



VILLAGE OF MARTIN'S ADDITIONS

7013 Brookville Road (Second Floor, Suite B)

Chevy Chase, MD 20815-3263

Phone (301) 656-4112

www.martinsadditions.org

Agenda for Council Meeting

Thursday, February 18, 2020, 7:30 PM

The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).

7:30 PM Call to Order: Fattig

7:31 PM Opportunity for Council to Hear Residents' Comments: Fattig

7:41 PM Committee Updates: Fattig

7:51 PM Building Administrator's Report: Lohmeyer (**Pages 3-6**)

8:01 PM Presentation of the Final Report and Recommendations of the Walkability Task Force

8:31 PM Discussion and possible Adoption of the Scope of Work of a Potential Safety Committee or Task Force (**Pages 7-8**)

8:46 PM Discussion of Potential Changes to the Tree Ordinance (**Pages 9-11**)

8:56 PM Discussion of the Ordinance process: Alexander (**Page 12**)

9:06 PM: Financial Matters, including Treasurer's Report and Budget amendments to the FY 21 Budget: Alexander (**Page 13**)

9:16 PM Manager's Report: Anderegg (**Page 14**)

9:21 PM Opportunity for Council to Hear Residents' Comments: Fattig

9:26 PM Adjournment: Fattig

*Please note: Listed times are approximate.

Virtual Meeting Information

Below is the information for those residents who wish to dial in remotely or video in to the Council meeting.

1. Dial-In Option

Call: 1 301 715 8592

When prompted, enter the Meeting ID: **874 3085 7774#** (you must enter the "#")

Passcode: 867676

2. Web/Video Option:

- a. Go to the Zoom meeting link:

<https://us02web.zoom.us/j/87430857774?pwd=V2ozcys4YkhCc0dra2lZSzExaEp0dz09>

- b. It will take you to Zoom to download, which is free. Then the meeting will launch. You can view the meeting or just listen in and talk when prompted.

Meeting ID: **874 3085 7774**

Passcode: 867676

Topic: VMA Council Meeting

Time: Feb 18, 2021 07:30 PM Eastern Time

TO: The Council at the Village of Martin's Additions
FROM: Doug Lohmeyer
DATE OF MEMO: February 18, 2021
SUBJECT: Building Administrator's Report

3506 Bradley Lane.

Demolition and building permit applications were submitted to the Village office. The staff has initially reviewed the information. Waiting for MCDPS approval. The resident's information meeting was held on Wed. June 17th. The County has not issued their building permit and the project is on hold until spring.

6609 Brookville Rd.

The applicants have submitted an application to remove the existing porch and add an addition to the existing house. The County issued their building permit on Nov. 18th. The Village building permit was issued on Dec. 7th. Work has begun on the addition.

7200 Chestnut

The applicants applied for a Village building permit to construct an addition to the west side of the existing house. The County issued their building permit on Sept. 3rd. The Village virtual information meeting was held on Tuesday Oct. 6th. None of the adjacent residents participated. The Village building permit was issued on Oct. 9, 2020. The construction has begun.

7210 Chestnut St.

The Village issued their building permit on Oct. 11, 2018. The County has closed their permits. Once the applicants finish the front yard improvements, we will do a final inspection and close the Village Building Permit.

7200 Delfield St.

The property owners have applied for a Village demolition and building permit for a new house. The County issued their building permit on Oct. 23rd. The Village held the virtual resident information meeting on Dec. 9th. The Village issued the demo and dumpster permits on Dec. 14th and the building permit on Jan. 4, 2021. The old house has been removed.

7220 Delfield St.

The applicants have submitted an application to demolition the existing house and rebuild a new house. The plans have been revised and are waiting County approval. The Village information meeting was held on Dec. 14th.

113 Quincy St.

The applicants have submitted an application to build a detached garage at the left rear of the house. The MCDPS permit was issued on Aug. 10th. The Village permit was issued on Oct. 13, 2020. The construction is under way.

120 Quincy

The homeowners have submitted concept plans for the Village's review. The plans propose to construct several additions to the existing house. They have not applied to MCDPS. Staff is reviewing the concept plans.

163 Quincy St.

The homeowner is proposing to add additional parking along the side of the existing driveway. The parking area will be different material than the driveway and the preliminary non-vegetative analysis indicates the non-vegetative area will not exceed 30% of the front yard. They have not filed for a Village permit.

3505 Raymond St.

The new homeowners have applied for a variance to relocate the existing HVAC units from the rear of the house to the right side of the house. The Village Code does not allow HVAC units to project into the minimum side yard setback, so a variance is required. The Variance Hearing on Oct. 29th was suspended and a continuation meeting has not been scheduled.

