



**Chevy Chase Village
Board of Managers**

Executive Session-6:15 p.m.

The Chevy Chase Village Board of Managers will convene in closed session in the Chevy Chase Village Hall, 5906 Connecticut Avenue, Chevy Chase, MD 20815, pursuant to Section 3-305(b) (7) and (8) of the General Provisions Article, Annotated Code of Maryland, to consult with Counsel to obtain legal advice on legal and zoning matters and potential litigation.

1. Meeting Called To Order
Mr. Michael L. Denger, Chair
2. Variance And Special Permit Requests
3. Treasurer's Report
Mr. Gary Crockett, Board Treasurer

Documents:

[TREASURER REPORT JULYSEPTEMBER.PDF](#)

4. Committee Matters
Environment & Energy Committee

- Discussion RE: Committee's Proposals to Control the Use of Leaf Blowers

Dr. Marea Hatzios Grant & Dr. Marilyn Bracken, Committee Co-Chairs

Documents:

[REDUCING POLLUTION FROM LEAF BLOWERS.PDF](#)

5. 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:

BUILDING AND TREE REMOVAL PERMITS AND ACTIVITY- JULY.PDF
BUILDING AND TREE REMOVAL PERMITS AND ACTIVITY- AUGUST.PDF
CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS.PDF
VILLAGE HALL USE.PDF

Treasurer's Report

July-September (2 months of FY 2017)

Overall:

This report is a two month snapshot of FY 2017. The Village receives little revenue in the first two months of the fiscal year with the most prominent being the tax duplication payment that comes from the county in the amount of \$100,524. We have a budgeted deficit of 46,117, and it is still too early to project how we will end up in relation to this number by the end of the year. Our FY.2016 audit is not officially completed yet and the final 2016 audited numbers will be available when it becomes finalized.

Income Tax Revenue:

We will not have any significant income tax information until the end of November.

Property Tax Revenue:

We project this to come in at budget since the Village approved the constant yield for FY 2017.

Safe Speed Net Revenue:

So far this year it is trending about 15% below budget for the first two months. There has some been construction during these two months which has had an impact on safe speed citations.

Miscellaneous Revenue:

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

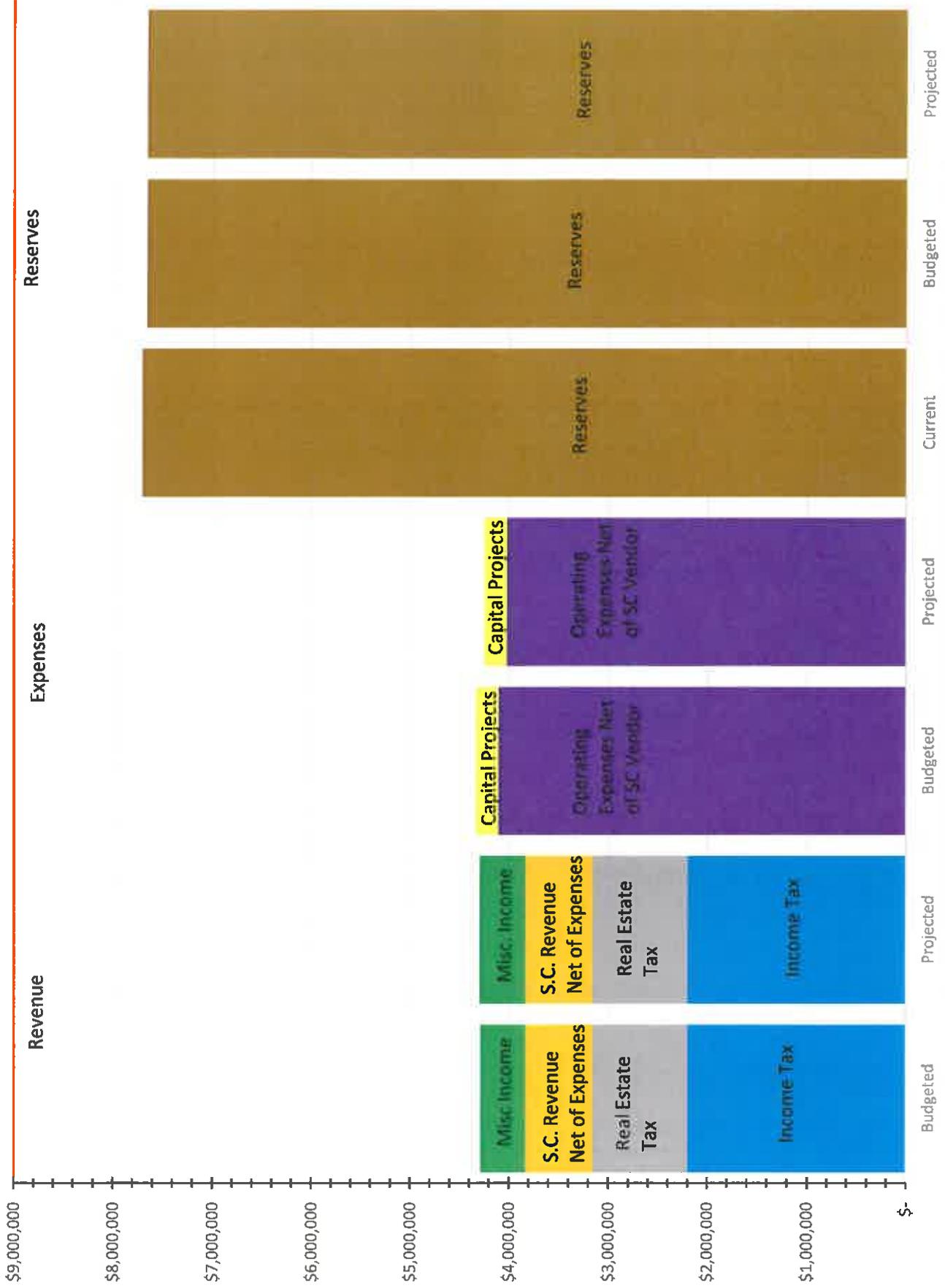
Capital Expense:

