedar Parkway)
- Public Safety: Saul Goodman (Cedar Parkway)
- Tree: Samuel Lawrence (East Lenox Street)

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

Documents:

POLICE REPORT JUNE 2016.PDF

9. 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:

CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS.PDF
BUILDING AND TREE REMOVAL PERMITS JUNE 2016.PDF
VILLAGE HALL ACTIVITY REPORT.PDF

Consent Agenda
Tree Removal Appeal Case A-2246

Removal of one 14-inch diameter Ash tree located in the rear yard of the property.

Pepco on behalf of
Mr. & Mrs. Thomas Dupree
8 Magnolia Parkway

Figure 1: Looking southwest toward the subject Ash tree.

To: Chevy Chase Village Board of Managers
From: TOB Acting Chair Mike Holland
Date: July 6, 2016
Re: **TOB Report Regarding Case A-2246**
Mr. & Mrs. Thomas Dupree, 8 Magnolia Parkway
Removal of one 14-inch diameter Ash tree from the south (side) yard of the property.

Mr. and Mrs. Dupree, at the request of Pepco, request permission to remove one 14-inch Ash tree from the south side yard of the property as part Pepco's tree maintenance program. The Village consulting arborist determined that the tree does not meet any of the criteria which would allow it to be approved for removal by an administratively issued Tree Removal Permit. Pepco duly filed an appeal (on behalf of Mr. and Mrs. Dupree) of the Village Manager's decision to deny removal of the Ash tree and were referred to the Tree Ordinance Board. Pepco, as the agent, has expressed a willingness to reforest either on the private property at 8 Magnolia Parkway or at a location within Chevy Chase Village to be determined in consultation with the Duprees and the Tree Ordinance Board.

Pepco Vice President Jerry Pasternak, in the Statement of Appeal for Tree Removal, contends that 1) the proximity of the tree to the power lines presents "potential safety risks" and that the tree needs to be removed "in order to satisfy Maryland's Service Quality and Reliability Standards (RM43)" and that "removal of the tree is required to obtain the clearances required by RM43"; and
2) Ash trees are highly susceptible to invasion by the Emerald Ash Borer, that infestation has a 99% mortality rate and that if infested the tree would be a serious safety hazard, thus Pepco proposes to remove the tree before the tree becomes infected.

We attempted to identify all of the abutting neighbors as identified by the case mailing list provided by Village Staff. E-mails were sent to those neighbors who had e-mail addresses in the Village Telephone Directory and telephone messages were left for those who did not. No responses have been received.

The three members of the TOB inspected the tree and potential sites for reforestation. Said tree will be chosen from the Village's approved list of canopy trees, and will be a hardwood deciduous tree of at least 2 ½" caliper at installation which will grow to a mature height of 45 feet. The tree will be located either on the private property at 8 Magnolia Parkway or in a location to be determined in consultation with the Tree Ordinance Board.

I believe that the foregoing reflects a reasonable resolution of the issues in a manner consistent with Village Board policies.

Submitted by:
Mike Holland, Acting TOB Chair

Property Address: **8 Magnolia Parkway**

REFORESTATION CONSENT AGREEMENT

RECITALS

This Consent Agreement ("Agreement") is entered into by CHEVY CHASE VILLAGE, ("Village"), a Maryland municipal corporation and Mr. Thomas and Ms. Catherine Dupree, (collectively "OWNER"), the owners of Part of Lot 3, in Block 28, and Part of Lot 18 in Block 29 in the subdivision known as Section 2, CHEVY CHASE, as per plat thereof recorded in Plat Book 2 at Plat Number 106, among the Land Records of Montgomery County, Maryland (the "Property").

The Owner has requested a permit from the Village Manager under Section 17-3 of the Village Code to remove one fourteen (14)-inch diameter Ash tree, hereinafter referred to as the "Subject Trees", (the trunk of which measures more than 24 inches in circumference at 4-½ feet above ground and therefore requires a permit for removal) located in the south side yard of the Property as indicated on the plan attached hereto as Exhibit A. The Owner seeks to remove the Subject Tree in order to comply with Pepco's Vegetation Management Program, hereinafter referred to as the "Proposed Work". The Village Manager denied the permit for failure to meet any of the conditions set forth in Section 17-3.

DRAFT

The Owner has appealed the denial of the permit. The appeal was considered under the criteria set by Section 17-5 of the Village Code, by the Tree Ordinance Board ("TOB"), which has issued its recommendation.

The TOB, after following the requirements for notice to confronting and abutting owners, concluded that the Proposed Work was a legitimate reason for removing the Subject Tree, that it was necessary to remove the tree to achieve the Proposed Work, and that the tree proposed to be removed was not by

reason of age, size or outstanding qualities, including uniqueness, rarity or species specimen, of such nature as to require preservation.

Based on the foregoing, the TOB provided its recommendation, which has been accepted by the Board of Managers. The Board has decided that it is in the public interest to grant the Owner's appeal, on condition that they sign this Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings and obligations herein contained, One Dollar ($1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner hereby agree and covenant as follows:

1. The Owner will obtain any applicable Montgomery County permit(s) to carry out the Proposed Work.

DRAFT

2. The Village, after the issuance of the said permit(s), will grant a permit to the Owner for the purpose of removing the Subject Tree described above and located as indicated on Exhibit A promptly after the effective date of this Agreement.

3. The Owner agrees to reforest within six months from issuance of the Tree Removal Permit by planting a Reforestation Trees (or variety thereof) of at least 2-½ inches in caliper in a location on the Property or within Chevy Chase Village to be determined in consultation with the Tree Ordinance Board and to replace such tree, if located on the Owners' Property, if it becomes diseased or dies within two years of the effective date of this Agreement. The Owner further agrees to notify the Village Manager when the tree has been planted.

4. Any changes or modifications to the Reforestation Plan shall require the further written consent of the Village, which may be withheld in the Village's sole discretion.

5. The Owner acknowledges that compliance with this Consent Agreement is necessary for the protection of the public health, safety and welfare of the residents of the Village and acknowledge and agree, in the event of Owner's breach of this Agreement, that the Village would not have an adequate

remedy at law, and the Village shall be entitled to specific performance of the Owner's obligations and to injunctive relief related thereto without posting a bond or proving actual damages, in addition to any other remedies which may be available. The Owner further agrees that the costs incurred by the Village to enforce the Agreement, including legal expenses, shall be charged to the Owner and may be assessed against the Owner's property along with property taxes. The Owner further agrees not to contest any action brought by the Village to obtain specific performance and injunctive relief under this Agreement.

6. The Owner also acknowledges that the Village and the public residing in the Village would incur substantial damages in the event of Owner's breach of the requirements of this Agreement, including, but not limited to, the costs of staff time, arborist time, and other expenses incurred in enforcing this Agreement and the diminution of the Village's tree canopy. The parties recognize the difficulty in computing actual damages and, accordingly, agree to liquidated damages for the aforesaid costs, delay, and harm to the public. The parties acknowledges that liquidated damages of $1,000.00 are a reasonable estimate, at the time of the execution of this Agreement, of the damages to the Village and the public that will likely occur as a result of the Owner's failure to perform their obligations under this Agreement. The Owner acknowledges that the liquidated damages agreed to are not a penalty and that they, along with any costs incurred by the Village, including legal expenses, may be assessed against the Property along with property taxes.

DRAFT

7. The Owner shall be jointly and severally liable for their obligations hereunder and expressly waive any right to a jury trial.

8. The effective date of this Consent Agreement is the date the Village Manager signs the Agreement signifying that she has been informed by the Village Board of Managers that the Consent Agreement has been approved.

OWNER:

CHEVY CHASE VILLAGE

_____
Thomas Dupree

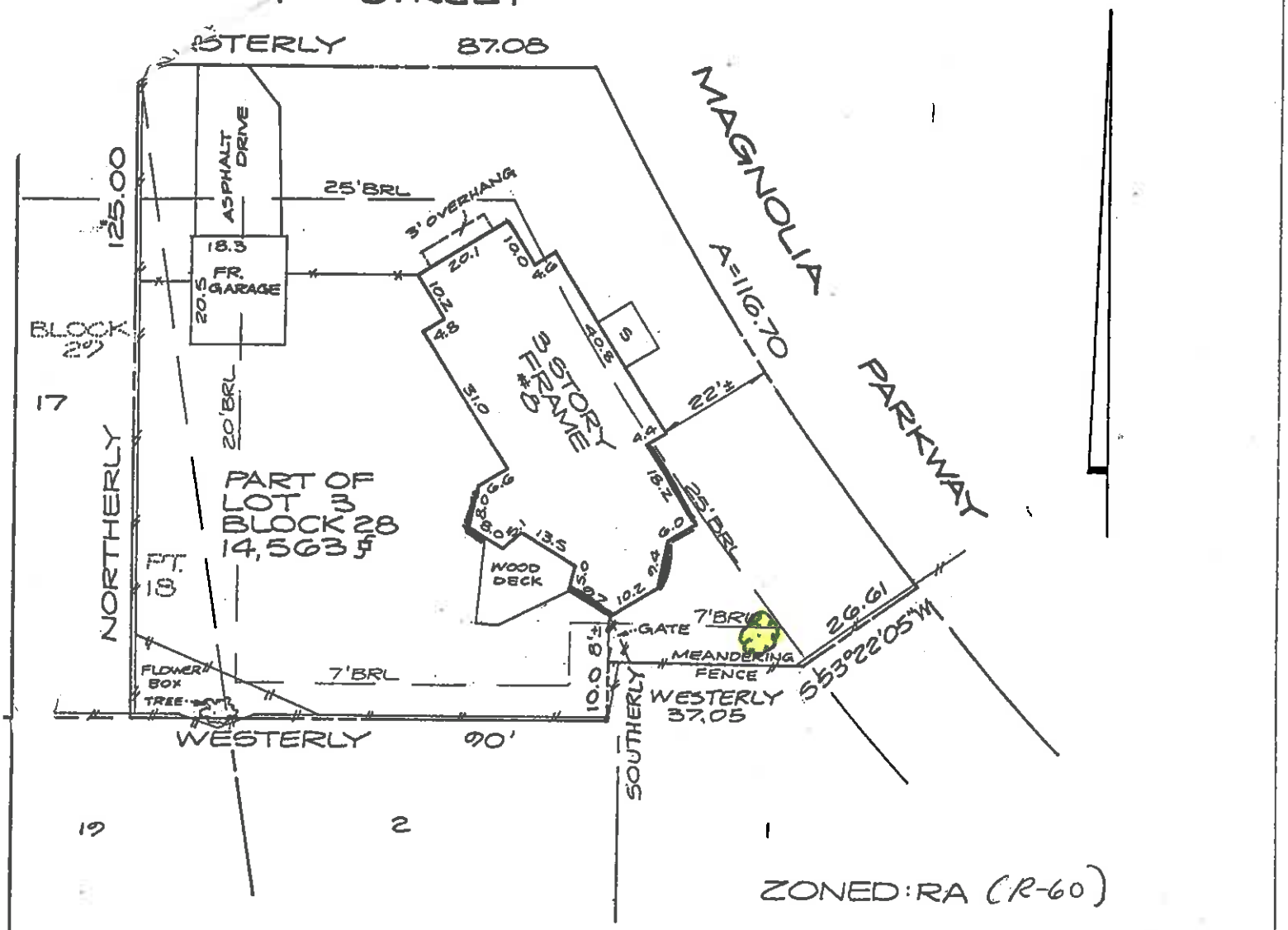
By: _____
Shana R. Davis-Cook, Village Manager

_____
Elizabeth Dupree

Date: _____

DRAFT

not to be used for determining property lines. Proper[illegible]rner Markers Not guaranteed by this location.



ZONED: RA (R-60)

BUILDING LINE AND/OR FLOOD ZONE INFORMATION IS TAKEN FROM AVAILABLE SOURCES AND SUBJECT TO INTERPRETATION OF ORIGINATOR.

STATE OF MARYLAND PETER JOHN DARE No 2240 REGISTERED PROPERTY LINE SURVEYOR

LOCATION OF HOUSE
PART OF LOT 3 BLOCK 28 &
PART OF LOT 18 BLOCK 29 SEC. NO. 2
CHEVY CHASE
MONTGOMERY COUNTY, MD

HUD FLOOD PANEL NOT AVAILABLE

SURVEYOR'S CERTIFICATE

THE PLAN SHOWN HEREON IS PREPARED FROM FIELD SURVEYMENTS OF EXISTING STRUCTURES AND DIMENSIONS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS SHOWN OR DESCRIBED.

Peter J. Dare

REGISTERED LAND SURVEYOR MD # 224

REFERENCES	
PLAT BK. 2	
PLAT NO. 106	
LIBER	
FOLIO	

SNIDER, BLANCHARD, & ASSOC., INC.
SURVEYORS – ENGINEERS
LAND PLANNING CONSULTANTS
286 Montevue Lane
Frederick, MD 21701
(301) 694-5544
2 Professional Dr., Suite 216
Gaithersburg, MD 20879
(301) 948-5100

DATE OF LOCATIONS	SCALE: 1"= 30'
WALL CHECK:	DRAWN BY: J.S.
HSE. LOC.: 2-18-88	JOB NO.: 88-262
BOUNDARY:	

Pepco
701 Ninth Street NW
Washington, DC 20068-0001
202.833.7500

pepco.com

An Exelon Company

May 4, 2016

Michael W. Younes, PMP
Director of Municipal Operations
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Dear Mr. Younes:

The Potomac Electric Power Company ("Pepco") hereby appeals your decision to deny removal of two trees – one Ash (18"-24.9" diameter) located at 5701 Wisconsin Avenue and one Ash (14"-17.9" diameter) located at 8 Magnolia Parkway. These trees are on private property and the respective owners of the properties have consented to the removals.

Pepco has an ongoing commitment to environmental stewardship and energy conservation, and we take seriously our responsibilities when it comes to vegetation management. We know that trees add to the beauty of our community, but because trees growing too close to power lines can be dangerous and can threaten the delivery of reliable electric service, we must maintain clearance from electric conductors.

Our top priority is safety. Trees that come in contact with energized conductors can themselves become energized, thereby endangering the public. Our planners identified these two Ash trees as posing potential safety risks, and our Staff Forester concurred in that conclusion.

In addition, there are service reliability concerns. To increase reliability, the Maryland Public Service Commission (PSC) adopted vegetation management regulations that require utilities to be more comprehensive in their tree pruning and removal around electric facilities, including power lines, poles, transformers, substations and rights of way. The standards were developed by a panel that included representatives from Montgomery County, the Office of People's Counsel, the Maryland Department of Natural Resources, consumer advocacy groups, power utilities serving customers in Maryland, and the Public Service Commission. Our vegetation management efforts are undertaken to meet these Maryland's Service Quality and Reliability Standards, known as RM43. Removal of the two Ash trees is required to obtain the clearances required by RM43, the Maryland Roadside Tree Law, the Maryland Tree Expert Law, and/or the ANSI A-300 pruning standard, which is incorporated into RM43 and is the standard for line clearance followed by nearly all electric utilities in the United States.

We understand that the Village is not planning to treat these two Ash trees in an effort to save them from the threat of the emerald ash borer (EAB). According to the M-NCPPC

Department of Parks[1], EAB is found countywide and infects all species of ash trees, with a 99% mortality rate for those trees. Signs of EAB infestation are difficult to detect, but the EAB "death curve" is 50%-98% mortality within 1-3 years in areas where there are current signs of infestation. The immediate effects of infestation include significant loss of structural strength with decline of tree health, trees at greater risk of wind-throw, trees that are more dangerous and expensive to remove, and "Ash snap" - dead ash trees suddenly and without warning falling over or breaking off. Ash snap can occur under the soil-line where roots become exposed as the tree falls, or on the main trunk at the ground-level or higher.

Pepco is prepared to offer a replacement tree for each of the two Ash trees. If either or both property owners do not wish to have a replacement tree planted on their property, Pepco is prepared to offer the replacement tree(s) to the Village.

For the foregoing reasons, Pepco believes that the prudent course of action is to allow removal of these two Ash trees now, and we respectfully request that permission be granted to do so.

Thank you for your consideration of this appeal.

Sincerely,

Jerry Pasternak
Vice President

[1] http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2015/151130/20151130_PHED2.pdf

PEPCO Vegetation Management Agreement

Owner's Name:
Phone:
Cell Phone:
E-mail:
Address:
Date: 03/17/16
Feeder: 14894
1P 2P 3P

Pepco, or their contractor will complete the following tree work:

Tree Removal
Brush Clearing
Leave Wood
Overhang Removal
Top Tree for Removal

Hazard Tree Removal
Herbicide Application
Leave All Debris
Other

Comments: Remove ash tree in backyard clean up wall debris.

Owners Signature: Elizabeth Dieppeen Date Signed: 3/17/16

*If you agree to the terms as stated above, please sign above and contact the Company Representative noted below. They can either meet you to pick up the form, or you may hang it back on your door to be picked up.

The signed form may also be faxed to: 301-670-8727

If you have any questions, call: 202-748-1400

Utility Representative: Cody Hesseltine

Cody.hesseltine@dawg.com

Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property:
5701 Wisconsin Avenue and 8 Magnolia Parkway, Chevy Chase, MD 20815

Briefly Describe the Proposed Tree Removal (provide additional detail on following pages):
See attached

Applicant Name(s) (List all property owners):
Potomac Electric Power Company/Matt Young

Daytime telephone: 301-670-8832 Cell: 240-595-2861

E-mail: myoung@pepcoholdings.com

Address (if different from property address):
Rockville Service Center, 201 W. Gude Drive, Rockville, MD 20850

For Village staff use:
Date this form received: 6/14/16 Tree Removal Permit Appeal No: A-2246

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☐ Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- ☐ Denied *Chevy Chase Village Tree Removal Permit Application*
- ☐ *Chevy Chase Village* Tree Inspection Report from Village Arborist
- ☐ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☐ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: _____ **Date:** 6-13-16

Applicant's Signature: _____ **Date:** _____

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

See attached

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

See attached

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

See attached

Describe the reasons for wanting to remove or destroy the tree(s):

See attached

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

See attached

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

See attached

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

See attached

Describe any hardship that would result if the requested tree removal is denied:

See attached

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

See attached

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

See attached

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: $250.00	**Checks Payable To:** **Chevy Chase Village** **5906 Connecticut Ave.** **Chevy Chase, MD 20815**
Fee Paid: $500.00 For both Addresses **Date Paid:** 6/19/16	**Staff Signature:** **Date:** 6/14/16

Chevy Chase Village

Tree Removal Permit Application

Permit No. A-2246

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

Property Address:	8 Magnolia Pkwy
Resident:	Elizabeth Dupree
Telephone:	
E-mail:	evodupree@yahoo.com
Tree Removal Contractor (*required and must be a Maryland Licensed Tree Expert*):	
Business Name:	Asplundh Tree Experts
Owner:	Derik Wolfe
Address:	1900 Betson Ct, Odenton, MD 21113
Telephone:	410-519-9900 Fax: 410-519-9978
E-mail:	dwolfe@asplundh.com
MD Dept. of Natural Resources (DNR) Licensed Tree Expert (LTE) No. (*required*):	093
For Village office staff use:	
Is this property located within the historic district?	Yes ☒ No ☐ Staff initials
Verification of species pursuant to Sec. 17-3(a)(7):	Staff initials
Date application submitted to Village Office:	3/31/16 Date approved or denied: 4/19/16

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.
"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

Village Code §17-3. Permit Standards.
The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner;
- The tree is on a list of tree species of little value, as determined by the Board of Managers after consultation with the Village arborist and Village Tree Committee.