3515 Raymond St.

The applicant has submitted plans to remove the existing house and to construct a new house. The informational meeting with the neighbors was held on Tuesday, Nov. 17th. MCDPS issued the building permit on Feb. 2nd and the Village issued their building permit on Feb. 9, 2021. The ex. house is being removed.

3514 Shepherd St.

The homeowner has submitted an application to remove the ex. deck at the rear of the house and to build a new, larger deck in its place. The Village has issued a permit, but the work has not begun.

3517 Shepherd St.

The applicant has submitted an application to add an addition to the right front side of the existing house. The County issued their building permit on Nov. 10th. The Village issued the building permit on Nov. 24. Work on the addition has begun.

7200 Summit Ave.

On April 28, 2020, the homeowners submitted a Variance Application for the front and rear setbacks in order to construct a new porch and bay window at the front of the existing house and an addition on the north (right) side of the house. The Variance was approved by the Council on July 16, 2020. The applicants have not submitted to MCDPS or the Village.

7203 Summit

The homeowners have submitted plans for re-build the existing detached garage at the rear of the existing house. The plans were approved by MCDPS on Jan. 19th and the Village issued the building permit on Feb. 9, 2021.

3407 Thornapple St.

On May 29th, the building permit was extended and work on the house appears to be complete. The Applicant revised the plans to show a two-car detached garage at the rear of

the lot. The MCDPS and the Village has issued their revised building permits. According to the builder, the new homeowners may not construct the detached garage. The Village will contact the new residents to verify this information, so the Village can close out the building permit.

Miscellaneous Items

The staff is presently working with the following properties:

1. The MSHA has responded to the Village's letter regarding water ponding at the Village street intersections along Brookville Rd. They plan on making improvements to the intersections at Bradley, Quincy, and Cummings this summer. The MSHA staff stated they are working with WSSC and MCDOT and will get back to us soon. Last week, the MSHA contractor was repaving the intersection at Cummings and Shepherd. The Village staff has been in contact MSHA to get a progress report.

Public Safety Task Force Scope of Work
Village of Martin's Additions
February 18, 2021

Preamble:

The Village's Code of Ordinances explicitly authorizes measures "necessary for the purpose of protecting and promoting the health, safety, comfort and welfare of the present and future inhabitants of the Village." Indeed, so important are these goals that the word "safety" appears in the code 33 times, "health" 30 times.

Some Village of Martin's Addition's (Village or VMA) residents have recently expressed concern over public safety issues that occurred in and around the Village. More specifically, the concerns have included vandalism, theft, and threats to personal health. Several residents have volunteered to look into these concerns and to seek methods to address them.

Accordingly, the Village Council will appoint a minimum of three (3) resident-volunteers to a temporary 6-month Public Safety Task Force (Task Force) to assess public safety and health issues in the Village. If appropriate, upon completion of their work, the Task Force will make recommendations to the Council and community that address identified needs and deficiencies to improve public safety and health, and foster resident awareness and use of best practices.

Mission:

In coordination with the Village's contract Montgomery County police officers and the Village manager, the Task Force will:

- A. Assess the state of public safety and health issues in the Village by gathering information from available data and Village residents (e.g., through comments or surveys).
- B. Identify gaps in the Village's public safety within the context of the Village being a small municipality within a large metropolitan area, bordering incorporated sections as well as unincorporated sections of Montgomery County.
- C. Consider possible personal, community, and official Village remedies as well as the benefits and costs of such remedies or improvements.
- D. Analyze alternative solutions, including any available cost-benefit analyses and impacts on the character of the Village, within the context of its geographic location.
- E. Propose actions in writing to the Council that would remedy identified deficiencies, paying attention to likely benefits and costs, the experiences of other similarly-sized and located jurisdictions, and the preferences of Village residents. Among the remedies that might be proposed for Council consideration are a Village-sanctioned ongoing committee; an unofficial private committee; a private, moderated listserv that, among other things, serves as a clearing-house offering curated links to valid information; and continuation of the Task Force for a limited time to allow fuller investigation of specified subjects.

Operations:

This plan aligns with current best practice of the Village and that of its other resident-volunteer appointed bodies. The Task Force will:

- A. Work with the Village's contracted police officers to identify information sources and recommend procedures. The Task Force will also seek the advice of others, including public health officials and experts, with relevant knowledge.
- B. Conduct a community needs assessment survey consistent with Village practices.
- C. Report progress to the Council at its regularly scheduled monthly meetings.
- D. Submit a final written report, including any prioritized recommendations, to the Council by no later than August 19, 2021.