Our expenses are projected to be \$227,500 and we have not undertaken any of these projects yet.

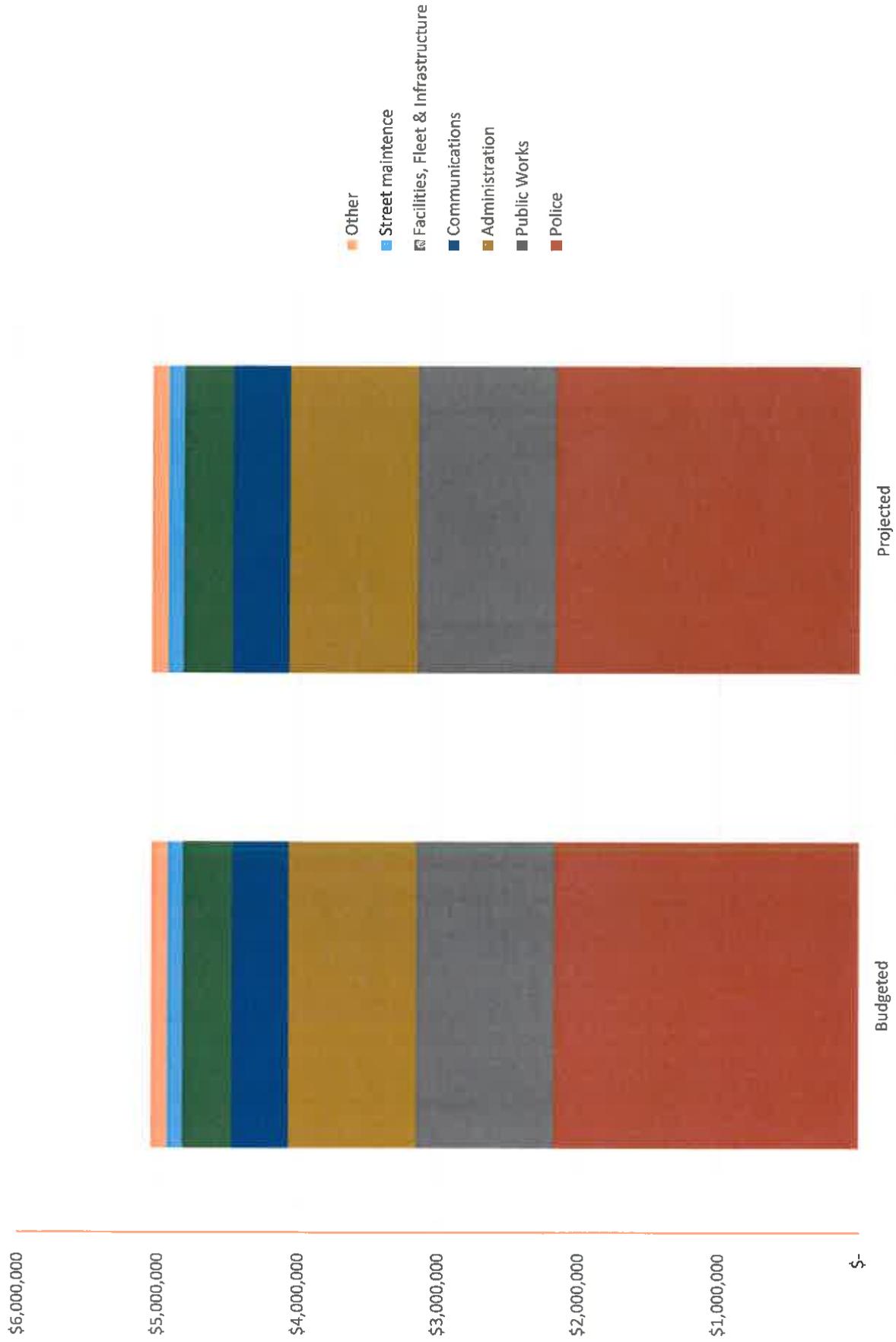
Operating Expense:

We project this will be 2-3%% below budget.

Revenue and Expenses Budget versus Projected



Expenses Budgeted versus Projected



June 30, 2016

MEMORANDUM to the Chevy Chase Village Board of Managers

From: The Village Environment and Energy Committee

Subject: Reducing Pollution from Leaf Blowers

The Environment and Energy Committee would like to call the Board's attention to a persistent environmental issue that is detrimental to the health and well-being of residents of Chevy Chase Village and an increasing source of frustration to residents who are chronically exposed. The issue is pollution from leaf blowers. This memorandum provides background information and some suggested actions the Board might consider initiating.

Background

Pollution from portable, two-stroke engine leaf blowers (and other portable outdoor power equipment) is significant. This includes:

- (i) high frequency noise pollution, which is not only irritating and emotionally stressful, but can cause cumulative hearing loss to those exposed at close range, without adequate protection;
- (ii) exposure to carbon pollution, in the form of micro-particles (so called black carbon) and carbon monoxide—both highly toxic;
- (iii) greenhouse gasses in the form of Nitrogen Oxides (NOX) and Sulfur Oxides (SOX);

Additionally, any leaf blower, whether gas or electric, creates pollution in the form of dust and debris including mold and fungal spores, weed seeds, pollen, lawn pesticides, and animal feces. This dust, blown into the air at high velocity, may remain air borne for hours, causing allergic reactions, aggravating existing respiratory conditions to those exposed and putting children and seniors, who are more vulnerable, at risk.¹

While the Village has adopted Montgomery County regulations on the maximum decibel level that leaf blowers may emit² along with restrictions to daytime hours of operation, there are no provisions to address the more serious pollution issues related to carbon emissions, air-borne dust and debris--and their cumulative impacts on residents' health and the environment. These are significant concerns which could benefit from greater community awareness.

Mary Cheh, DC Council Member of Ward 3, introduced legislation in January 2016 (the Leaf Blower Regulation Amendment Act of 2016) to amend the Noise Control Act of 1977. The legislation would prohibit the sale and use of gasoline-powered leaf blowers in the District, effective January 1, 2022. This delayed entry into force would allow lawn-care providers time to phase in electric leaf blowers, as they replace gas-powered blowers whose useful time limit (typically 5 years) has been reached. No final vote has been taken by the Council yet, but the Environment and Energy Committee are following this