An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist or, pursuant to Sec. 17-3(a)(7), Village staff.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of $25.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of $175. The fee is waived for trees approved subject to Sec. 17-3(a)(7).

Do you intend to reforest on your property? _____

REFORESTATION INCENTIVE

Under the new Tree Incentive Program, the Village will reimburse residents for up to half of the total costs to a maximum of $175 for the purchase and planting of qualifying canopy trees on privately owned properties. Additionally, applicants for Tree Removal Permits will be refunded their permit filing fee if they plant a canopy tree within six months of receiving a Village Tree Removal Permit.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: Matt Young **Date:** 3/29/16

Tree Removal Plans (including reforestation plan, if any)
Remove ash tree close to lines. Threat of EAB tree not being treated.

For Use By Village Manager	Approved with the following conditions:

For Use By Village Manager	Denied for the following reasons:
DENIED APR 19 2016 Chevy Chase Village Manager	Ash tree does not meet Standards per 17-3

Filing Fee: $25.00/tree x 1 trees = $ 25 (up to $175 max. per application)	**Checks Payable to:** **Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815**
Damage Deposit ☐ $_____ ☒ Waived by Village Manager.	Village Manager Signature: Date: 4/19/16
Total Fees + Deposit: 225	Staff Signature: Date: 5/23/16

$25 Removal
$200 Appeal

Feather & Assoc.
Tolbert V. Feather, Ph.D.
Advisors for: Landscape Development
Landscape Management, Plant Pest Management

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

April 7, 2016

RE: PEPCO Removal Request – Private Tree
8 Magnolia Parkway

An ash 16" diameter at 4.5' above ground level is healthy. The tree can be pruned for line clearance without harming or leaving the tree with poor or unbalanced form. The tree removal is not approved.

Tolbert Feather
Town Arborist

7826 Spout Spring Rd., Frederick, MD 21702, tfeather@xecu.net, 240 271 6749, Fax (301) 662-9315
MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

MAILING LIST FOR APPEAL A-2246

PEPCO FOR
8 MAGNOLIA PARKWAY (MR. & MRS. THOMAS DUPREE)
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Stephen Sacks Or Current Resident 4 Magnolia Parkway Chevy Chase, MD 20815	Mr. & Mrs. Mike Friedman Or Current Resident 16 Magnolia Parkway Chevy Chase, MD 20815
Ms. Ellen C. Donahue & Mr. Lars A. Jeurling Or Current Resident 3 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. Jerry Gudis Or Current Resident 5 Hesketh Street Chevy Chase, MD 20815
Ms. Judy Elliott Or Current Resident 17 West Irving Street Chevy Chase, MD 20815	Mr. & Mrs. Charles Ingersoll Or Current Resident 15 Magnolia Parkway Chevy Chase, MD 20815

Consent Agenda
Tree Removal Appeal Case A-2247

Removal of one 18-inch diameter Ash tree located in the Wisconsin Avenue (front) yard of the property.

Pepco on behalf of
Mr. & Mrs. Valery Amiel
5701 Wisconsin Avenue

Figure 1: Looking west toward the subject Ash tree.

To: Chevy Chase Village Board of Managers
From: TOB Acting Chair Mike Holland
Date: July 6, 2016
Re: **TOB Report Regarding Case A-2247**
Mr. & Mrs. Valery Amiel, 5701 Wisconsin Avenue
Removal of one 18-inch diameter Ash tree from the Wisconsin Avenue (front) yard of the property.

Mr. and Mrs. Valery Amiel, at the request of Pepco, request permission to remove one 18-inch Ash tree from the Wisconsin Avenue (front) yard of the property as part Pepco's tree maintenance program. The Village consulting arborist determined that the tree does not meet any of the criteria which would allow it to be approved for removal by an administratively issued Tree Removal Permit. Pepco duly filed an appeal (on behalf of Mr. and Mrs. Amiel) of the Village Manager's decision to deny removal of the Ash tree and the application was referred to the Tree Ordinance Board. Pepco, as the agent, has expressed a willingness to reforest either on the private property at 5701 Wisconsin Avenue or at a location within Chevy Chase Village to be determined in consultation with the Amiels and the Tree Ordinance Board.

Pepco Vice President Jerry Pasternak, in the Statement of Appeal for Tree Removal, contends that 1) the proximity of the tree to the power lines presents "potential safety risks" and that the tree needs to be removed "in order to satisfy Maryland's Service Quality and Reliability Standards (RM43)" and that "removal of the tree is required to obtain the clearances required by RM43"; and
2) Ash trees are highly susceptible to invasion by the Emerald Ash Borer, that infestation has a 99% mortality rate and that if infested the tree would be a serious safety hazard, thus Pepco proposes to remove the tree before the tree becomes infected.

We attempted to identify all of the abutting neighbors as identified by the case mailing list provided by Village Staff. E-mails were sent to those neighbors who had e-mail addresses in the Village Telephone Directory and telephone messages were left for those who did not. No responses have been received.

The three members of the TOB inspected the tree and potential sites for reforestation. Said tree will be chosen from the Village's approved list of canopy trees, and will be a hardwood deciduous tree of at least 2 ½" caliper at installation which will grow to a mature height of 45 feet. The tree will be located either on the private property at 5701 Wisconsin Avenue or in a location to be determined in consultation with the Tree Ordinance Board.

I believe that the foregoing reflects a reasonable resolution of the issues in a manner consistent with Village Board policies.

Submitted by:
Mike Holland, Acting Chair, Tree Ordinance Board

Property Address: **5701 Wisconsin Avenue**

REFORESTATION CONSENT AGREEMENT

RECITALS

This Consent Agreement ("Agreement") is entered into by CHEVY CHASE VILLAGE, ("Village"), a Maryland municipal corporation and Mr. Valery and Ms. Julijana Dupree, (collectively "OWNER"), the owners of Lot 16 in Block 16 in the subdivision known as Section 1-A, CHEVY CHASE, as per plat thereof recorded in Plat Book 4 at Plat Number 349, among the Land Records of Montgomery County, Maryland (the "Property").

The Owner has requested a permit from the Village Manager under Section 17-3 of the Village Code to remove one eighteen (18)-inch diameter Ash tree, hereinafter referred to as the "Subject Trees", (the trunk of which measures more than 24 inches in circumference at 4-½ feet above ground and therefore requires a permit for removal) located in the Wisconsin Avenue (front) yard of the Property as indicated on the plan attached hereto as Exhibit A. The Owner seeks to remove the Subject Tree in order to comply with Pepco's Vegetation Management Program, hereinafter referred to as the "Proposed Work". The Village Manager denied the permit for failure to meet any of the conditions set forth in Section 17-3.

DRAFT

The Owner has appealed the denial of the permit. The appeal was considered under the criteria set by Section 17-5 of the Village Code, by the Tree Ordinance Board ("TOB"), which has issued its recommendation.

The TOB, after following the requirements for notice to confronting and abutting owners, concluded that the Proposed Work was a legitimate reason for removing the Subject Tree, that it was necessary to remove the tree to achieve the Proposed Work, and that the tree proposed to be removed was not by

reason of age, size or outstanding qualities, including uniqueness, rarity or species specimen, of such nature as to require preservation.

Based on the foregoing, the TOB provided its recommendation, which has been accepted by the Board of Managers. The Board has decided that it is in the public interest to grant the Owner's appeal, on condition that they sign this Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings and obligations herein contained, One Dollar ($1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner hereby agree and covenant as follows:

1. The Owner will obtain any applicable Montgomery County permit(s) to carry out the Proposed Work.

2. The Village, after the issuance of the said permit(s), will grant a permit to the Owner for the purpose of removing the Subject Tree described above and located as indicated on Exhibit A promptly after the effective date of this Agreement.

DRAFT

3. The Owner agrees to reforest within six months from issuance of the Tree Removal Permit by planting a Reforestation Trees (or variety thereof) of at least 2-½ inches in caliper in a location on the Property or within Chevy Chase Village to be determined in consultation with the Tree Ordinance Board and to replace such tree, if located on the Owners' Property, if it becomes diseased or dies within two years of the effective date of this Agreement. The Owner further agrees to notify the Village Manager when the tree has been planted.

4. Any changes or modifications to the Reforestation Plan shall require the further written consent of the Village, which may be withheld in the Village's sole discretion.

5. The Owner acknowledges that compliance with this Consent Agreement is necessary for the protection of the public health, safety and welfare of the residents of the Village and acknowledge and agree, in the event of Owner's breach of this Agreement, that the Village would not have an adequate

remedy at law, and the Village shall be entitled to specific performance of the Owner's obligations and to injunctive relief related thereto without posting a bond or proving actual damages, in addition to any other remedies which may be available. The Owner further agrees that the costs incurred by the Village to enforce the Agreement, including legal expenses, shall be charged to the Owner and may be assessed against the Owner's property along with property taxes. The Owner further agrees not to contest any action brought by the Village to obtain specific performance and injunctive relief under this Agreement.

6. The Owner also acknowledges that the Village and the public residing in the Village would incur substantial damages in the event of Owner's breach of the requirements of this Agreement, including, but not limited to, the costs of staff time, arborist time, and other expenses incurred in enforcing this Agreement and the diminution of the Village's tree canopy. The parties recognize the difficulty in computing actual damages and, accordingly, agree to liquidated damages for the aforesaid costs, delay, and harm to the public. The parties acknowledges that liquidated damages of $1,000.00 are a reasonable estimate, at the time of the execution of this Agreement, of the damages to the Village and the public that will likely occur as a result of the Owner's failure to perform their obligations under this Agreement. The Owner acknowledges that the liquidated damages agreed to are not a penalty and that they, along with any costs incurred by the Village, including legal expenses, may be assessed against the Property along with property taxes.

DRAFT

7. The Owner shall be jointly and severally liable for their obligations hereunder and expressly waive any right to a jury trial.

8. The effective date of this Consent Agreement is the date the Village Manager signs the Agreement signifying that she has been informed by the Village Board of Managers that the Consent Agreement has been approved.

OWNER:

CHEVY CHASE VILLAGE

_____
Valery Amiel

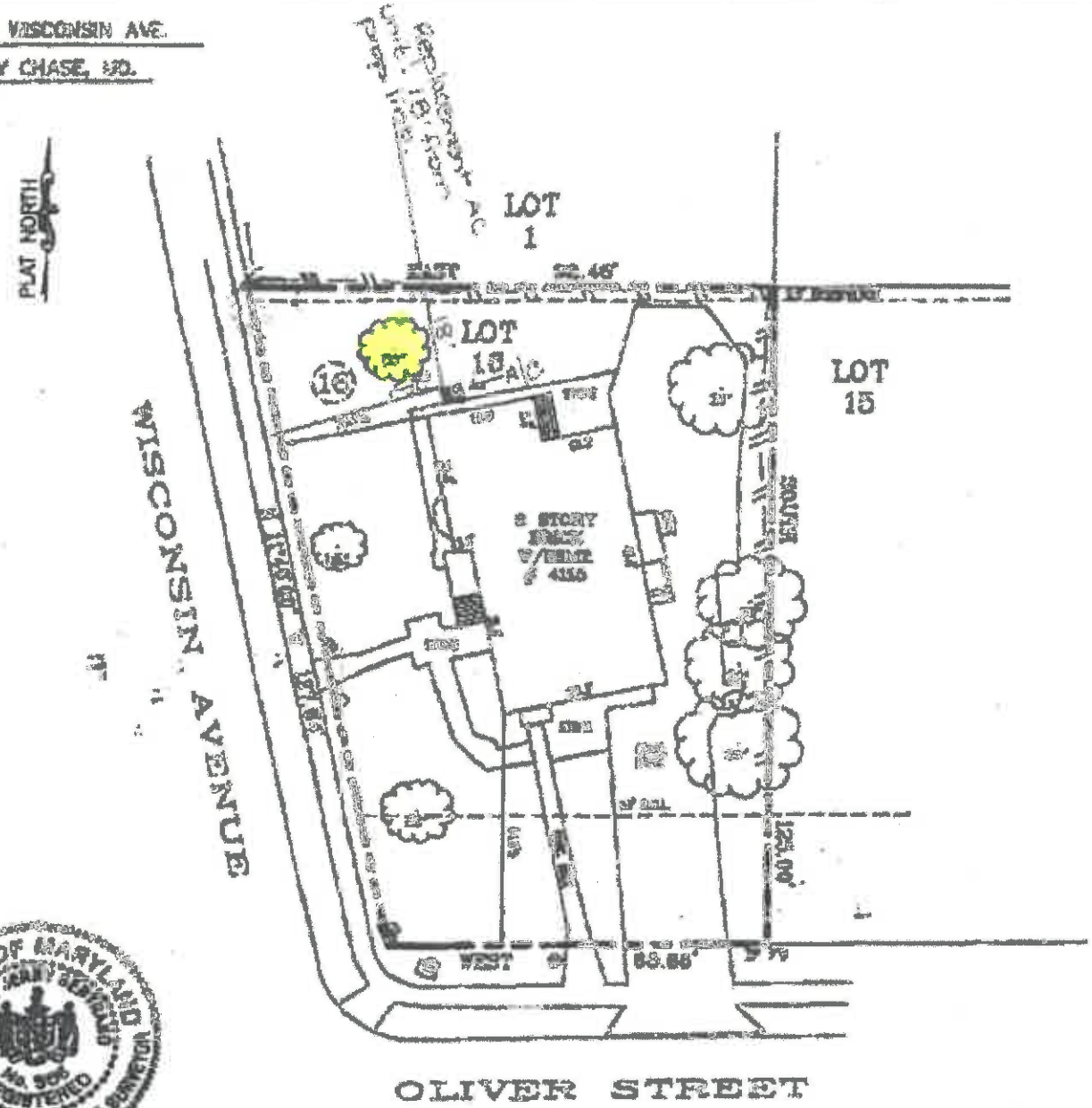
By: _____
Shana R. Davis-Cook, Village Manager

_____
Julijana Amiel

Date: _____

DRAFT

ADDRESS: 5701 WISCONSIN AVE.
CHEVY CHASE, MD.



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. EXACT PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREON. NO TITLE REPORT FURNISHED.

SURVEYOR

7/5/06
DATE

LOCATION SURVEY
LOT 16 BLOCK 16
CHEVY CHASE
PLAT No. 349
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 50' DATE: 06-30-06

LANDPLAN ASSOCIATES

06-153	349	6-30-06

Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property:
5701 Wisconsin Avenue and 8 Magnolia Parkway, Chevy Chase, MD 20815

Briefly Describe the Proposed Tree Removal (provide additional detail on following pages):
See attached

Applicant Name(s) (List all property owners):
Potomac Electric Power Company/Matt Young

Daytime telephone: 301-670-8832 Cell: 240-595-2861

E-mail: myoung@pepcoholdings.com

Address (if different from property address):
Rockville Service Center, 201 W. Gude Drive, Rockville, MD 20850

For Village staff use:
Date this form received: 6/14/16 Tree Removal Permit Appeal No: A-2247

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☐ Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- ☐ Denied *Chevy Chase Village Tree Removal Permit Application*
- ☐ *Chevy Chase Village* Tree Inspection Report from Village Arborist
- ☐ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☐ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: _____ **Date:** 6-13-16

Applicant's Signature: _____ **Date:** _____

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

See attached

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

See attached

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

See attached

Describe the reasons for wanting to remove or destroy the tree(s):

See attached

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

See attached

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

See attached

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

See attached

Describe any hardship that would result if the requested tree removal is denied:

See attached

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

See attached

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

See attached

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: $250.00	**Checks Payable To:** **Chevy Chase Village** **5906 Connecticut Ave.** **Chevy Chase, MD 20815**
Fee Paid: $500.00 FOR BOTH ADDRESSES **Date Paid:** 6/14/16	**Staff Signature:** **Date:** 6/14/16

An Exelon Company

Pepco
701 Ninth Street NW
Washington, DC 20068-0001
202.833.7500

pepco.com

May 4, 2016

Michael W. Younes, PMP
Director of Municipal Operations
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Dear Mr. Younes:

The Potomac Electric Power Company ("Pepco") hereby appeals your decision to deny removal of two trees – one Ash (18"-24.9" diameter) located at 5701 Wisconsin Avenue and one Ash (14"-17.9" diameter) located at 8 Magnolia Parkway. These trees are on private property and the respective owners of the properties have consented to the removals.

Pepco has an ongoing commitment to environmental stewardship and energy conservation, and we take seriously our responsibilities when it comes to vegetation management. We know that trees add to the beauty of our community, but because trees growing too close to power lines can be dangerous and can threaten the delivery of reliable electric service, we must maintain clearance from electric conductors.

Our top priority is safety. Trees that come in contact with energized conductors can themselves become energized, thereby endangering the public. Our planners identified these two Ash trees as posing potential safety risks, and our Staff Forester concurred in that conclusion.

In addition, there are service reliability concerns. To increase reliability, the Maryland Public Service Commission (PSC) adopted vegetation management regulations that require utilities to be more comprehensive in their tree pruning and removal around electric facilities, including power lines, poles, transformers, substations and rights of way. The standards were developed by a panel that included representatives from Montgomery County, the Office of People's Counsel, the Maryland Department of Natural Resources, consumer advocacy groups, power utilities serving customers in Maryland, and the Public Service Commission. Our vegetation management efforts are undertaken to meet these Maryland's Service Quality and Reliability Standards, known as RM43. Removal of the two Ash trees is required to obtain the clearances required by RM43, the Maryland Roadside Tree Law, the Maryland Tree Expert Law, and/or the ANSI A-300 pruning standard, which is incorporated into RM43 and is the standard for line clearance followed by nearly all electric utilities in the United States.

We understand that the Village is not planning to treat these two Ash trees in an effort to save them from the threat of the emerald ash borer (EAB). According to the M-NCPPC

Department of Parks[1], EAB is found countywide and infects all species of ash trees, with a 99% mortality rate for those trees. Signs of EAB infestation are difficult to detect, but the EAB "death curve" is 50%-98% mortality within 1-3 years in areas where there are current signs of infestation. The immediate effects of infestation include significant loss of structural strength with decline of tree health, trees at greater risk of wind-throw, trees that are more dangerous and expensive to remove, and "Ash snap" - dead ash trees suddenly and without warning falling over or breaking off. Ash snap can occur under the soil-line where roots become exposed as the tree falls, or on the main trunk at the ground-level or higher.