Meetings:

Meetings of the Task Force shall be conducted in compliance with the Maryland Open Meetings Act. With the assistance of the Village manager, public notice and an agenda shall be issued before the holding of a meeting. Minutes of the meeting shall be promptly prepared, as required by the Act. Once approved by a majority of the Task Force, the meeting minutes shall be given to the Village manager.

As required by the Act, at least one member of the Task Force shall complete the online training offered by the Open Meetings Compliance Board. The trainee shall inform the Village manager once the training has been completed. All members are encouraged to complete the training. The training is available here:
https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php.

Records

Records of the Task Force shall be retained in accordance with the Maryland Public Information Act. Task Force members shall review the Village's Document Retention Schedule and make certain records are retained in accordance therewith.

Budget:

The Task Force shall operate within a one-time allocation for Montgomery County officer time, which will be set by the Council and administered by the Village manager.

DRAFT

Explanation of Proposed Tree Ordinance

Tree canopy trend: The Village's tree canopy reveals worrying trends. Overhead photography going back to the 1960s indicates considerable tree loss in the Village. The reduction in the number of large trees became visibly noticeable in the 1980s, mainly driven by larger houses and increased paved areas in the form of driveways and patios. Overhead photography shows a reduction in canopy and simultaneous increase in paved surface areas. According to county specialists in aerial photography, losses are clearly visible and seem large, overall. However, the county analyst noted this important point: the community has not experienced a net loss in tree canopy as measured by covered area. "As an older subdivision, your neighborhood has an abundance of mature trees. These images show the capability of large trees to significantly increase the spread of their branches in a short amount of time, even to the point of compensating your significant losses due to new house building, power line clearing, and storms."¹

County Tree Canopy Law: In 2014, Montgomery County introduced a tree canopy law that required planting trees when a building application involved a sediment control permit. The required number of trees varied with the size of the disturbed area; three trees were required for areas of 1-6,000 square feet, 6 trees for areas of 6,000-8,000 square feet, etc. If trees could not be planted, a fee of \$250 per tree was imposed, equivalent to a minimum of \$750 per lot. Since the fees funded a countywide program, the Village of Martin's Additions would see little benefit from this program; subsequently, the Village exempted itself from the law's requirements.

Discussion: The trends noted above by the Tree Committee five years ago have not abated. Several proposed ordinances at that time were tabled pending review of subsequent trends. The one adopted proposal initiated a Village-subsidized program to promote resident planting of canopy trees; however, the number of new trees under this program has been modest. Therefore, we seek to address the loss of mature canopy trees directly by promoting new planting during construction projects when planning for new trees is most feasible, by encouraging replacement of removed trees, and by requiring fees when the above options are not feasible. The fees are intended as an incentive to protect existing trees and plant new ones, while providing funds to renew the Village's tree canopy. This proposal is a less onerous version of the county's scheme. The one new feature is the requirement to replace a large tree that is removed or pay a fee.

Possible arguments against proposal:

- *Requiring property owners to plant new trees plus a fee on tree removal are unwarranted intrusions on the rights of property owners.*

This ordinance is in line with the County code (from which the Village had exempted itself) and with the practices of some of our neighboring jurisdictions. It focuses on applicants for sediment control permits, which indicates a project

¹ Report of the Village of Martin's Additions Committee on Trees (July 14, 2015)

requiring county review. This proposal does not enlarge the existing county-wide regulatory scope.

- *Equivalent gains may be possible by enhancing the current subsidized tree program.*

Currently, our tax revenues finance the tree program. VMA's decision to be exempted from the county was made primarily because the fees for tree removal under the county code would likely not flow back to the benefit of village residents (i.e., the county is under no obligation to use tree funds paid by local construction projects for Village trees). This proposed ordinance would enhance the Village's public and private tree program by subsidizing it with these fees.

Furthermore, some of the harm that the ordinance seeks to redress is actually experienced by the broader community when properties have been clear-cut. Current ordinances and regulations do not provide any encouragement to developers to replace trees that have been removed. ~~or to refrain from removing them in the first place.~~ This ordinance acts as a lever to encourage behavior that benefits the entire community.

- *The administrative costs could be prohibitive.*

This ordinance would be integrated into the current VMA building permit procedures without significant cost. While there will be some additional effort required to ensure accountability, this ordinance also offers the village a new revenue source that could offset new administrative costs.

- *The Village has enough trees.*

Not everyone loves a tree, singularly or in groups. Some people value open space and sun, or an unblocked view. Others fear the possible damage to body and property caused by falling trees and branches. The shade that creates positive community benefits can be detrimental to gardeners or those installing solar panels. However, whether one believes that it is necessary to preserve and enhance the total tree canopy or not, this ordinance does two new things that are unrelated to one's opinions: 1) it places the onus of replacing trees on those who remove them; 2) it provides relief to neighbors of development who have lost trees by encouraging a replenishment of the tree canopy and dissuading the unnecessary removal of trees in the course of development.