¹ "Most gas-powered leaf blowers and weed trimmers are 2-stroke engines, which are light and inexpensive, but remarkably inefficient at fuel combustion. They emit high levels of nitrous oxide (NO), hydrocarbons (HC), and carbon monoxide (CO). According to the California Air Resources Board, these engines emit 499 times more HC, 49 times more particulates, and 26 times more carbon monoxide than an average car. With wind speeds exceeding 180 MPH, mold and fungal spores, weed seeds, pollen, lawn pesticides, and animal feces are blown into the air that we breathe, staying aloft for hours to even days. Our children are particularly vulnerable with their small but rapidly growing bodies, and because they are most likely to be playing outdoors." *Lawrence S. Block, MD. Swamscott Board of Health, MA.*

² Although Section 31B-9 of the Montgomery County Noise Control Ordinance limits the noise level of leaf blowers sold and operated in the Country to 70 dB at a distance of 50 feet this standard is not practical for an area such as the village, which has houses that immediately adjoin one another. The County Department of Environment will come out and test equipment in neighborhoods in response to complaints registered by residents that noise levels may be exceeding the 70 dB limit.

proposal, which if implemented, would set a precedent for landscape companies operating in the area to follow, thus likely standardizing equipment that is used in surrounding communities

Not only would switching to electric powered blowers and lawn equipment sharply reduce air pollution (including Green House Gas effects) if electricity is generated through wind or other renewables, according to the Washington Post and Consumer Reports³, the best handheld electric leaf blowers are comparable in power to gas-powered blowers, weigh less, and generate less noise pollution. The amount of dust and debris churned up would still be a concern, but this can be mitigated to some extent by putting the power mower on a lower setting.

Of course, the best way to eliminate all impacts from leaf blowers on the Village is to ban their use. This would result in a reduction of noise, infringement of residents' enjoyment of a tranquil atmosphere in the Village, air pollution, and respiratory and other health concerns. The Committee is not recommending a ban at this time but suggests some actions by the Board that will make our neighborhood quieter and cleaner

Suggested Board Actions:

The E & E Committee requests that the Board recognize leaf blower noise and pollution as a serious problem which can be reduced by Board and resident actions. Proposed actions include the following:

1. Send a letter to inform Village residents of this concern and ask that residents talk with their contractors about ways to reduce noise and air pollution. We ask that individual homeowners instruct their lawn care and leaf removal services to use the lowest possible fan speed on their current equipment to decrease the amount of noise and also to decrease the amount of atmospheric pollution from allergens and bacteria.
2. Limit leaf blowing and lawn care clean-up to electric-only apparatus. This measure has become increasingly common among communities as a first step..
3. Consider adopting regulations to phase out use of gas-powered leaf blowers in the Village within a given time frame. This would be informed by the responses from a survey of residents, conducted by the Environment and Energy Committee (see below).
4. Help enforce Montgomery County regulations that require all leaf blowers operating in Montgomery County to operate at 70 dB or less. Residents and Village staff can check for ANSI (American National Standards Institute) sticker on the leaf blower, specifying the sound level output of the equipment. If the equipment does not have a sticker, the leaf lower should be tested to ensure compliance with regulations. Testing could be done by Montgomery Co. Department of Environment staff or Village staff. Repeated documented use of a non-compliant blower could result in a fine and other actions.

Resident Actions:

If you employ a lawn service, suggest that when they change equipment, they switch to electric or battery powered machines. In the meantime, advise their workers to use the lowest setting possible when operating their equipment, blowers, mowers, etc. Use only one machine at a time to reduce the noise. Remind lawn care services that equipment must be in compliance with Montgomery County noise

³ The Washington Post, "How bad for the environment are gas-powered leaf blowers?"
https://www.washingtonpost.com/national/health-science/how-bad-for-the-environment-are-gas-powered-leaf-blowers/2013/09/16/8eed7b9a-18bb-11e3-a628-7e6dde8f889d_story.html

regulations. Residents can look to see if there is an ANSI sticker indicating maximum decibel level on the equipment.

Environment and Energy Committee Actions:

1. Sponsor a lecture on alternatives to gas-powered leaf blowers and other lawn equipment as part of the Sustainable Living Lecture Series. This could include a review of best practice in other neighborhoods and across the country, as well as a list of equipment that provides residents with more environmentally friendly options. The lecture could also serve as a forum for informed discussion on the issue, including feedback from residents.
2. Conduct a survey of residents' views on the use of leaf blowers in Chevy Chase Village, and whether they would be in favor of phasing out gas-powered blowers or all blowers over a specified time period. Compile results and submit to the Board for further action.