Pepco is prepared to offer a replacement tree for each of the two Ash trees. If either or both property owners do not wish to have a replacement tree planted on their property, Pepco is prepared to offer the replacement tree(s) to the Village.

For the foregoing reasons. Pepco believes that the prudent course of action is to allow removal of these two Ash trees now, and we respectfully request that permission be granted to do so.

Thank you for your consideration of this appeal.

Sincerely,

Jerry Pasternak
Vice President

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[1] http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2015/151130/20151130_PHED2.pdf

EPCO Vegetation Management Agreement

20044

wner's Name: VALERY AMIEL Phone: _____ Cell Phone: 202-215 4732

mail: vamiel@aol.com Address: 5701 WISCONSIN AVE CHEVY MD 20815

ite: 2/4/16 Feeder # 14894 1P 2P (3P) Sec. Svc. Subtrans.

Pepco, or their contractor will complete the following tree work:

**See descriptions on reverse side*

- [x] Tree Removal[1]
- [ ] Brush Clearing[2]
- [ ] Leave Wood[3]
- [ ] Overhang Removal[4]
- [ ] Top Tree for Removal[5]
- [x] Hazard Tree Removal[6]
- [ ] Herbicide Application[7]
- [ ] Leave All Debris[8]
- [ ] Other[9]

omments: REMOVE PINE AND ASH TREE. CLEAN UP WOOD.

CALL AHEAD.

PEPCO

Owner's Signature: V. Amiel

Date Signed: 2/4/16

If you agree to the terms as stated above, please sign above and contact the Company Representative noted below. They can either meet you to pick up the form, or you may hang it back on your door to be picked up. The signed form may also be faxed to:

If you have any questions, call: 202-748-4400

Utility Representative: CODY HESSELTINE

(Ash) A-2247

Chevy Chase Village

Tree Removal Permit Application

Permit No. 2282 (Pine)

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

Property Address: 5701 Wisconsin Ave

Resident: Valery Amiel

Telephone: 202-215-4732

E-mail: vamiel@aol.com

Tree Removal Contractor (*required and must be a Maryland Licensed Tree Expert*):

Business Name: Asplundh Tree Experts

Owner: Derik Wolfe

Address: 1900 Betson Court Odenton, MD 21113

Telephone: 410-519-9900 Fax: 410-519-9978

E-mail: dwolfe@asplundh.com

MD Dept. of Natural Resources (DNR) Licensed Tree Expert (LTE) No. (*required*): 093

For Village office staff use:

Is this property located within the historic district? Yes ☐ No ☒ Staff initials

Verification of species pursuant to Sec. 17-3(a)(7): N/A Staff initials EB

Date application submitted to Village Office: 3/31/16 Date approved or denied: 4/19/16

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.
"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

Village Code §17-3. Permit Standards.
The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner;
- The tree is on a list of tree species of little value, as determined by the Board of Managers after consultation with the Village arborist and Village Tree Committee.

An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist or, pursuant to Sec. 17-3(a)(7), Village staff.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of $25.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of $175. The fee is waived for trees approved subject to Sec. 17-3(a)(7).

Do you intend to reforest on your property? _____

REFORESTATION INCENTIVE

Under the new Tree Incentive Program, the Village will reimburse residents for up to half of the total costs to a maximum of $175 for the purchase and planting of qualifying canopy trees on privately owned properties. Additionally, applicants for Tree Removal Permits will be refunded their permit filing fee if they plant a canopy tree within six months of receiving a Village Tree Removal Permit.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: Matt Young **Date:** 3/29/30

Tree Removal Plans (including reforestation plan, if any)
Remove one ash and one pine along Wisconson Ave. Ash not being treated for EAB, pine soft wood species next to sub transmission feeder along wisconson.

APPROVED
APR 19 2016

For Use By Village Manager	Approved with the following conditions:
	White Pine

For Use By Village Manager
APR 19 2016
Chevy Chase
Village Manager

	Denied for the following reasons:
	Ash tree does not meet standard per 17-3

Filing Fee:	**Checks Payable to:**
$25.00/tree x 2 trees = $ 50 (up to $175 max. per application)	**Chevy Chase Village** **5906 Connecticut Avenue** **Chevy Chase, MD 20815**
Damage Deposit ☐ $_____ ☒ Waived by Village Manager.	Village Manager Signature: Date: 4/19/16
Total Fees + Deposit: $50 - $250 -	Staff Signature: Date: 5/20/16

$50 Removal
200 Appeal

Feather & Assoc.
Tolbert V. Feather, Ph.D.
Advisors for: Landscape Development
Landscape Management, Plant Pest Management

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

April 7, 2016

RE: PEPCO Removal Request – Private Tree
5701 Wisconsin Avenue

An ash 19" diameter at 4.5' above ground level is healthy. The tree can be pruned for line clearance without harming or leaving the tree with poor or unbalanced form. The tree removal is not approved.

Tolbert Feather
Town Arborist

7826 Spout Spring Rd., Frederick, MD 21702, tfeather@xecu.net, 240 271 6749, Fax (301) 662-9315
MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

MAILING LIST FOR APPEAL A-2247

PEPCO FOR
5701 WISCONSIN AVENUE
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Ms. Lisa Sherman & Mr. Martin F. Stone Or Current Resident 4113 Oliver Street Chevy Chase, MD 20815	Saks Fifth Avenue Or Current Occupant 5555 Wisconsin Avenue Chevy Chase, MD 20815
Mr. & Mrs. S. Tien Wong Or Current Resident 146 Grafton Street Chevy Chase, MD 20815	Ms. Marilyn Sue Cohen Or Current Resident 144 Grafton Street Chevy Chase, MD 20815

A-6974
Special Permit Request

Attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height onto an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

Ms. Janet N. Regan &
Mr. Patrick M. Regan
6 Quincy 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 11th day of July, 2016 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-6974
MS. JANET N. & MR. PATRICK M. REGAN
6 QUINCY STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek a Special Permit from the Board of Managers pursuant to Sec. 8-9 of the Chevy Chase Village Building Code onto attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height to an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

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

> 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.

Additional information regarding this case 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 and emailed (where possible) to abutting and confronting property owners on the 30th day of June, 2016.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

June 30, 2016

Mr. & Mrs. Patrick Regan
6 Quincy Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Regan:

Please note that your request for a Special Permit to attach a wrought iron fence onto the masonry wall in the rear yard at your property is scheduled before the Board of Managers on Monday, July 11, 2016 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

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

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

Cc: Julie Patronik, McHale Landscape Design (via email)

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*
ELISSA A. LEONARD, *Vice Chair*
DAVID L. WINSTEAD, *Secretary*
MINH LE, *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

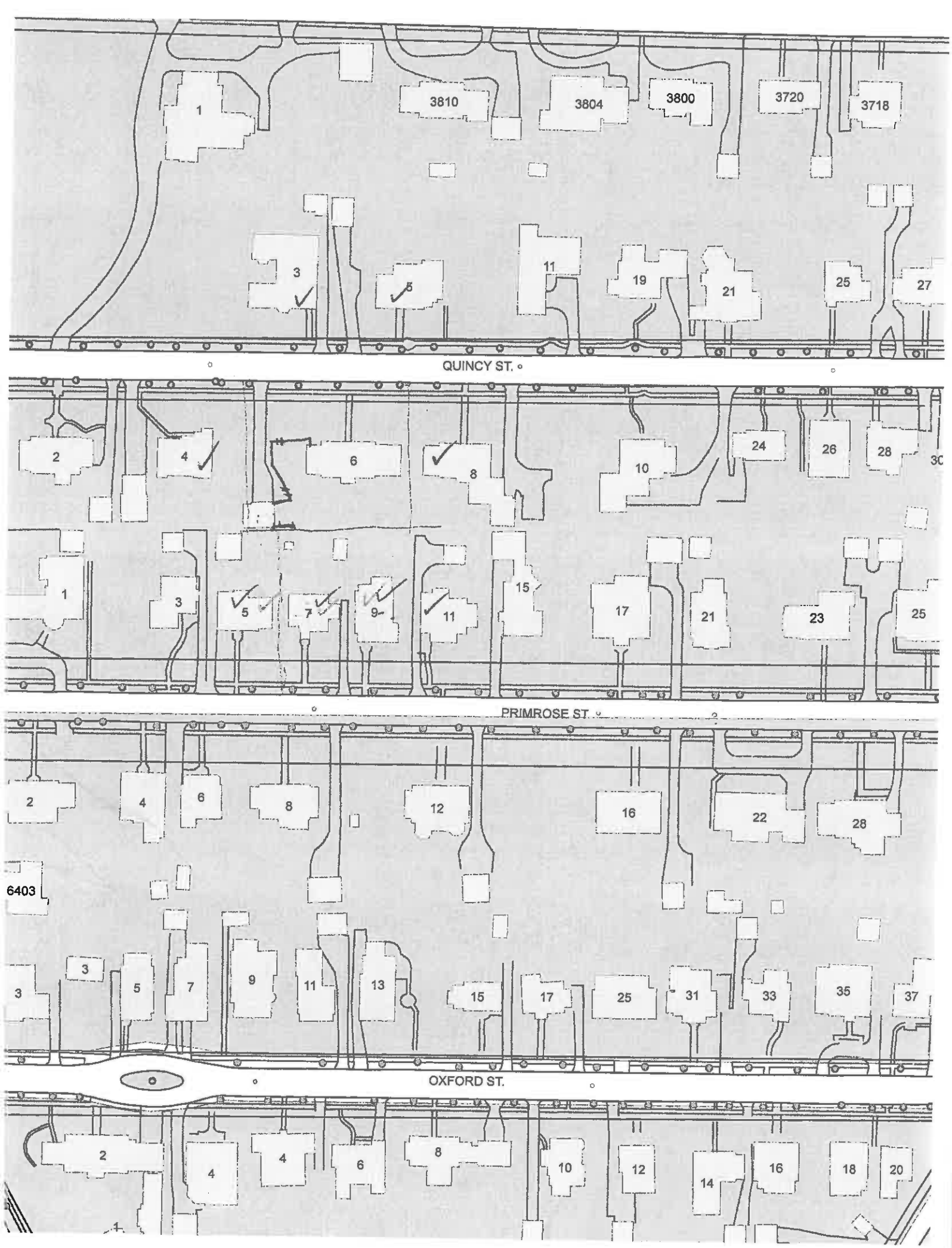
MAILING LIST FOR APPEAL A-6974

MS. JANET N. & MR. PATRICK M. REGAN
6 QUINCY STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Ms. Mimi Burke & Mr. Thomas Jarrett Or Current Resident 3 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Les Goldman Or Current Resident 5 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. Jeff Black Or Current Resident 4 Quincy Street Chevy Chase, MD 20815	Mr. & Ms. James Cassidy Or Current Resident 8 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. Allan B. Geller Or Current Resident 5 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Richard D. Kline Or Current Resident 7 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Peter Keating Or Current Resident 9 Primrose Street Chevy Chase, MD 20815	

I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 30th day of June 2016.

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

Building Permit Application for Fences & Walls

Permit No: 6974

Property Address: 6 Quincy Street, Chevy Chase, MD 20815

Resident Name: Patrick + Janet Regan

Daytime telephone: 301.654.6060 Cell phone: 301.526.5806

After-hours telephone: 301.654.6060

E-mail: jnregan@gmail.com

Primary Contact for Project:

☐ Resident ☐ Architect ☐ Project Manager ☒ Contractor*

*MHIC/MD Contractor's License No. (*required*):

Primary Contact Information:

Name: JULIE PATRONIK

Daytime telephone: 240.375.2049 After-hours telephone: 240.375.2049

E-mail: juliep@mchalelandscape.com

Description of Fence or Wall Project:

Wrought Iron 42" fence that matches existing railings to close in right side yard.

Check appropriate box:

☒ Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind.

☐ Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.

Parking Compliance:

Is adequate on-site parking available for the construction crews? ☒ Yes ☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? ☐ Yes ☒ No

To be completed by Village staff:

Is this property within the historic district? Yes ☒ No ☐ Staff Initials: GS

Date application filed with Village: 6/20/16 Date permit issued: _____ Expiration date: _____

Guidelines for
Building, Replacing and Maintaining Fences and Walls

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.

2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For complete Village Code requirements, please see Chapters 8 & 25.

Building Permit Application for Fences and/or Walls: Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application).
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: _____ **Date:** 6/17/16

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
DENIED JUN 23 2016 Chevy Chase Village Manager	[signature] The final configuration will exceed the maximum allowed height. Special Permit req'd.

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: ☒ $30.00 (if fence or wall is new, enlarged or replaced with different kind) ☐ $15.00 (if fence or wall is being replaced in-kind and in the same location) ☐ $50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: ☐ $250.00 ☒ Not required for this project	
TOTAL Fees: $30.00	Date: 6/20/16 Staff Signature: [signature]
Damage Deposit/Performance Bond ☐ $_____ ☐ Waived by Village Manager	Date: Village Manager Signature:

For Village Staff use:

Field file for inspections by Code Enforcement Officer has been created: ☐Yes (Date:_____)

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1 defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property:	6 QUINCY STREET
Describe the Proposed Project:	Add a fence (42" wrought iron) to the right side yard and along the back between garage + ex. fence.
Applicant Name(s) (List all property owners):	Patrick & Janet Regan
Daytime telephone: 301.654.6060	Cell: 301.526-5806
E-mail:	jnregan@gmail.com
Address (if different from property address):	
For Village staff use: Date this form received: 6/20/16	Special Permit No: A-6974

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☐ Completed *Chevy Chase Village Application for a Special Permit* (this form)
- ☐ Completed *Chevy Chase Village Building Permit Application*
- ☐ Completed *Chevy Chase Village Website Posting Notice*
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for Special Permits authorized by Sections 8-21 and 8-26 of Chapter 8, or Section 25-5 and 25-6 of Chapter 25 of the Chevy Chase Village Code.
- ☐ Applicable Special Permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the ~~best of my~~ knowledge, information and belief.

* Applicant's Signature: _____ Date: 6/18/16

Applicant's Signature: _____ Date: _____

Describe the basis for the Special Permit request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the reasons why approval of the Special Permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

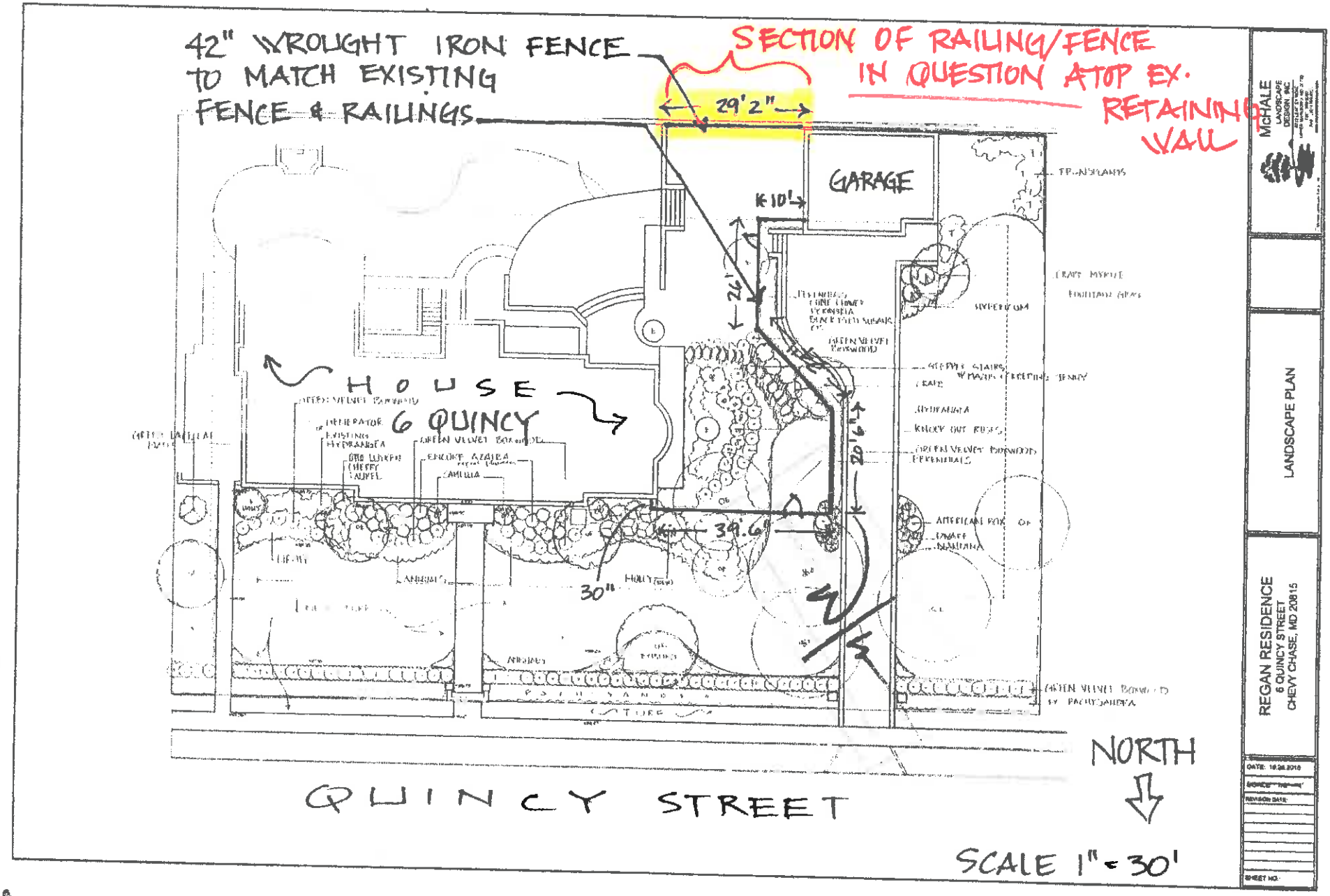
The portion of the fence in question would act as a railing atop an existing concrete retaining wall. The wall is 4' - 8' tall on the back side and a railing will prevent someone from falling into the adjacent properties.

Describe the reasons why the Special Permit can be granted without substantial impairment of the intent and purpose of Chapter 8, entitled *Buildings and Building Regulations,* or Chapter 25, entitled *Public Rights-of-Way* of the Chevy Chase Village Code

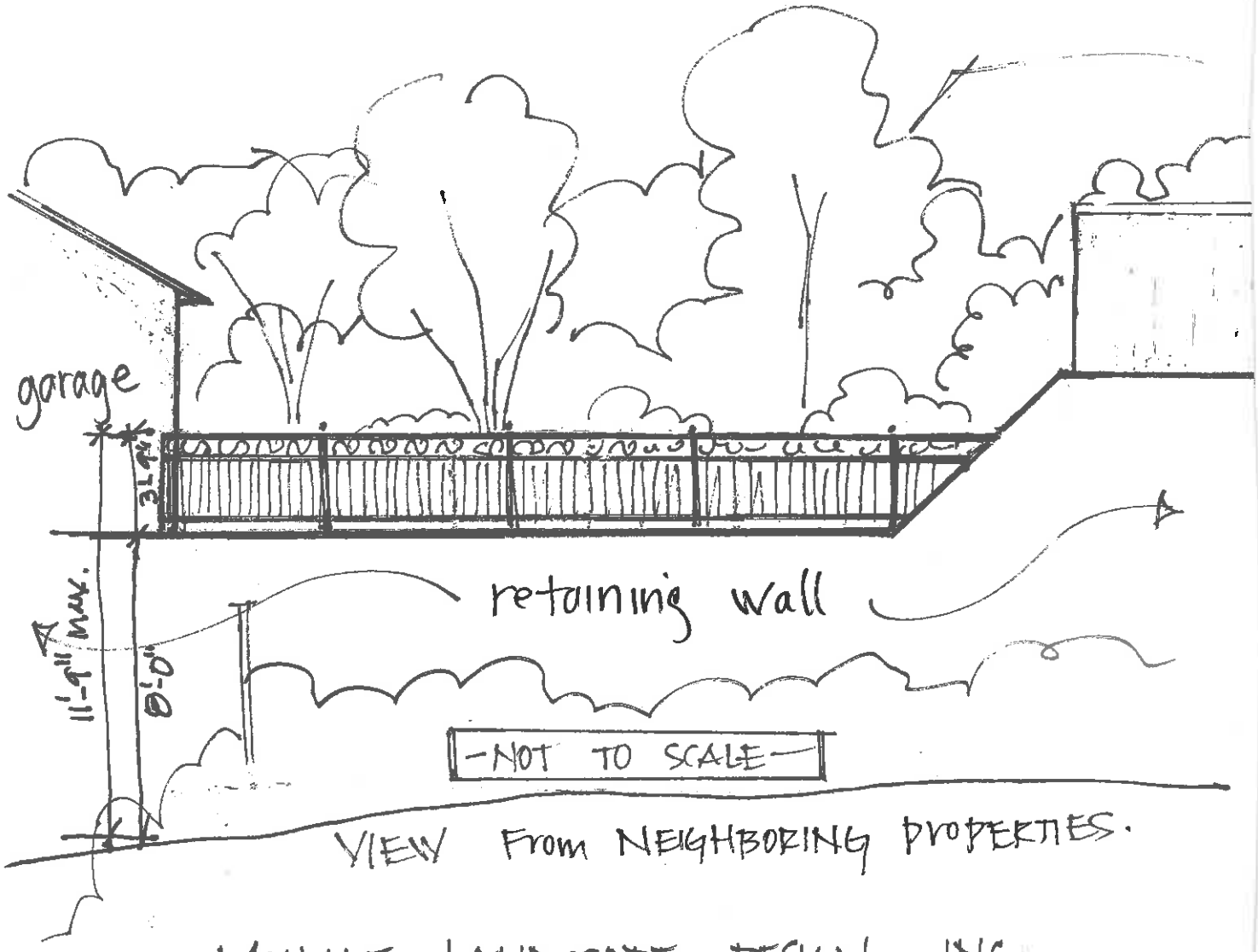
This railing/fence style has been used on the orignal house and some interior retaining walls and is in keeping with the historical architecture.

In exercising its powers in connection with a Special Permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	**Checks Payable To:** **Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815**
Per Village Code Sec. 6-2(a)(24) ☒ $300.00 for new construction. ☑ $150.00 for replacing existing non-conformities. ☐ $2,250.00 for demolition of main building. ☐ $300.00 for demolition of accessory building or structure. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. **Fee Paid:** $300.00 check # 0436	**Date Paid:** 6/20/16 **Staff Signature:**
$300.00	**Approved to Issue Building Permit per Signed Board Decision.** **Signature:** _____ **Village Manager** **Date:** _____


42" WROUGHT IRON FENCE TO MATCH EXISTING FENCE & RAILINGS
SECTION OF RAILING/FENCE IN QUESTION ATOP EX. RETAINING WALL
29'2"
GARAGE
10'
26'
20'6"
39.6'
30"
HOUSE
6 QUINCY
QUINCY STREET
NORTH
SCALE 1" = 30'
REGAN RESIDENCE
6 QUINCY STREET
CHEVY CHASE, MD 20815
LANDSCAPE PLAN
MCHALE
LANDSCAPE DESIGN, INC

6



VIEW From NEIGHBORING PROPERTIES.

MCHALE LANDSCAPE DESIGN, INC.

REAR YARD
EXISTING FENCE
(RAILINGS ON MAIN
HOUSE AREAWAYS
ALSO MATCH.)

6 QUINCY STREET · CHEVY CHASE · M

APPLICANT: JULIE PATRONIK
MCHALE LANDSCAPE DESIGI

8

Sands, Ellen

From: Richard Kline <richardkline058@gmail.com>
Sent: Wednesday, June 29, 2016 12:16 PM
To: juliep@mchalelandscape.com
Cc: CCV Permitting
Subject: Regan retaining wall railing

Julie,

Thank you for the sketch and the explanation of your plans for adding the railing for the Regan rear yard. Barbara and I concur that it would be best to have the installation on the wall rather than just inside it and have no problem granting permission for its installation on that portion of the wall that is on our property. We also have no objection to the combined height of the concrete wall and the new railing being in excess of the allowable height for fences in Chevy Chase Village. Our PERMISSION IS GRANTED.

Barbara and Richard Kline
7 Primrose Street
Chevy Chase, MD

Sands, Ellen

From: Alice Keating <keatinga99@gmail.com>
Sent: Tuesday, June 21, 2016 10:24 PM
To: CCV Permitting
Subject: Re: 6 Quincy St appeal

Dear Ms Sands
We give our consent for the variance at 6 Quincy.
Alice

Sent from my iPhone

On Jun 21, 2016, at 11:18 AM, CCV Permitting <ccvpermitting@montgomerycountymd.gov> wrote:

> Ms. Keating:
> The residents at 6 Quincy Street are making an appeal to the Board of Managers to have a fence in excess of 6 ½ feet in the rear yard of their property. They propose to attach a 42" tall wrought iron fence to the existing masonry retaining wall at the west end of their property.
> The way our Code is written a fence may not exceed 6 ½ feet in height in a rear yard without approval from the Board of Managers. It also states states that if the abutting owners provide a note of consent the request is a Special Permit (rather than a variance). While the proposed fence is not actually abutting your property, a portion of your property does abut 6 Quincy Street, so I think I need to have your consent in order for the request to be considered as a Special Permit (rather than a variance).
> Here is the full Code provision:
> (d) 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.
>
> I understand Ms. Patronik reached out to you about this, however the response we received was not a definitive statement of consent. Can you please confirm for me if you provide consent for this additional fence height? Please call me if you have any questions.
> Ellen Sands
> Permitting and Code Enforcement Coordinator
> Chevy Chase Village
> Tele. 301-654-7300
> FAX 301-907-9721
> ccvpermitting@montgomerycountymd.gov
> www.chevychasevillagemd.gov

Sands, Ellen

From: Julie Patronik <juliep@mchalelandscape.com>
Sent: Monday, June 20, 2016 3:15 PM
To: CCV Permitting
Subject: Fwd: Regan Residence - Retaining Wall Railing

The Geller approval below:

Julie Patronik
McHALE Landscape Design, Inc.
240-375-2049

Begin forwarded message:

From: Sondra <sgeller5@verizon.net>
Date: June 18, 2016 at 8:38:06 PM EDT
To: Julie Patronik <juliep@mchalelandscape.com>
Subject: Re: Regan Residence - Retaining Wall Railing

My husband thinks it's attractive. Green light from us.
Sandy Geller

Sent from my iPhone

On Jun 18, 2016, at 4:20 PM, Julie Patronik <juliep@mchalelandscape.com> wrote:

> Thank you!
>
> Julie Patronik
> McHALE Landscape Design, Inc.
> 240-375-2049
>
> On Jun 18, 2016, at 4:17 PM, Sondra <sgeller5@verizon.net> wrote:
>
> Hi
> I wi forward this to my husband, Alan. He's the builder/developer partner in this family. I'm sure he'll find it interesting to look over the document you sent.
> Best
> Sandy Geller
>
> Sent from my iPhone
>
> On Jun 18, 2016, at 3:56 PM, Julie Patronik <juliep@mchalelandscape.com> wrote:
>
> Dear Sandy,

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R Schwartz Jones
Director

FENCE PERMIT

Issue Date: 06/01/2016

Permit No: 756697
Expires: 06/02/2017
X Ref.:
Rev. No:
ID: AC960224

THIS IS TO CERTIFY THAT: MCHALE LANDSCAPE DESIGN
6212 LEAPLEY ROAD
UPPER MAROBORO, MD 20772

HAS PERMISSION TO: CONSTRUCT FENCE

3.00 Feet 6.00 Inches in Height
Property Line: N Owner's Land: Y Right of Way: N

PERMIT CONDITIONS:

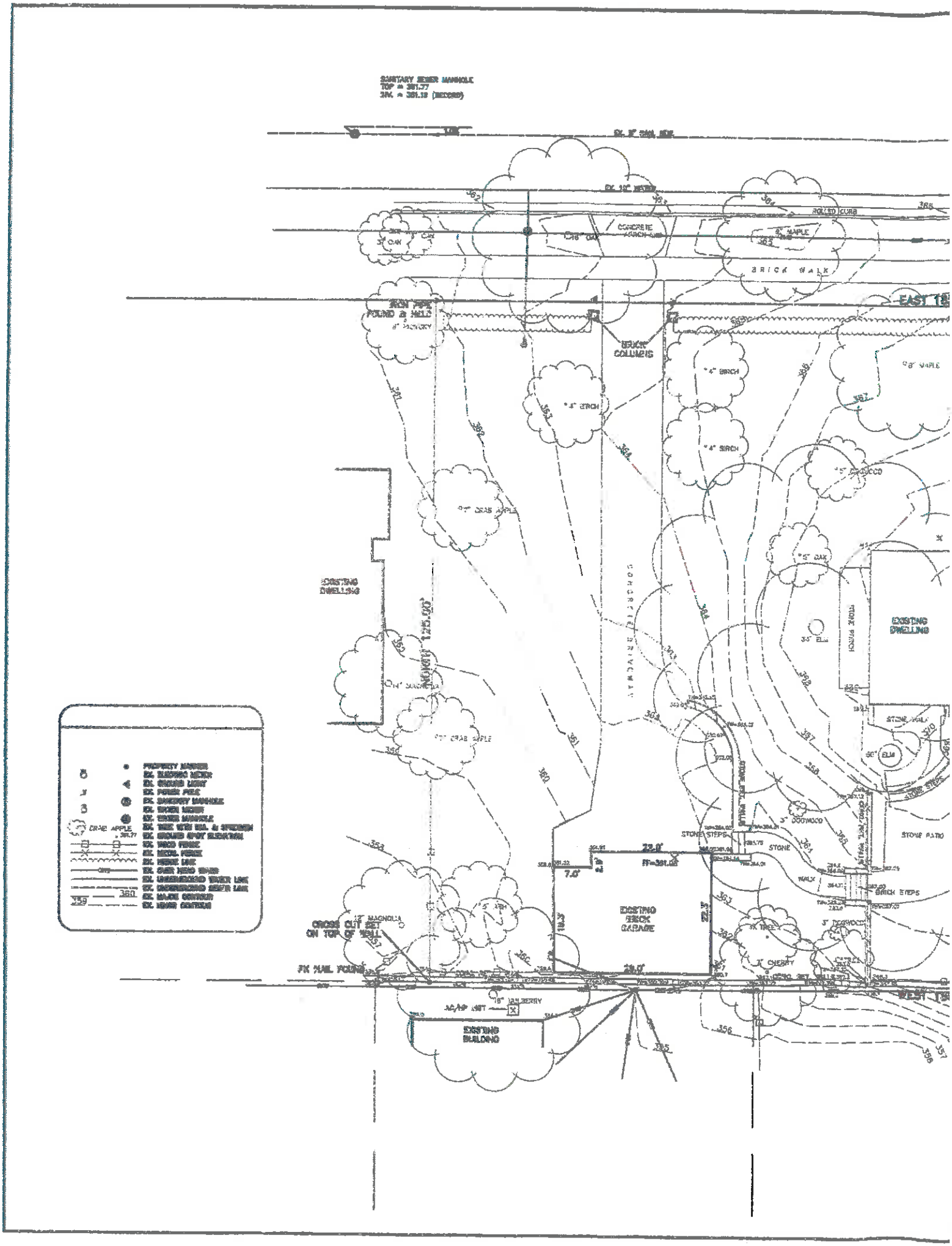
PREMISE ADDRESS: 6 QUINCY ST
CHEVY CHASE, MD 20815-4227

LOT - BLOCK: 29 - 58
ZONE:
ELECTION DISTRICT: 07
BOND NO.:
BOND TYPE:
PS NUMBER:
PERMIT FEE: $ 75.60
SUBDIVISION: CHEVY CHASE SEC 2

The permit fee is calculated based on the approved Executive Regulations multiplied by the Enterprise Fund Stabilization Factor for the current fiscal year.

MUST BE KEPT AT JOB SITE

Director, Department of Permitting Services



SANITARY SEWER MANHOLE
TOP = 381.77
INV. = 381.18 (RECORD)
EX. 3" CAN. SEW.
EX. 10" WATER
ROLLED CURB
CONCRETE APRON LINE
4" MAPLE
BRICK WALK
EAST 18
IRON PIPE FOUND & HELD
BRICK COLUMNS
4" BIRCH
4" BIRCH
4" BIRCH
8" MAPLE
5" DOGWOOD
5" OAK
EXISTING DWELLING
NORTH 125.00'
CONCRETE DRIVEWAY
EXISTING DWELLING
STONE PORCH
STONE WALK
STONE STEPS
STONE PATIO
3" DOGWOOD
STONE
WALK
BRICK STEPS
22.0'
7.0'
EXISTING BRICK GARAGE
CROSS CUT SET ON TOP OF WALL
FK NAIL FOUND
29.0'
EXISTING BUILDING
WEST 18
PROPERTY MARKER
EX. ELECTRIC METER
EX. GROUND LIGHT
EX. POWER POLE
EX. SANITARY MANHOLE
EX. WATER METER
EX. WATER MANHOLE
EX. TREE WITH DIA. & SPREADER
EX. GROUND SPOT ELEVATION
EX. WOOD FENCE
EX. METAL FENCE
EX. HEDGE LINE
EX. OVER HEAD WIRES
EX. UNDERGROUND WATER LINE
EX. UNDERGROUND SEWER LINE
EX. MAJOR CONTOUR
EX. MINOR CONTOUR
CRAB APPLE

Chevy Chase Village

Website Posting Notice
for Appeal, Special Permit & Variance Hearings

Case Number: A-6974

Hearing Date: 7/11/16

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: PATRICK + JANET REGAN

Address: 6 QUINCY STREET. CHEVY CHASE MD

Telephone:

E-mail: jnregan@gmail.com

* **Applicant/Appellant Signature:**

Agent Name for applicant/appellant (*if necessary*):

Telephone: 240.375.2049

Address: 0212 Leapley Road, Upper Marlboro MD 20772

E-mail: Juliep@mchalelandscape.com

Signature of agent:

Village staff initials: EB

Date: 6/23/16

A-6980
Variance Request

Construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

Mr. Manuel P. Bramao &
Ms. Jamie Lubar Bramao
1 East Lenox Street

July 11, 2016 Board Meeting

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 11th day of July 2016 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-6980
MR. MANUEL P. BRAMAO & MS. JAMIE LUBAR BRAMAO
1 EAST LENOX STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

The Chevy Chase Village Code Sec. 8-24 (a)(1) states:
A swimming pool must be set back at least fifteen (15) feet from the front building restriction line of the property or from the front main building line, whichever is greater.