We look forward to the Board's response, and to moving forward with several of the actions proposed.

Thank you.

Respectfully submitted,

Marea Hatziolos, PhD

Marilyn Bracken, PhD

On behalf of the Environment and Energy Committee

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

Building Permits

Permit #	Address	Type of Work
6999	104 East Melrose Street	Construct driveway and walkways.
6998	104 East Melrose Street	Construct pool house.
6997	104 East Melrose Street	Construct addition and interior alterations.
6931- amended	15 East Lenox Street	Construct two story addition- amended to extend construction an additional two feet.
6996	5636 Western Avenue	Install new brick over existing concrete base.
6995	6216 Western Avenue	Install new stepping stone walkway and construct grilling patio.
6993	105 Primrose Street	Install 35' of 1½" copper line for house water upgrade.
6991	5515 Kirkside Drive	Construct second floor over existing sunroom & new rear entrance.
6990	106 Grafton Street	Install replacement air conditioner in the east side yard.
6989	205 Primrose Street	Resurface and expand asphalt driveway.
6988	7 Oxford Street	Construct new rear patio; replace front walkway, driveway & apron.
6986	207 Primrose Street	Install 11' of 1½" copper line for house water upgrade.
6983	5604 Kirkside Drive	Replace front walkway and install new handrail.
6982	5904 Cedar Parkway	Install new air conditioner in the rear yard.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2255	10 Quincy Street	(1) Hickory	Hazardous and in decline	No
2254	27 West Kirke St.	(1) Cherry	Hazard to property; also cracked	No
2253	3708 Bradley Ln.	(1) Black Locust	Dead	No
2252	5615 Kirkside Dr.	(3) Hollies	Dead	No
2251	5509 Grove St.	(1) Holly	Dying	No
		(1) Redbud	Hazardous	
2250	106 Primrose St.	(1) Dogwood	Dead	No
2249	2 West Melrose St.	(1) Hornbeam	Dead	Yes

* Since commencing recordation of reforestation intentions in November of 2013, 57 of 122 Applicants (46%) indicated that they would be voluntarily reforesting on their property.

Expiring Permit Notices Mailed This Month

None Required

Chevy Chase Village Permitting and Code Enforcement Activity July 2016

Telephone Queries: +/- 65

Walk-Ins: +/- 28

Pre-Design Review Meetings: 1

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

Administrative Building Permits Issued: 11 Administrative Building Permit; 1 Amendment to a previously issued Building Permit; 4 Dumpster; 2 Utility; 1 Courtesy

Licenses to Use the Public Right-of-Way: 0

Appeals: One Decision from a Special Permit request granted at the July meeting was drafted, circulated, and approved; two variance requests (at one address) were withdrawn at the July meeting and will be on the October 10 meeting agenda. 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 issuance.

Tree Ordinance Board: None ongoing.

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

- Water had begun ponding along a portion of the public sidewalk on Oliver Street. Staff visited with the resident and determined that an unpermitted underground drainage pipe (the installation pre-dated the current resident's time at the property) had broken and was leaking. The resident obtained a building permit and license to use the public right-of-way and had the pipe repaired and the curb reinforced. There have been no further problems with the pipe or water on the sidewalk.
- While on routine Code enforcement patrol staff observed that modifications were being made to the approved plans for an addition. The alteration would not impact the compliance of the structure with CCV regulations, however the property is located in the Historic District and so any alteration to the approved plans needs to be approved by HPC. Staff advised the contractor that it would be necessary to provide documentation to CCV that the HPC approval had been obtained and then apply for an amendment to the CCV permit.
- During installation of a new swimming pool staff observed that the location of the pool equipment was encroaching into the side yard setback; the contractor relocated the panel to a compliant location.
- Unpermitted commercial and real estate signs were observed and responded to.

Tree Requests: 8 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: 7 permits were issued for removal of a total of ten (10) trees.