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 (and emailed where possible) and to abutting and confronting property owners on the 30th day of June, 2016.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

June 30, 2016

Mr. & Mrs. Manuel Bramao
1 East Lenox Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Bramao:

Please note that your requests for two variances- to install fencing and to construct a swimming pool in the front (Connecticut Avenue) yard at your property are scheduled before the Board of Managers on Monday, July 11, 2016 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

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

Cc: Julie Patronik, McHale Landscape Design (via email)

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*
ELISSA A. LEONARD, *Vice Chair*
DAVID L. WINSTEAD, *Secretary*
MINH LE, *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

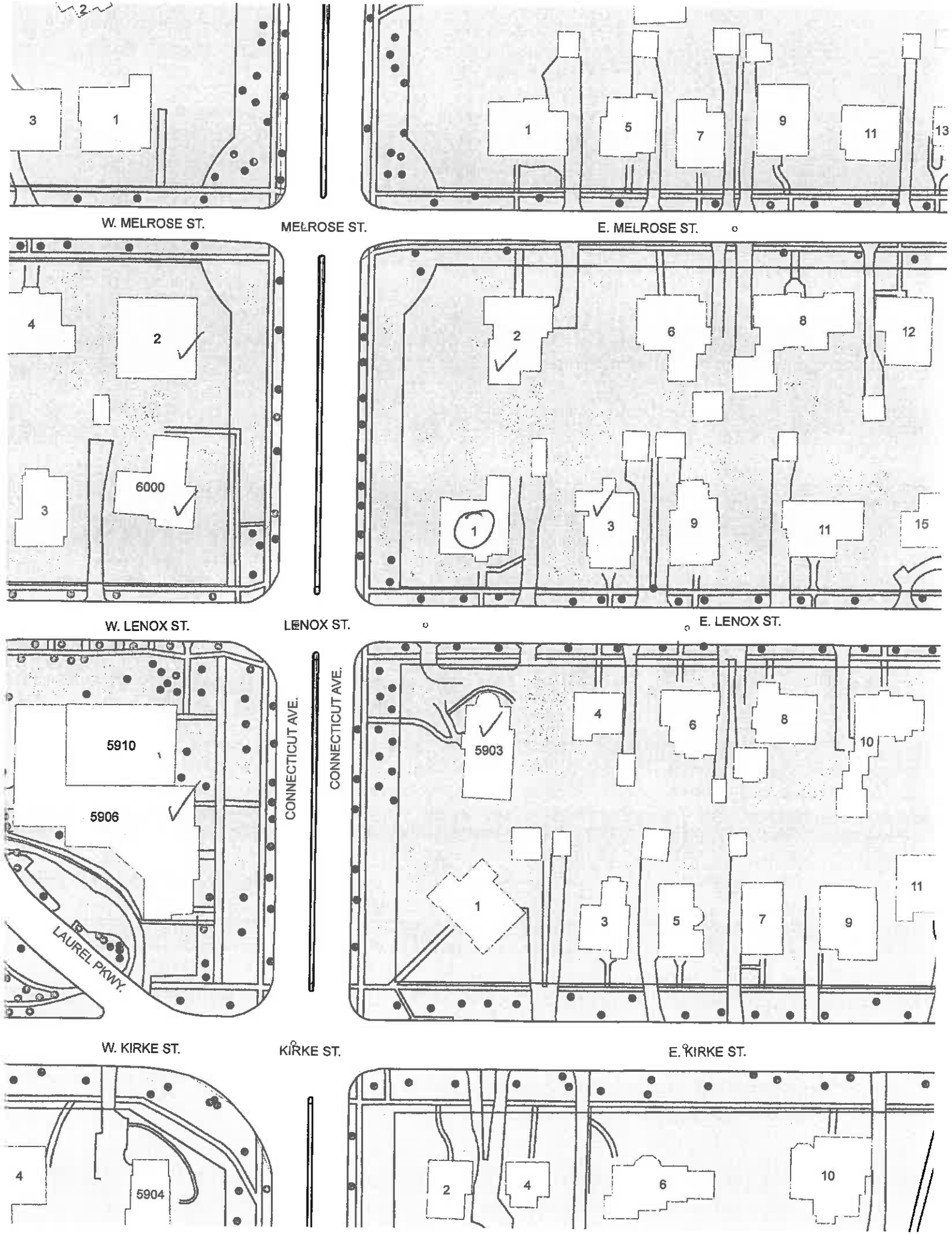
MAILING LIST FOR APPEAL A-6977 & 6980

MS. JAMIE LUBAR BRAMAO &
MR. MANUEL P. BRAMAO
1 EAST LENOX STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Roman Martinez Or Current Resident 2 West Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Jonathan E. Colby Or Current Resident 6000 Connecticut Avenue Chevy Chase, MD 20815
Homeowner Or Current Resident 5903 Connecticut Avenue Chevy Chase, MD 20815	Mr. & Ms. Timothy Overcash Or Current Resident 2 East Melrose Street Chevy Chase, MD 20815
Ms. Elizabeth J. Kannan & Mr. James M. Spiegelman Or Current Resident 3 East Lenox Street Chevy Chase, MD 20815	United States Postal Service Or Current Occupant 5910 Connecticut Avenue Chevy Chase, MD 20815
Chevy Chase Village Or Current Occupant 5906 Connecticut Avenue Chevy Chase, MD 20815	

I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 30th day of June 2016.

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


2
3
1
W. MELROSE ST.
MELROSE ST.
1
5
7
9
11
13
E. MELROSE ST.
4
2
6000
3
W. LENOX ST.
LENOX ST.
2
6
8
12
1
3
9
11
15
E. LENOX ST.
5910
5906
LAUREL PKWY.
CONNECTICUT AVE.
W. KIRKE ST.
KIRKE ST.
5903
4
6
8
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3
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9
11
E. KIRKE ST.
4
5904
2
4
6
10

Chevy Chase Village

Building Permit Application

Permit No:_____

Property Address: 1 East Lenox

Resident Name: Manuel Bramao

Daytime telephone: 301-526-2025 Cell phone: 301-526-2025

After-hours telephone: 301-526-2025

E-mail: bramaom@yahoo.com

Project Description: 8' by 12' pool/spa

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Primary Contact for Project:

☒ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

*MHIC/MD Contractor's License No. (*required*):

Information for Primary Contact for Project (if different from property owner):

Name:

Work telephone: After-hours telephone:

Cell phone:

E-mail:

Will the residence be occupied during the construction project? ☒ Yes ☐ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone: After-hours telephone:

Cell phone:

E-mail:

Parking Compliance:

Is adequate on-site parking available for the construction crews? ☒ Yes ☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? ☐ Yes ☒ No

Building Permit Filing Requirements:

Application will not be reviewed until the application is complete

- ☑ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☑ This application form, signed by resident.
- ☑ Boundary Survey
- ☑ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: M A. B **Date:** June 24, 2016

To be completed by Village staff

Is this property within the historic district? Yes ☑ No ☐ Staff Initials: EG

Date application filed with Village: 6/24/16 Date permit issued: _____ Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
DENIED JUN 23 2016 Chevy Chase Village Manager	

Filing Fees (due when application submitted)	**Checks Payable to:**	**Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815**
Permit Application Fee: $ 750.00 (see Permit Fee Worksheet) ☐ $50.00 (if construction is in the Public Right-of-way)		
Tree Preservation Plan Fee: ☐ $250.00 ☑ Not required for this project.		
TOTAL Fees: check # $750.	Date: 6/24/16 Staff Signature: Ellen Sands	

Damage Deposit/Performance Bond (due when permit is issued)	**Checks Payable to:**	**Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815**
☐ $_____ ☐ Waived by Village Manager	Date: Village Manager Signature:	
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:	

Chevy Chase Village

Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

Subject Property:	1 East Lenox St
Describe the Proposed Project:	The project is to put up a fence at least 5' to enclose back yard so that an 8' by 12' pool/spa can be put in. Pool will align with plane of house
Applicant Name(s) (List all property owners):	Jamie + Manuel Bramao
Daytime telephone:	301-526-2025 Cell: 301-526-2025
E-mail:	bramaoam@yahoo.com, jamie.bramao@comcast.com
Address (if different from property address):	
For Village staff use: Date this form received:	6/24/16 Variance No: A-6977

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☑ Completed *Chevy Chase Village Application for a Variance* (this form)
- ☑ Completed *Chevy Chase Village Building Permit Application*
- ☑ Completed *Chevy Chase Village Website Posting Notice*
- ☑ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☑ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- N/A ☐ Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: M J. B Date: June 24, 2016

Applicant's Signature: Jamie Bramao Date: 6/24/16

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The property abuts Connecticut Ave and East Leonard St. The property's topography is flat. The property is similar to other properties that abuts Connecticut Ave

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

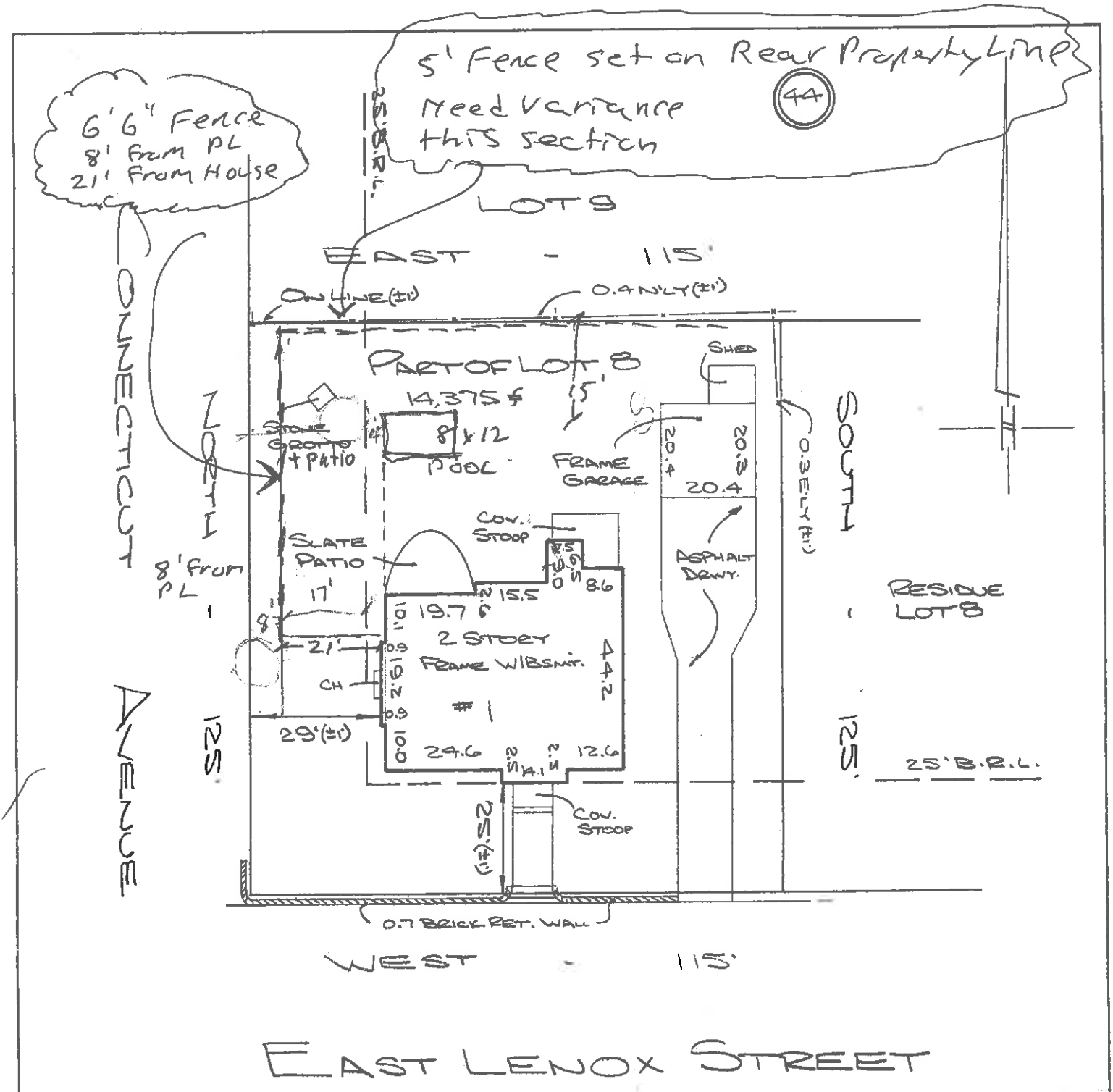
Because this is a corner property the Connecticut ave is considered as a front yard even though it is a side yard. So the variance is required for safe pool enclosure & County compliance & pool location

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Will not change character of property, fence enhances safety for pool/spa. This fence will match the character of other fences already on Coan. Ave

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee	**Checks Payable To:** **Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815**
Per Village Code Sec. 6-2(a)(24) ☒ $300.00 for new construction. ☐ $150.00 for replacing existing non-conformities. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. ☐ Other: $_____ **Fee Paid:** $300.00	**Date Paid:** 6/24/16 **Staff Signature:**
	Approved to Issue Building Permit per Signed Board Decision. **Signature:** _____ **Village Manager** **Date:** _____



ADDRESS: 1 EAST LENOX STREET

Capitol Surveys, Inc.
10762 Rhode Island Avenue
Beltsville, Maryland 20705
Phone 301-931-1350

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

West. Harry M.Martin. (Seal)

C.E.Leather.

District of Columbia, ss:

I hereby certify that on this 21st day of August 1926, before the subscriber, a Notary Public personally appeared Harry M.Martin, and he acknowledge the aforegoing deed to be his act.

In Testimony Whereof, I have affixed my official seal this 21st day of August A.D.1926.

Clarence E.Leather
Notary Public
District of Columbia.

Clarence E.Leather
Notary Public,
Dist.of Columbia.

Examined

At the request of Ethel Burst Chandlee the following Deed was recorded August 25th A.D. 1926 at 2.31 o'clock P.M., to wit.

THIS INDENTURE, made this twenty-first day of August A.D.1926,

WITNESSETH, that The Chevy Chase Land Company, of Montgomery County, Maryland (a Corporation duly organized under and by virtue of the laws of the State of Maryland) party of the first part, for and in consideration of forty three hundred and twelve & 50/100 ($43.12.50) dollars, in current money of the United States, to it paid by Ethel Burst Chandlee, of the District of Columbia, party hereto of the second part, receipt of which, at the delivery hereof, is hereby acknowledged, hath granted and conveyed unto and to the use of the said Ethel Burst Chandlee, her heirs and assigns, the following described tract and premises, with the appurtenances thereto belonging, situate and lying in Montgomery County, State of Maryland, to wit:-

Part of Lot numbered eight (8) in Block numbered forty four (44) in Section Two of the Subdivision laid by The Chevy Chase Land Company, of Montgomery County, Maryland, as per plat recorded in Liber J.A. No.10, folio 61, of the Land Records of Montgomery County, Maryland, described by metes and bounds, as follows, to wit:-

BEGINNING for the same at the Southwestern corner of said lot numbered eight (8) and running thence West along and with the North line of Lenox Street one hundred and fifteen (115) feet; thence North at right angles to said Street one hundred and twenty five (125) feet to the dividing line between lots numbered eight (8) and nine (9) in said Block, thence East along and with said dividing line one hundred and fifteen (115) feet to the West line of Connecticut Avenue, and thence South along and with the said West line of said Avenue one hundred and twenty five (125) feet to the place of beginning, containing fourteen thousand, three hundred and seventy five (14,375) square feet of land.

To Have and to Hold the said land and premises with the appurtenances unto and to the use of the said Ethel Burst Chandlee, party of the second part, her heirs and assigns, in fee simple.

In consideration of the execution of this Deed, the said party of the second part, for herself and for her heirs and assigns, hereby covenants and agrees with the said party of the

first part, its successors and assigns (such covenants and agreements to run with the land and to be for the mutual benefit of all portions of the Section of the subdivision of which the land hereby conveyed forms a part)as follows:

1. All houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds or other outbuildings, for use in connection with such residences, and no trade, business, manufacture or sales or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty five (25) feet of the front line of said premises, and no stable shall be erected except on the rear of said premises. In the case of corner lots any line bordering upon any street, avenue, or parkway, shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than five thousand ($5000) dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of lots hereby conveyed, nor within ten (10) feet of the nearest adjacent house, except that houses in pairs may be erected on said lot, the outer walls of such double houses to be not less than five (5) feet from side lines of said lot.

5. That a violation of any of these covenants and agreements may be maintained and the same enforced at the suit of "The Chevy Chase Land Company, of Montgomery County, Maryland", its successors and assigns (persons including any person deriving title mediately or immediately to any lot or square, part of a lot or square, of said Section Two from said Company).

And the said party of the first part hereby covenants that it will warrant specially the property hereby conveyed and will execute such further assurances of the said land as may be requisite.

And the said party of the first part hereby constitutes and appoints Harold E. Doyle its true and lawful attorney, irrevocable, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment.

In Testimony Whereof, on the day and year first hereinbefore written, The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its Corporate name by Edward J.Stellwagen, its Vice President, attested by Herbert Claude, its Secretary, and its Corporate Seal to be hereunto attached.

THE CHEVY CHASE LAND COMPANY, OF MONTGOMERY COUNTY, MARYLAND, By,
Edward J.Stellwagen
Vice-President.

The Chevy Chase Land Co.of Montgomery Co. Maryland.

Attest.
Herbert Claude.
Secretary.

Examined

Chevy Chase Village

Website Posting Notice
for Appeal, Special Permit & Variance Hearings

Case Number: A-6980

Hearing Date: July 11, 2016

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: Jamie + Manuel Bramao

Address: 1 East Lenox St

Telephone: 301-526-2025

E-mail: bramaom@yahoo.com

Applicant/Appellant Signature: Jamie Bramao

Agent Name for applicant/appellant (*if necessary*):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GB

Date: 6/24/16

A-6977 (a), (b), & (c)
Variance Request

Install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:

a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then

b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and

c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

Mr. Manuel P. Bramao &
Ms. Jamie Lubar Bramao
1 East Lenox 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 11th day of July 2016 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-6977
MR. MANUEL P. BRAMAO & MS. JAMIE LUBAR BRAMAO
1 EAST LENOX STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:

a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then
b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and
c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

The Chevy Chase Village Code Sec. 8-21 (e) states:
No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

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 (and emailed where possible) and to abutting and confronting property owners on the 30th day of June, 2016.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

June 30, 2016

Mr. & Mrs. Manuel Bramao
1 East Lenox Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Bramao:

Please note that your requests for two variances- to install fencing and to construct a swimming pool in the front (Connecticut Avenue) yard at your property are scheduled before the Board of Managers on Monday, July 11, 2016 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

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

Cc: Julie Patronik, McHale Landscape Design (via email)

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*
ELISSA A. LEONARD, *Vice Chair*
DAVID L. WINSTEAD, *Secretary*
MINH LE, *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

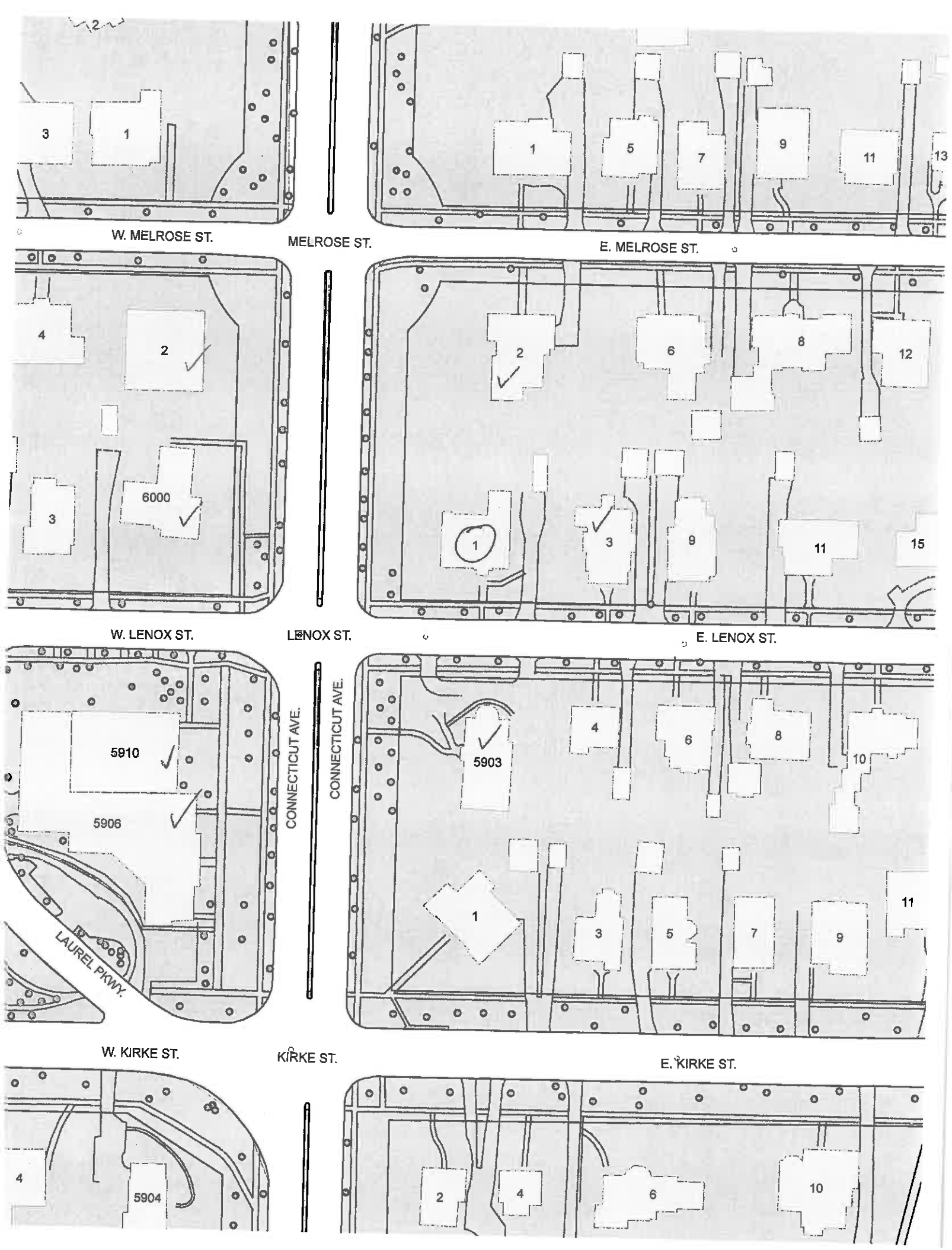
MAILING LIST FOR APPEAL A-6977 & 6980

MS. JAMIE LUBAR BRAMAO &
MR. MANUEL P. BRAMAO
1 EAST LENOX STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Roman Martinez Or Current Resident 2 West Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Jonathan E. Colby Or Current Resident 6000 Connecticut Avenue Chevy Chase, MD 20815
Homeowner Or Current Resident 5903 Connecticut Avenue Chevy Chase, MD 20815	Mr. & Ms. Timothy Overcash Or Current Resident 2 East Melrose Street Chevy Chase, MD 20815
Ms. Elizabeth J. Kannan & Mr. James M. Spiegelman Or Current Resident 3 East Lenox Street Chevy Chase, MD 20815	United States Postal Service Or Current Occupant 5910 Connecticut Avenue Chevy Chase, MD 20815
Chevy Chase Village Or Current Occupant 5906 Connecticut Avenue Chevy Chase, MD 20815	

I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 30th day of June 2016.

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


2
3
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W. MELROSE ST.
MELROSE ST.
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E. MELROSE ST.
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W. LENOX ST.
LENOX ST.
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15
E. LENOX ST.
5910
5906
LAUREL PKWY.
W. KIRKE ST.
CONNECTICUT AVE.
CONNECTICUT AVE.
5903
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KIRKE ST.
E. KIRKE ST.
4
5904
2
4
6
10

Chevy Chase Village

Building Permit Application for Fences & Walls

Permit No: 4111

Property Address: 1 East Lenox St.

Resident Name: Manuel Bramao, Jamie Bramao

Daytime telephone: 301-526-2025 Cell phone: 301-526-2025

After-hours telephone: 301-526-2025

E-mail: bramaom@yahoo.com

Primary Contact for Project:

☒ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

*MHIC/MD Contractor's License No. (*required*):

Primary Contact Information:

Name: Manuel Bramao

Daytime telephone: 301-526-2025 After-hours telephone: 301-526-2025

E-mail: bramaom@yahoo.com

Description of Fence or Wall Project: To completly enclose the back yard with at least a 5' fence, 6'6 on Connecticut side So the we comply with the requirement for a 8'x 12' pool/Spa enclosure

Check appropriate box:

☒ Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind.

☐ Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.

Parking Compliance:

Is adequate on-site parking available for the construction crews? ☒ Yes ☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? ☐ Yes ☒ No

To be completed by Village staff

Is this property within the historic district? Yes ☒ No ☐ Staff Initials: GS

Date application filed with Village: 6/24/16 Date permit issued: _____ Expiration date: _____

Guidelines for
Building, Replacing and Maintaining Fences and Walls

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.

2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For complete Village Code requirements, please see Chapters 8 & 25.

Building Permit Application for Fences and/or Walls: Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application).
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: M J. B Jami Bramao **Date:** Jun. 24 2016 6/24/16

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
DENIED JUN 23 2016 Chevy Chase Village Manager	

Filing Fees (due when application submitted)	Checks Payable to:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: ☑ $30.00 (if fence or wall is new, enlarged or replaced with different kind) ☐ $15.00 (if fence or wall is being replaced in-kind and in the same location) ☐ $50.00 (if construction is in the Public Right-of-way)		
Tree Preservation Plan Fee: ☐ $250.00 ☑ Not required for this project		
TOTAL Fees: $30.00	Date: 6/24/16 Staff Signature: Ellen Sands	
Damage Deposit/Performance Bond ☐ $_____ ☐ Waived by Village Manager	Date: Village Manager Signature:	

For Village Staff use:

Field file for inspections by Code Enforcement Officer has been created: ☐Yes (Date:_____)

Chevy Chase Village

Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

Subject Property:	1 East Lenox St
Describe the Proposed Project:	The project is to put up a fence at least 5' to enclose back yard so that an 8' by 12' pool/spa can be put in. Pool will align with plane of house
Applicant Name(s) (List all property owners):	Jamie + Manuel Bramao
Daytime telephone: 301-526-2025	Cell: 301-526-2025
E-mail:	bramaoam@yahoo.com, jamie.bramao@comcast.com
Address (if different from property address):	
For Village staff use: Date this form received: 6/24/16	Variance No: A-6977

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- ☑ Completed *Chevy Chase Village Building Permit Application*
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- ☑ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☑ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- N/A ☐ Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: M J. B Date: June 24, 2016

Applicant's Signature: Jamie Bramao Date: 6/24/16

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The property abuts Connecticut Ave and East Lenox St. The property's topography is flat. The property is similar to other properties that abuts Connecticut Ave

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

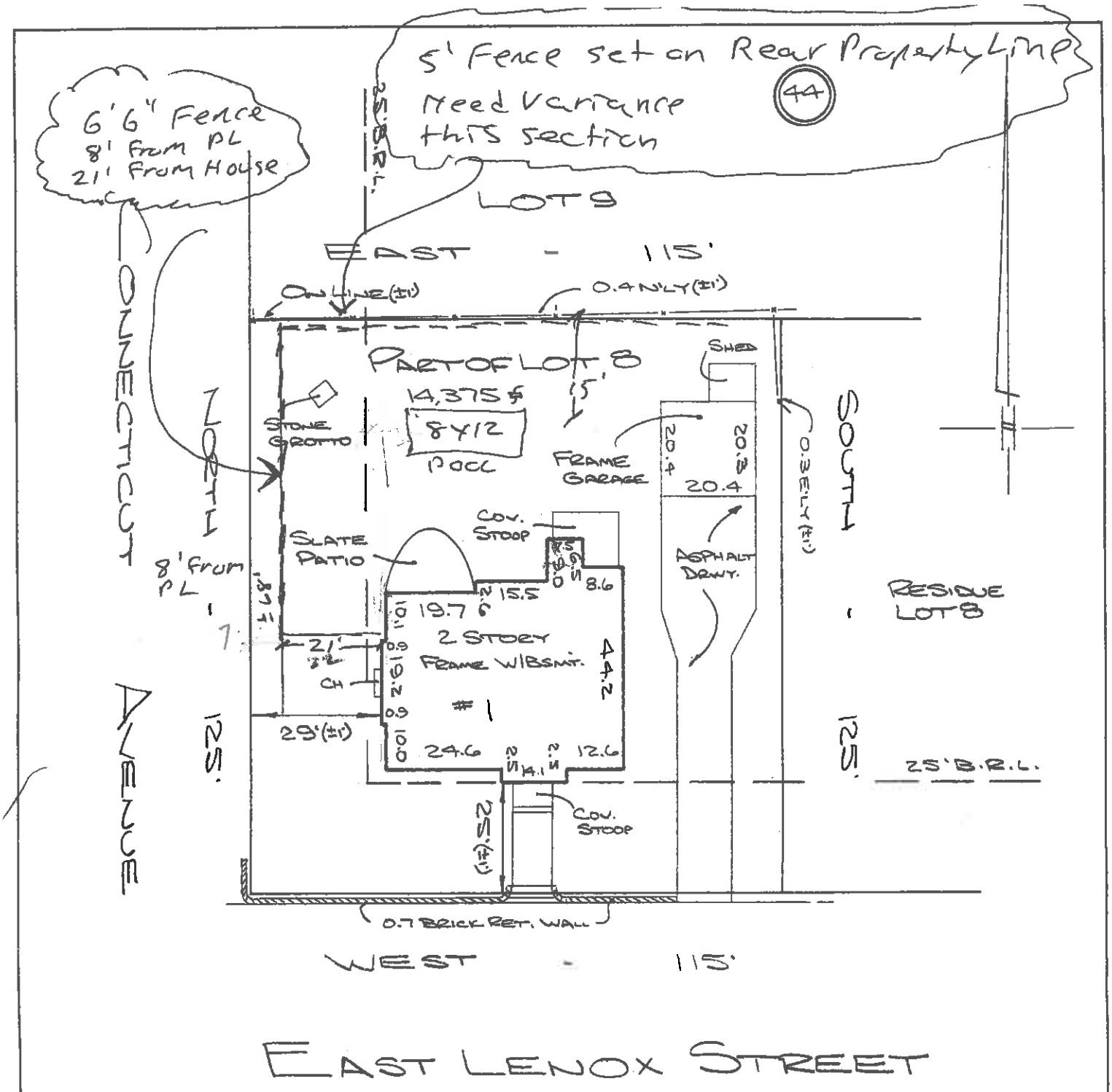
Because this is a corner property the Connecticut ave is considered as a front yard even though it is a side yard. So the variance is required for safe pool enclosure & ~~already~~ compliance & pool location

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Will not change character of property fence enhances safety for pool/spa. This fence will match the character of other fences already on Coan. Ave

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate. The pool will not be visible from the street.

Variance Filing Fee	**Checks Payable To:** Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Per Village Code Sec. 6-2(a)(24): ☒ $300.00 for new construction. ☐ $150.00 for replacing existing non-conformities. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. ☐ Other: $_____ **Fee Paid:** $300.00	**Date Paid:** 6/24/16 **Staff Signature:** [signature]
	Approved to Issue Building Permit per Signed Board Decision. **Signature:** _____ **Village Manager** **Date:** _____



ADDRESS: 1 EAST LENOX STREET

Capitol Surveys, Inc.
10762 Rhode Island Avenue
Beltsville, Maryland 20705
Phone 301-931-1350
Fax 301-931-1352

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

This property lies within an area [illegible] the maps of the

Chevy Chase Village

Website Posting Notice for Appeal, Special Permit & Variance Hearings

Case Number: A' 6911

Hearing Date: July 11, 2016

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: Jamie + Manuel Bramao

Address: 1 East Lenox St

Telephone: 301-526-2025

E-mail: bramaom@yahoo.com

Applicant/Appellant Signature: Jamie Bramao

Agent Name for applicant/appellant (*if necessary*):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GB Date: 6/24/16

Treasurer's Report
July-July (12 months of FY 2016)

Overall:

This report is a twelve month snapshot for FY 2016. It is not the final annual report for FY 2016 as there are more transactions that occurred and need to be credited to FY 2016. The final audit report will be finalized by October. In FY 2016 we project to have a surplus of approximately $570,000, which would be $961,731 better than the deficit we had budgeted. Income tax revenue is projected to be approximately $593,474 more than budgeted. Also, since the approval of the original budget, supplemental appropriations have been made for an increase in the refuse and recycling contract and for additional Village Hall landscaping. However, higher than expected fees, county payments, plus lower than expected expenses in some areas, will offset the new expense from the supplemental appropriations approved for this fiscal year. We received from the State of Maryland a onetime income tax windfall in March of $161,741 due to a State audit of tax returns going back to 2010

Income Tax Revenue:

We are projected to come in approximately $431,733 over budget this year about 19.2% higher than projected, not including the onetime income tax windfall we received in March. In addition to the one time windfall, the five year state audit revealed a higher tax base for Tax Year 2014 for which the 2016 income tax distributions are based on.

Property Tax Revenue:

We project this to come in $50,000 higher than budget mostly due to a higher corporate tax collection

Safe Speed Net Revenue:

This is projected to come in 4.8% under budget for the year. The last half of FY 2015 saw an increase in Safe Speed revenue from the first half of FY 2015 and so far this trend had continued for the first five months of FY 2016. However, due to construction on Connecticut Ave., this revenue has had a slight decrease since and we may still see a slight decrease going forward for a couple of months.

Miscellaneous Revenue:

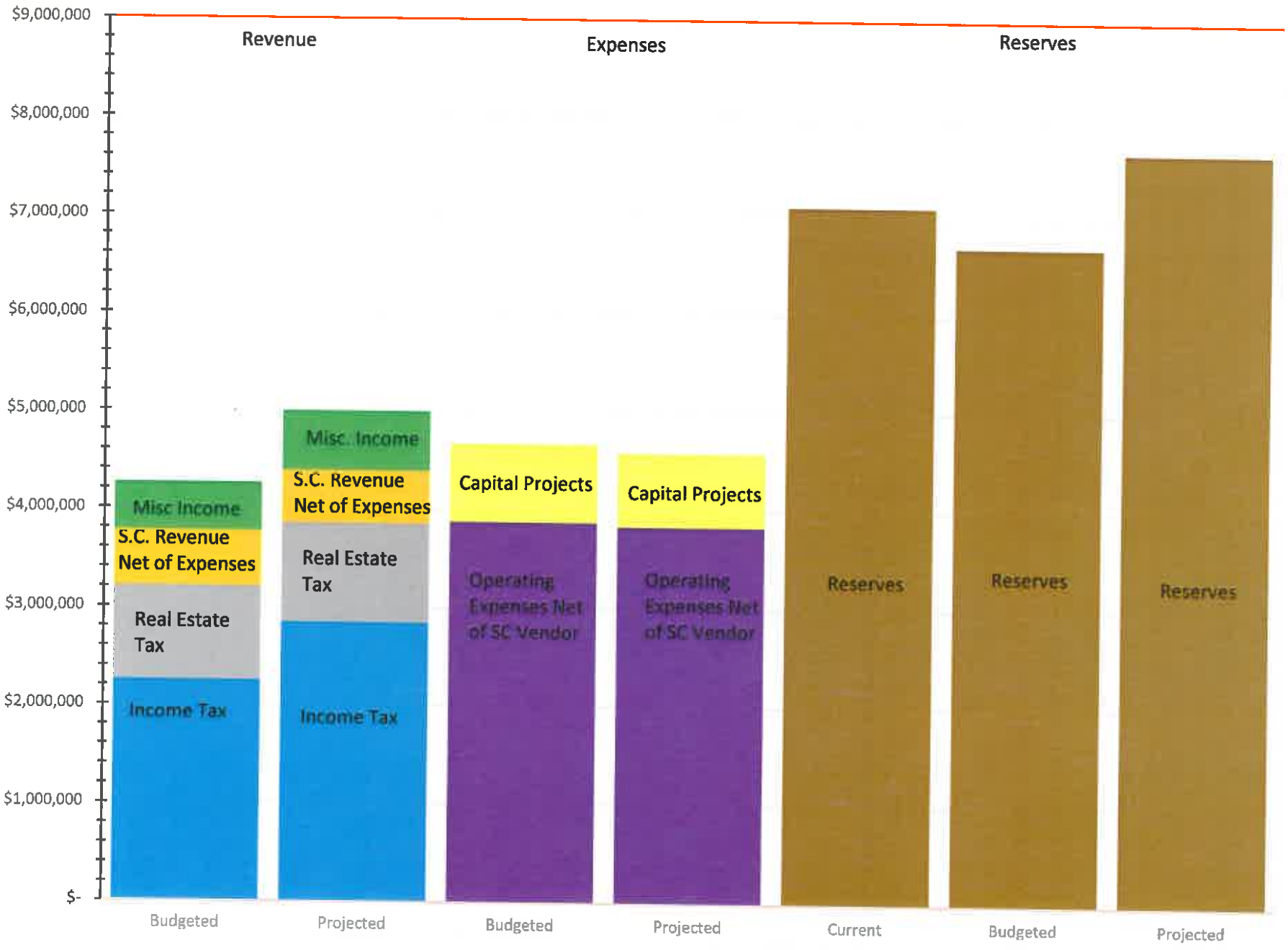
Net of reimbursement revenue for Newlands Street repaving, we project this to be over budget by $70,000 due to a higher than expected County tax duplication payment, and higher than expected fees and income. We also received a one-time $55,000 dividend from our share of stock in Principal Life, our life insurance company after they demutualized, and were recently bought out by a new company.

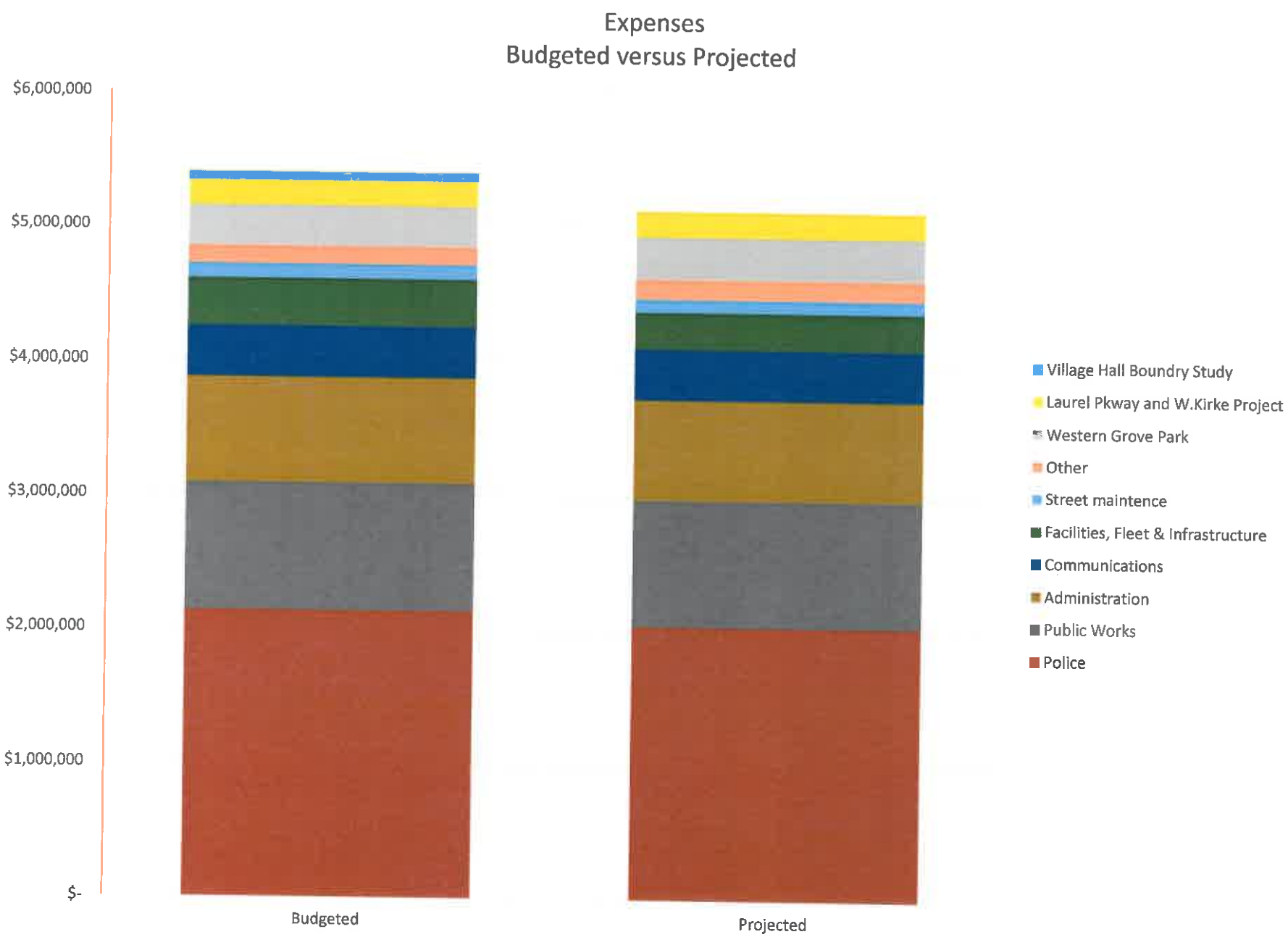
Capital Expense:

We added a supplemental appropriation for Village Hall landscaping, we have made a slightly higher contribution to Western Grove Park, we made a small donation to a local elementary school, and we are implementing the Village traffic study. We have also elected not to proceed with the Village wide boundary study. The net effect of these decisions is that we will be about $24,000 over the original budget for the year, net of the reimbursed expense for Newlands Street repaving.