Expired Permit Memos Sent: None required

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

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

Building Permits

Permit #	Address	Type of Work
7021	105 Primrose Street	Upgrade existing gas service.
7019	115 East Melrose Street	Install replacement air conditioner in the west side yard.
7016	27 Quincy Street	Install fence in the west side yard.
7015	25 Quincy Street	Install fence in the east side yard.
7014	6131 Nevada Avenue	Interior alterations; addition over existing one-story addition.
7012	16 West Kirke Street	Install geothermal system.
7011	126 Grafton Street	Install new fence in the rear yard.
7010	5610 Cedar Parkway	Install new fence in the rear and side yards.
7009	10 Oxford Street	Replace sewer line house connection.
7008	5504 Grove Street	Install new fence in the rear yard.
7007	104 East Melrose Street	Construct new fences and walls in the side and rear yards.
7004	7 Oxford Street	Install (2) 4" drain pipes through the Primrose Street public right-of-way.
7003	106 Primrose Street	Replace front walkway in same location.
7002	5603 Park Street; 3929 Oliver Street; 4014 Oliver Street 4015 Oliver Street; 5512 Center Street	Replace gas service connections to five (5) homes.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2262	103 Newlands Street	(1) each: Ash, Elm, Magnolia, Japanese Maple	All dead	TBD
2261	4102 Oliver Street	(1) Spruce	Dead	No
2260	5512 Center Street	(1) Silver Maple	Hazardous; decay	Yes
2259	104 East Lenox St.	(1) White Pine	Hazardous; cracked	Yes
2258	4 East Lenox Street	(1) Holly; (1) Norway Maple	Hazardous- cracked; Dead	No
2257	142 Grafton Street	(1) Dogwood; (1) Japanese Maple	Dead Dead	Yes
2256	7 East Irving Street	(1) Sycamore	Hazardous	Yes

* Since commencing recordation of reforestation intentions in November of 2013, 61 of 128 Applicants (47%) indicated that they would be voluntarily reforesting on their property.

Expiring Permit Notices Mailed This Month

6806	5508 Park Street	Replace fencing in the rear yard.
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Chevy Chase Village

Permitting and Code Enforcement Activity August 2016

Telephone Queries: +/- 105

Walk-Ins: +/- 70

Pre-Design Review Meetings: 4

Municipality Letters (issued to the County for new projects): 4

Administrative Building Permits Issued: 11 Administrative Building Permit; 1 Administrative Special Permit (a second is in process); 5 Dumpster; 1 Dumpster Extension; 3 Utility; 1 Portable Storage Unit

Licenses to Use the Public Right-of-Way: 1

Appeals: One variance request and Special Permit request (at the same address) were prepared for the September 12 meeting agenda. A variance request at an additional address was also prepared. A decision from the April meeting, requiring removal of a structure installed in the front yard of a property, was issued.

Administrative Appeals: Two administrative appeals were completed, one for an air conditioner replacement and one for a driveway replacement. One is in process, for a driveway replacement.

Tree Ordinance Board: None ongoing.

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

- While on a site visit at one property, staff observed that a drain pipe had been installed at an abutting property such that stormwater runoff was being directed toward the neighbor. Staff has contacted the resident and is determining a course of action.
- A resident removed all the limbs from a Cherry tree at their property, leaving only a trunk. The tree was over the threshold for requiring a permit to remove and the extent of pruning appeared extreme. The resident stated that the tree appeared dead and he was beginning the removal process. Staff directed that no further work was allowed until the Village arborist had assessed the tree. The arborist determined that in fact based on bark samples the tree appeared to have been in decline or dead.
- Multiple unpermitted real estate and commercial signs were removed or the brokers were contacted. An article has been included in the most recent *Crier* article regarding sign permit requirements.
- A dumpster was placed at a property prior to obtaining the required permit. At another address, a dumpster was placed in the street. Both instances were rectified.
- Renters at a property left shopping carts from a grocery store and an old chair in the driveway. Staff contacted them- the carts were returned and the chair disposed of.
- A contractor at a construction site was pumping stormwater out of a foundation excavation and directing it towards the neighbor. Staff contacted the contractor who removed the pipe.
- Staff sent a new round of letters to residents whose shrubbery had overgrown the sidewalk or right-of-way and had to contact a resident who had left town without making arrangements for maintenance of their grass.
- In light of several thefts from vehicles during the day, staff reached out to contractors advising them to alert their crews to keep tools and vehicles locked.

Tree Requests: 14 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: 7 permits were issued for removal of a total of twelve (12) trees.

Expired Permit Memos Sent: 1

Memo

To: Board of Managers
From: Michael W. Younes, Director of Municipal Operations *MW*
CC: Shana Davis-Cook, Village Manager
Date: 9/6/2016
Re: Update on Capital and Infrastructure Upgrade Projects

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

	Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
In-Partnership with M-NCPPC				
Western Grove Park Development	Construction	6 months	Ongoing	February 2017
Utility Upgrades				
Laurel Park Sewer Rehabilitation	Construction	2 - 3 weeks	Mid-September 2016	End-September 2016
Water Main Replacement (5500 block of Western Avenue)	Survey/Design	TBD	Spring 2018 (construction)	TBD
Washington Gas Main Replacement – Bradley Lane	Pre-Construction	1 month	Mid-October 2016	Mid-November 2016
PEPCO Tree Pruning and Removals	Project Hold	2 months	Fall 2016	Winter 2016

PEPCO Tree Pruning and Removals:

- PEPCO has received all required approvals from the Village and State Department of Natural Resources for the pruning and removal work within the Village.
- PEPCO will be conducting the pruning and removal work in two (2) phases.
 1. Beginning late fall and early winter, PEPCO will be removing the ten (10) trees approved for removal (3 within the right-of-way and 7 on private property).

2. During the winter PEPCO will conduct its pruning operations.
- Because the pruning will be conducted over the winter when the trees are not leafed out, PEPCO's tree contractor should be able to be more selective in the branches that are removed resulting in more conservative pruning.
 - In addition, pruning will also have the effect of being less visually stark as it would be if the trees had leaves on them.

Washington Gas Main Replacement:

- Washington Gas has submitted for permit review its plans to replace one of the two gas mains located under Bradley Lane.
- The second and larger gas main must remain as low pressure as it serves homes in the District of Columbia, which has yet to begin its conversion to a higher services pressure.
- Staff will present for the Board's consideration and approval the pavement restoration agreement between the Village and Washington Gas. The agreement is structured the same as the executed agreements with WSSC and Washington Gas as part of their previous replacement projects.
- Work to upgrade the main is scheduled to begin in mid-October and last approximately 1 month.
- Prior to starting the work, notice will be distributed to affected residents as well as being posted to the Village website and blast e-mails.

Western Grove Park Development:

- Full site construction activities on the site are in full swing.
- To date, enough money has been fundraised and/or pledged to fully fund the construction of the park.
- Currently, the park contractor is installing the interior exposed aggregate concrete pathways, fountain wall and footers for the seating plaza.
- Overall work is proceeding on schedule, with anticipated completion scheduled for February 2017, weather permitting.

WSSC:

Laurel Park Sewer Rehabilitation:

- Work is set to begin to rehabilitate to sewer main that bisects Laurel Park on Monday, September 12.
- 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 (trenchless).
- 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.

- As part of the work a section of Laurel Parkway between West Melrose Street and the driveway at 5 West Lenox Street will be closed to traffic during the work day but will reopen each evening.
- Weather permitting work should be completed within 2 - 3 weeks.
- Notice of the work and what to expect have been delivered to all abutting residents and posted to the Village website and blast e-mail.

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

- Right of entry agreements have been received by all 17 properties.
- Accordingly, survey work is ongoing. Once the survey work 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.
- Following the alignment study, WSSC and the Village will once again meet with affected residents to discuss the findings and the recommended course for replacement.
- Replacement activities still would not take place until the spring of 2018.

Memo

To: Chevy Chase Village Board of Managers
From: Melissa Wiak, Community Liaison/Administrative Assistant
CC: Shana R. Davis-Cook, Village Manager
Date: September 6, 2016
Re: Village Hall Use for July & August 2016

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

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events) —Non-profit farewell banquets	2	\$225
Community Use —Board of Managers' Monthly Meeting; Board of Managers Special Meeting; Western Grove Park Friends Group meeting	3	\$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (4); Section 5 Monthly Meeting	5	\$0.00