Operating Expense:

We project this will be 4-5%% below budget.


Revenue and Expenses
Budget versus Projected
$9,000,000
$8,000,000
$7,000,000
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$-
Revenue
Expenses
Reserves
Misc Income
S.C. Revenue Net of Expenses
Real Estate Tax
Income Tax
Misc. Income
S.C. Revenue Net of Expenses
Real Estate Tax
Income Tax
Capital Projects
Operating Expenses Net of SC Vendor
Capital Projects
Operating Expenses Net of SC Vendor
Reserves
Reserves
Reserves
Budgeted
Projected
Budgeted
Projected
Current
Budgeted
Projected


Expenses
Budgeted versus Projected
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$-
Budgeted
Projected
Village Hall Boundry Study
Laurel Pkway and W.Kirke Project
Western Grove Park
Other
Street maintence
Facilities, Fleet & Infrastructure
Communications
Administration
Public Works
Police

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JULY 11, 2016 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS

FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER

DATE: 7/5/2016

SUBJECT: **ADOPTION OF RESOLUTION NO. 04-02-16:** AN ORDINANCE TO AMEND CHAPTER 2, "PUBLIC ETHICS", SEC. 2-6, "FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS", TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED.

Background

Resolution No. 04-02-16, an ordinance to amend the Public Ethics Code, was introduced to the Board on April 11, 2016. This amendment requires candidates for appointment to the Board of Managers to file a Financial Disclosure Statement at the same time the candidate's Certificate of Appointment is filed rather than the current requirement which allows the successful candidate to file their statement within 30 days following appointment.

The State Ethics Commission must review and approve all changes to the Village's Public Ethics Code. Resolution No. 04-02-16 was submitted to the State Ethics Commission via its general counsel on April 29, 2016. The State Ethics Commission convened on June 16, 2016 and approved the proposed changes as drafted.

Requested for Board Action

Having received the State Ethics Commission's approval, Resolution No. 04-02-16 is now presented back to the Village Board for final approval. If approved, the ordinance will go into effect on July 25, 2016 (after being posted at the Village Hall for 14 days prior thereto).

Draft Motion

I move to APPROVE / DENY Resolution No. 04-02-16 AS DRAFTED / WITH THE FOLLOWING AMENDMENTS _____.

Attachments

Resolution No. 04-02-16
Letter from the State Ethics Commission, dated June 20, 2016

Resolution No.: 04-02-16

Introduced: 04-11-16

Adopted: _____

Effective: _____

BOARD OF MANAGERS

FOR

CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 2, "PUBLIC ETHICS", SEC. 2-6, "FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS", TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and

CAPS : Indicate matter added to existing law.
[~~Brackets~~] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS :Indicate matter added in amendment
[~~Brackets~~] :Indicate matter deleted in amendment

privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board of Managers has adopted Chapter 2, "Public Ethics"; and

WHEREAS, the Board of Managers has determined that it is in the public interest to require that an applicant for appointment to an elected position file a financial disclosure statement at the time the certificate of appointment is filed, instead of thirty days after appointment; and

WHEREAS, after proper notice to the public, the Board of Managers conducted public hearings at which it considered the following ordinance in public session assembled on the _____ day of _____, 2016 and _____ day of _____, 2016; and

WHEREAS, various changes are required in Sec. 2-6, "Financial disclosure – Village elected officials and candidates to be Village elected officials" to require that an applicant for an appointment to an elected position file a financial disclosure statement at the time the certificate of appointment is filed; and

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 2, "PUBLIC ETHICS", SEC. 2-6, "FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS", TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED

SECTION 1.

BE IT ORDAINED AND ORDERED this _____ day of _____, 2016, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 2, "Public Ethics", Sec. 2-6, "Financial disclosure – local elected officials and candidates to be local elected officials" be repealed, re-enacted and amended to read as follows:

Sec. 2-6. Financial disclosure — Village elected officials and candidates to be Village elected officials.

(a) This section applies to all Village elected officials and candidates to be Village elected officials.

(b) Except as provided in subsection (d) of this section, a [~~local~~] VILLAGE elected official or a candidate to be a [~~local~~] VILLAGE elected official shall file the financial disclosure statement required under this section:

(1) On a form provided by the Commission, including electronically-generated schedules containing the information sought by the Commission;

(2) Under oath or affirmation; and

(3) With the Commission.

(c) Deadlines for filing statements.

(1) An incumbent [~~local~~] VILLAGE elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(2) An individual who [~~is appointed~~] APPLIES to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a FINANCIAL DISCLOSURE statement for the preceding calendar year WITH THE CERTIFICATE OF APPOINTMENT [~~within thirty (30) days after appointment~~].

(3) An individual who, other than by reason of death, leaves an office for which a FINANCIAL DISCLOSURE statement is required shall file a statement within sixty (60) days after leaving the office.

(d) The FINANCIAL DISCLOSURE statement REQUIRED BY THIS SECTION shall cover:

(1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

(2) The portion of the current calendar year during which the individual held the office.

(e) through (k) * * * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2016, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

(1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the _____ day of_____, provided the same is posted at the Village Office for fourteen (14) days prior thereto, subject to approval by the State Ethics Commission.

CHEVY CHASE VILLAGE

_____
Michael L. Denger, Chairman
Board of Managers
Chevy Chase Village

ATTEST:

_____
Shana R. Davis-Cook, Village Manager

EXECUTIVE DEPARTMENT
STATE OF MARYLAND

JUN 2 2 2016

LARRY HOGAN
GOVERNOR

COMMISSION MEMBERS:
PAUL M. VETTORI, *Chairman*
KIM L. COBLE
JANET E. McHUGH
JACOB YOSEF MILIMAN
THOMAS B. SMYTH, M.D.

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

June 20, 2016

Suellen M. Ferguson, Esquire
Council Baradel
125 West Street, 4th Floor
Annapolis, Maryland 21401

Re: Chevy Chase Village Ethics Ordinance

Dear Ms. Ferguson:

At its June 16, 2016 meeting, the State Ethics Commission reviewed the proposed revisions to the Chevy Chase Village Ethics Ordinance, which you forwarded to the Commission for approval on April 29, 2016 in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen Prov. Title 5 (Supp. 2015)). As you are aware, legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session mandated significant changes to county and municipal ethics laws and county boards of education ethics regulations and policies. The law became effective October 1, 2010. The State Ethics Commission revised its local government regulations in COMAR 19A.04 in April 2011 to reflect changes in the Public Ethics Law in recent years and to incorporate changes made by SB 315. Chevy Chase Village submitted its enacted ordinance in compliance with the legislative changes and current statutory and regulatory requirements.

The State Ethics Commission approved the enacted ethics ordinance for your jurisdiction as being at least equivalent to State law for local elected officials for conflict of interest provisions and at least equivalent to State law for financial disclosure provisions for local elected officials and candidates for local elected office. The State Ethics Commission also determined that the Chevy Chase Village Ethics Ordinance is similar to the provisions of the Maryland Public Ethics Law for conflict of interest and financial disclosure provisions applicable to local employees and local appointed officials.

The State Ethics Commission's review was in accord with the Commission's review authority pursuant to Subtitle 8 of the Maryland Public Ethics Law and consisted of a comparison of the proposed revisions to the review criteria of COMAR 19A.04. The review was also in accord with the Commission's understanding of the requirements stated in the Court of Appeals decision in *Seipp v. Baltimore City Board of Elections, 377 Md. 362, 833 A 2d 551,* 2003, as discussed in

Opinion No. 06-01 of the Commission's Advisory Opinions[1].

Please continue to file a Local Government Ethics Law Annual Certification, in compliance with § 5-807(b) of the Public Ethics Law. Certification is an annual requirement. Certification is due each year by October 1st. Chevy Chase Village must submit all future changes to its ethics ordinance for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04. Please contact our office if you have any questions regarding this or any other matter. Thank you for your work on this project.

Sincerely,

Katherine P. Thompson
Assistant General Counsel

[1] The Commission's formal opinions may be accessed at the website of the Division of State Documents in the Office of the Secretary of State. www.dsd.state.md.us/comar.

June 2016 CCVPD Highlights

I. Crime/Operational

1. Three unlocked cars were entered in June:
   - Middle block of Grafton Street: Parked in driveway; nothing taken.
   - 4100 block of Oliver Street: Parked in driveway; earphones and expensive sunglasses taken.
   - Middle block of Hesketh Street: Parked on street; coins taken.

2. Car stolen using the key:
   - East Irving between Connecticut and Brookville: Homeowner believes she left her house and car keys dangling in the front door lock; thief apparently found the keys and stole her car.

II. Training/Administrative

1. **Firearms qualification:** All officers successfully completed their semi-annual firearms qualification.

2. **Pro-life demonstrators:** Members of a pro-life advocacy group will once again be displaying graphic signs along northbound Connecticut Avenue on Tuesday, **July 26** from 4pm-630pm. Village Police will be on hand to keep the peace.

3. **National Night Out:** For the third year running, we will host this enjoyable event in Newlands Park on Tuesday, **August 2** from 630pm-830pm.

Select Reported Crimes 2016 vs. 2015				
	June '16	June '15	**YTD'16**	YTD'15
Assault	0	0	0	1
Auto Theft & attempts	1	0	1	0
Burglary & attempts	0	1	1*	6
Theft & attempts	3	2	36	19
Robbery	0	0	0	0

*bicycle stolen from inside an open garage

	Select Reported Crimes 2010-Present						
	2010	2011	2012	2013	2014	2015	**2016** as of 06/30/16
Assault	0	0	2	2	0	1	0
Auto Theft & attempts	3	6	2	5	0	3	1
Burglary & attempts	7	14	3	4	8	9	1
Theft & attempts	46	67	97	60	38	75	36
Robbery	1	0	0	0	1	0	0

CHEVY CHASE VILLAGE
ESTABLISHED 1890

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: Jacqueline Parker, Public Safety Coordinator

DATE: July 6, 2016

SUBJECT: Monthly Communications Report for June 2016

	June 16	YTD 16	June 15	YTD 15
Walk In	155	948	214	887
Incoming Phone Calls requiring no action*	1,107	6,258	1,175	6,501
Incoming Phone Calls requiring an action**	362	1,724	445	1,873
House Check Requests	216	889	247	978
Key Pick Up/Drop Off	47	289	98	335
Mail Pick Up	82	480	102	449
Special Pick Up Requests	97	472	136	533
Trash and Recycle Complaints	2	13	4	16

***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.**

Chevy Chase Village
Monthly Incident Report
June 2016

Burglary (including attempts)	0
911 Disconnect	0
Alarm	18
Animal Bite	0
Animal Complaint	4
Assist Citizen	7
Assist Other Agency	9
Attempted Theft of Auto/Other Vehicle	0
Burglary (including attempts)	0
CDS - Possession Paraphernalia	0
Check the Welfare	4
Code Enforcement	3
Collisions	13
Hit and Run Property Damage	4
Property Damage Collision	8
Personal Injury Collision	1
Community/Citizen Contact	5
Disabled Vehicle	5
Disorderly Conduct	1
Family Trouble	0
Fire-Other	0
Identity Theft / Forgery	1
Hazard - General	0
Hazard - Roadway	1
Ill Person	0
Injury Non-Traffic	0
Investigation/Police Information	2

Theft from Auto (including attempts)	3
Lost Property	1
Miscellaneous	11
Mental Illness	1
Missing Person	1
Noise Complaint	5
Open Door	7
Power Outage	0
Parking Complaint	2
Recovered Property/Montgomery County	3
Recovered Property/Other	0
Suspicious Persons/Vehicles	15
Sudden Death - Natural	0
Thefts (including attempts)	3
Thefts from Auto	3
Thefts from Other	0
Theft of Auto/Other Vehicle	1
Threatening/Annoying Phone Call	1
Traffic Stop	1
Trees / Limbs Down	2
Trespassing	0
Vandalism	0
Vandalism-Motor Vehicle	0
Vendor Violation	9
Wanted Person	0
Water Main Break	0
Wires Down	0

Collisions within Chevy Chase Village
June 2016

Connecticut Avenue@			Other Locations	
Oxford Street	1		Oxford Street@Broad Branch Road	1
Primrose Street	1		138 Grafton Street	1
Chevy Chase Circle@			3925 Oliver Street	1
Connecticut Avenue	6		15 Primrose Street	1
Western Avenue	1			

Chevy Chase Village
Monthly Traffic Report
June 2016

Equipment Repair Orders	4	
Miscellaneous Violations	10	
Parking Violations	9	
Sign Violations	3	
Warnings Written	56	
Speeding Violations	0	

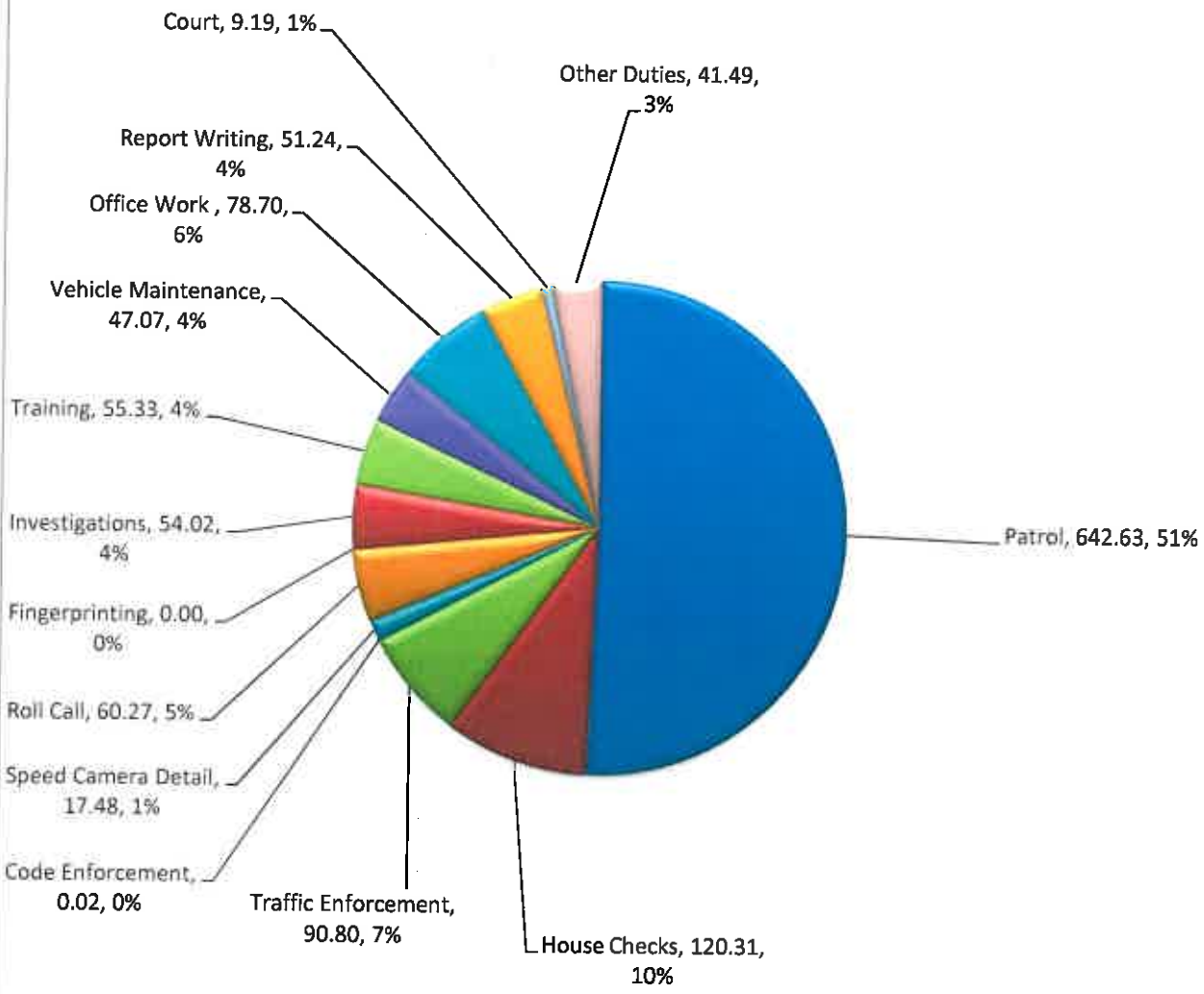
Chevy Chase Village
Code Enforcement Report
June 2016

Police Officers		
Compliance Inquiry	4	
Investigations	5	
Municipal & Civil Citations Issued	0	
Municipal & Civil Warnings Issued	0	

Chevy Chase Village
Agency Personnel Report

	June	YTD
Citizen Complaints	0	0
Citizen Compliments	2	11

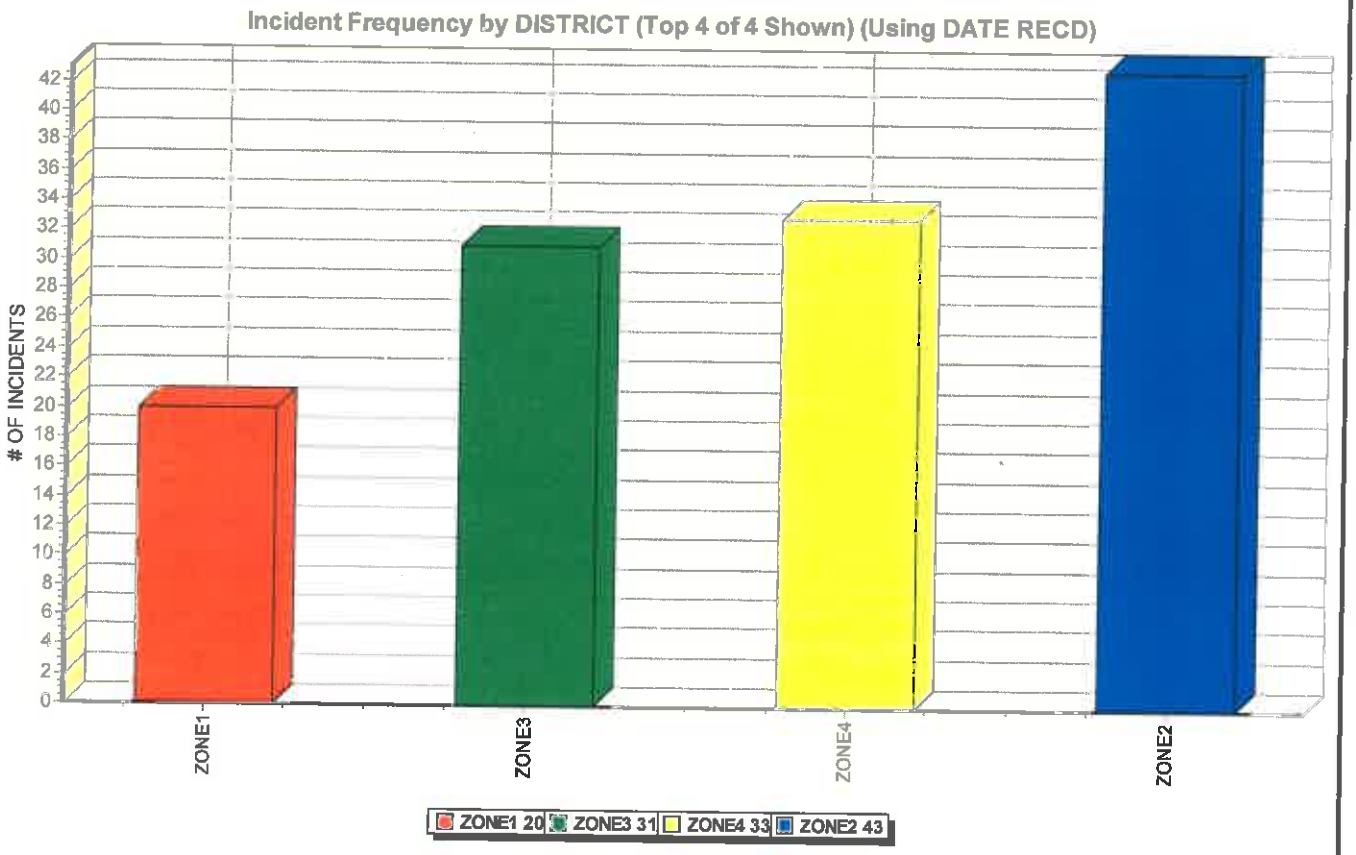
Chevy Chase Village Police Department
Officer Hours for June 2016 within Chevy Chase Village

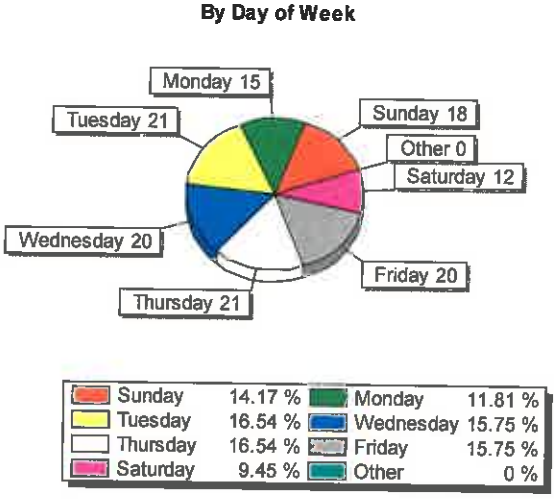


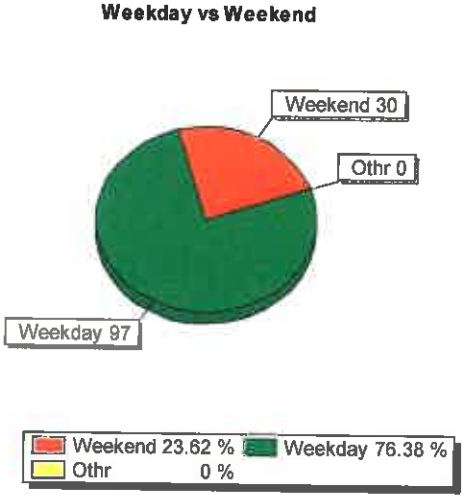
* Note: The SafeSpeed Coordinator's hours are 139.6, which are not included above

CHEVY CHASE VILLAGE POLICE

07/06/2016 07:25:00

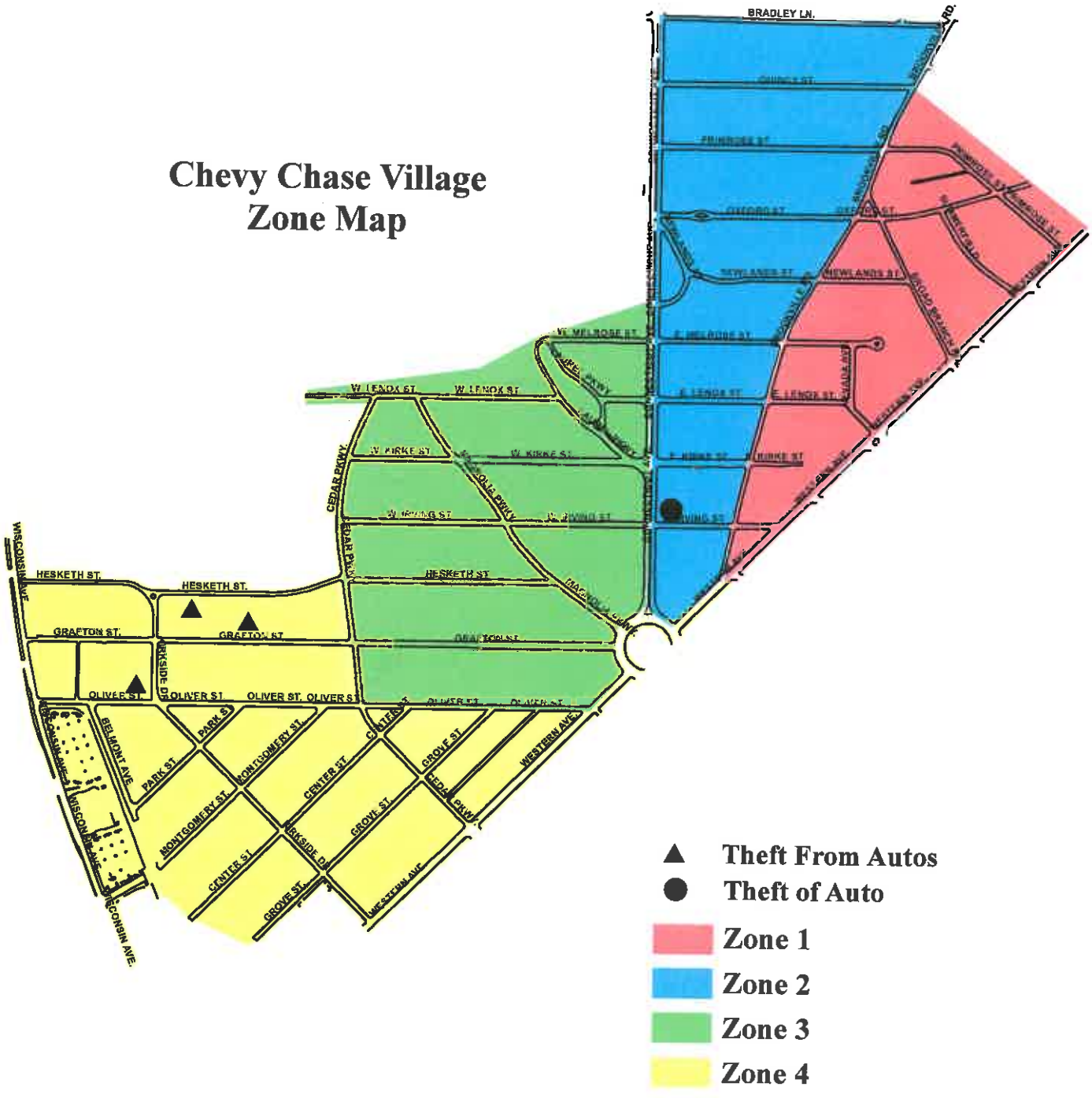






Search Criteria: (DISTRICT >= 'ZONE1')
(DISTRICT <= 'ZONE4')
(INCDNUM like '%%')
(DATE_RECD >= TO_DATE('06/01/2016','MM/DD/YYYY'))
(DATE_RECD <= TO_DATE('06/30/2016','MM/DD/YYYY'))

Chevy Chase Village Zone Map



From the desk of...

Michael Younes, Director of Municipal Operations
5906 Connecticut Avenue
Chevy Chase, MD 20815
Phone (301) 654-7300
Facsimile (301) 907-9721
michael.younes@montgomerycountymd.gov
www.chevychasevillagemd.gov

Memo

To: Board of Managers

From: Michael W. Younes, Director of Municipal Operations

CC: Shana Davis-Cook, Village Manager

Date: 7/6/2016

Re: Update on Capital and Infrastructure Upgrade Projects

Below please find an update on the various capital and infrastructure upgrade projects currently under construction and in the planning stage:

		Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
Village Initiated					
Village Website Redevelopment		Pre-launch	---	Ongoing	July 12, 2016
In-Partnership with M-NCPPC					
Western Grove Park Development		Construction	6-9 months	Ongoing	February 2017
Utility Upgrades					
Laurel Park Sewer Rehabilitation		Pre-Construction	2 - 3 weeks	Summer 2016	Summer 2016
Water Main Replacement (5500 block of Western Avenue)		Survey/Design	TBD	Spring 2018 *(construction)*	TBD
Washington Gas Main Replacement – Bradley Lane		Permitting	TBD	TBD	TBD
PEPCO Tree Pruning and Removals		Permitting	2 months	Summer 2016	Summer 2016
State Projects					
Connecticut Avenue Pedestrian Signal		Complete	Complete	Complete	Complete

CHEVY CHASE VILLAGE
ESTABLISHED 1890

Connecticut Avenue Pedestrian Signal:

- As of June 21, the State Highway Administration has activated the pedestrian crosswalk and flashing warning beacons on Connecticut Avenue at Lenox Street.
- Staff has posted on the Village's website and sent via blast email to Village residents helpful reminders on the operation of the warning beacons and how to safety cross the roadway using the light.
- Thus far both driver and pedestrian reaction and compliance have been mixed.
- The Village Police Department is including the area as part of their regular details to enforce driver compliance.
- As always, Village staff continues to work with the State to gather data on the effectiveness of the warning beacons, with the ultimate goal of installing a fully-actuated traffic signal in the future.

PEPCO Tree Pruning and Removals:

- No updates since last month's report.

Village Website Redevelopment:

- The Village's website redesign is complete.
- Over the past month staff has been working through the new and old websites to update content and ensure that all functionality on the new website is working properly.
- The new site will be officially launched on Tuesday, July 12.

Washington Gas Main Replacement:

- No updates since last month's report.

Western Grove Park Development:

- Over the next 2 weeks, construction activities will include installation of tree preservation fencing, sediment and erosion controls and select tree removals.
- Full site construction activities will begin the middle of August.
- The Western Grove Park Friends Group is continuing its fundraising campaign and has received contributions/pledges of approximately $70,000 to address a shortfall in the construction budget. An additional $50,000 is still needed to fully fund construction of the park.

WSSC:

Laurel Park Sewer Rehabilitation:

- At long last, work orders have been issued for the last section of sewer rehabilitation work in the Village.

- Originally, it was thought that WSSC contractors would have to open dig a trench to replace the sewer pipe traveling through Laurel Park.
- Luckily, over the past few months I have been able to work with WSSC and its contractors to determine a less disruptive construction method.
- Barring an emergency such as a pipe collapse or rupture, all work within the park and on private property will be conducted by rehabbing from inside the sewer main.
- As part of the work, WSSC will be installing a new manhole in the roadway on Laurel Parkway in order to provide access for the rehab work.
- Work will begin later this summer and should be completed with 2 - 3 weeks.
- Prior to beginning the work, notice will be provided by WSSC and the Village to the abutting residents.

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

- WSSC is currently in the process of making contact with all residents to request access to private property to begin its survey activities.
- 7 of the 17 required right of entry agreements have been returned to WSSC.
- The first phase of work will be to survey the affected properties. Once that is completed, WSSC and their contracted engineering firm will conduct an alignment study to determine if the mains can be relocated out of the rear-yards.

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

Building Permits

Permit #	Address	Type of Work
6979	6403 Connecticut Ave.	Install Holly trees in the Connecticut Ave. public right-of-way.
6978	5509 Grove Street	Construct rear addition.
6976	111 Oxford Street	Construct rear addition.
6975	15 Hesketh Street	Install new air conditioner in the rear yard.
6973	10 Oxford Street	Install new fence in the east side yard and new driveway gates.
6972	5509 Montgomery St.	Install an air conditioner in the rear yard.
6970	5620 Grove Street	Extend existing drain pipe through the curb in the Oliver Street public right-of-way.
6969	3704 Bradley Lane	Replace air conditioner in the east side yard.
6966	104 Primrose Street	In-kind replacement of the front walkway.
6965	5503 Center Street	Replace a portion of the driveway.
6964	5503 Center Street	Construct new retaining wall.
6963	5503 Center Street	Install one new and maintain one existing drain pipe in the Center Street public right-of-way.
6825-amended	3927 Oliver Street	Construct new walkway; replace apron and driveway.
6961	4017 Oliver Street	Construct rear landing and walkway.
6960	4017 Oliver Street	Construct one-story rear addition.
6958	5902 Kirkside Drive	Install new air conditioner in the rear yard.
6955	20 Magnolia Parkway	Construct new roof over existing deck.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2248	7 Grafton Street	Magnolia	Injured by cold; dead	Yes
2245	5613 Montgomery St.	Lacebark Elm; Black Locust; (5) Leland Cypress	Hazardous; Dead Pursuant to 17-3-a-7	No
2244	105 Grafton Street	Black Walnut	Hazardous; impacting foundation	No
2243	203 Primrose Street	Ash	Hazardous	No
2242	15 East Lenox Street	Mulberry; Red Maple; Spruce	Pursuant to 17-3-a-7; Dead; Hazardous	Yes
2241	5810 Connecticut Ave.	White Pine	Dead	No

* Since commencing recordation of reforestation intentions in November of 2013, 52 of 116 Applicants (44%) indicated that they would voluntarily be reforesting on their property.

Expiring Permit Notices Mailed This Month

6785	5507 Grove Street	Replace fence in the rear yard.
6778	5616 Grove Street	Replace front walkway stoop and steps

Chevy Chase Village
Permitting and Code Enforcement Activity June 2016

Telephone Queries: +/- 110
Walk-Ins: +/- 62
Pre-Design Review Meetings: 5
Municipality Letters (issued to the County for new projects): 8
Administrative Building Permits Issued: Administrative Building Permit 16; Amendment to a previously issued Building Permit: 1; Dumpster: 6; Dumpster Extension: 1; Courtesy: 1
Licenses to Use the Public Right-of-Way: 3
Appeals: Two Decisions from variance requests granted at the June meeting were drafted, circulated, and approved; one Special Permit and two variance requests were prepared for the July Board meeting. A decision from the April meeting, requiring removal of a structure installed in the front yard of a property, was drafted, reviewed by Counsel and is awaiting Board approval.
Tree Ordinance Board: Two pending, for Pepco-requested removals.
Enforcement Incidents: Routine code enforcement patrol and site inspections of construction projects were conducted. Additionally:

- Staff worked with the Village arborist, contractor to resolve tree protection fencing issues at a job site.
- Staff has been coordinating with Public Works to alert residents of the need to keep sidewalks free of overgrown shrubbery and to maintain the grass in the tree box in front of their property.
- Staff responded to a complaint of air-borne material at a job site, confirmed what work was being done and that the dust was not hazardous in nature. The work was completed within the hour and no further complaints have been received.
- Staff responded to two complaints about construction work commencing prior to work hours and with no visible permit. It was determined in both cases that the work was considered "maintenance and repair" and did not require a permit. The crews were provided a copy of the noise regulations.
- Staff coordinated with a resident for repairs to a pipe in the Oliver Street right-of-way that had broken and was causing ponding of stormwater runoff water on the public sidewalk. The pipe installation pre-dates the current owner, who has obtained a permit to replace the pipe and a right-of-way license to maintain it in the right-of-way.
- A contractor began construction work prior to the applicable CCV Building Permits having been issued. Staff stopped the work until the permits were issued.
- Staff responded to a complaint about a dusty sediment appearing on the Grafton Street public sidewalk. The source of the material was not evident and since rain was in the forecast it was determined that Staff would monitor to see if the material reappeared; it has not.
- Staff stopped work an installation of an unpermitted replacement air conditioning unit; the resident has obtained the applicable permit.
- Staff responded to a complaint about continuous mechanical hum from pool equipment. The resident of the equipment was contacted. They had been away and were unaware of the malfunctioning equipment, which has now been repaired.

Tree Requests: 9 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: 6 permits were issued for removal of a total of fourteen (14) trees, five (5) of which were Leland Cypress removed pursuant to 17-3-a-7 (1).
Expired Permit Memos Sent: 2

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

Memo

To: Chevy Chase Village Board of Managers

From: Melissa Wiak, Community Liaison/Administrative Assistant

CC: Shana R. Davis-Cook, Village Manager

Date: July 5, 2016

Re: Village Hall Use for June 2016

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

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events)—Child's Birthday Party; Memorial Service	2	$625
Community Use — Board of Managers' Monthly Meeting	1	$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (2); Section 5 Monthly Meeting; Friends of Chevy Chase Circle Board Meeting	4	$0.00