Proposed Ordinance to Require Tree Replacement and Fee for Tree Removal

The Village Council finds that it is in the interest of the village and its residents to protect, preserve, and promote the village tree canopy. Regulatory incentives to enhance the tree canopy provide benefits to village residents and property owners that extend into future decades.

An applicant for a sediment control permit must plant at least one canopy tree on the affected property at least ~~three~~ two inches in diameter within six months of the date of the permit grant, ~~selected from an approved list of desirable trees~~. If the applicant concludes that a required tree cannot be planted on the affected property because sufficient open surface area is not available or for any other reason, the applicant must pay a fee of \$750. ~~In addition, removal of a healthy, nonhazardous tree having a circumference of 24 inches or greater 4.5 feet above ground must be replaced by a tree of at least three inches in diameter selected from an approved list of desirable trees. If the applicant concludes that a removed tree cannot be replaced on the affected property because sufficient open surface area is not available or for any other reason, the applicant must pay a fee of \$750 for each required tree that is not planted on the affected property.~~

Policy to Require Explanations of Proposed Ordinances

Proposed ordinances shall be accompanied by an explanation of the need for the ordinance, arguments against the proposal (if any), and alternative means for accomplishing the ordinance's goals (if any). The explanation should be updated as necessary by including relevant additional arguments, information, research of approaches taken by nearby municipalities as well as opinions arising from subsequent discussions, VMA resident listening forums, and reviews.

DRAFT

**Village of Martin's Additions
Financial Report for January 2021
Arthur Alexander, Treasurer
February 18, 2021**

January 2021

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$ 400,025	459,667
Expenses (excluding capital projects)	373,239	461,745
Net Income (revenues minus expenses)	26,786	-2,079
Capital investment expenses	\$ 37,609	
Investment reserves (less expenditures)	1,462,391	
Emergency reserves	1,000,000	

Current assets less designated reserves: \$607,064

In the current month of February 2021, we transferred \$50,000, as planned, from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover projected expenses.

Capital expenses for the year to date include sidewalk repairs and contractor costs for the ongoing Walkability Task Force.

Halfway through the fiscal year, it is now evident that some items originally budgeted almost a year ago require upward revisions while others are running below forecasts. Since the Village cannot spend more than has been authorized by budget resolution, it is necessary to approve higher amounts in a few categories. At the same time, a few items are running below projections; these will be reduced so that the net result of the proposed amendments will not increase total spending.

Budget resolution to change authorized spending in specified categories

Budget category	Current amount	Change	New amount
5070 Information technology	\$7,500	+ \$8,500	\$16,000
5222 Building review and permits	45,000	+5,000	50,000
5230 Legal	40,000	+15,000	55,000
5630 Tree Planting Program	2,000	+5,000	7,000
5206 Accounting and auditing	44,000	-27,000	17,000
5420 Leaf Bags	16,000	-8,000	8,000

From: Niles Anderegg, Village Manager
To: Village Council
Subject: Village Office Update
Date: 2/16/2020

Overview

The Village Office continues to review internal operating procedures and its 2021 calendar of important dates and deadlines. The goal of this project is to improve efficiency. The Office also provided administrative and research support to the Walkability Task Force.

2021 Election

The Office has provided administrative and logistical support to the Election Committee, including assisting the committee in sending every household a copy of the election plan and a mailing regarding the opening of the nomination period. In addition, information about the election has been and will continue to be included in weekly Wrap-ups and the Village newsletter. The Village Office is finalizing an RFP for vendors to conduct the all-mail election. This RFP is based on best practices identified by looking at RFPs provided by the Maryland Municipal League and reviewing last year's election vendor performance. The Village Office is also updating the voter roll to include new residents and remove those who have moved from the Village since the last election in May.

Waste and Recycling Changes

At the January Village Council meeting, the Council directed the Village Office to investigate potential changes to the waste and recycling services for the Village. These changes may include increasing the frequency of recycling service and potentially bulk trash service while decreasing trash pick-ups per week. Accordingly, the Village Office has reached out to Waste Management to explore, for budget planning purposes, a more detailed breakdown of current costs so that the Office might project the cost of possible service changes. No change would occur until after an RFP or request for a quote is issued by the Village as the current contract ends June 30, 2021. If the Council chose to reduce the frequency of trash pick-ups, that would necessitate a change in the Village code as the code requires trash to be picked up twice a week.

Snow Removal

The Village's street snow removal contractor, Rolling Acres, has been clearing the streets after the recent snowfall and, when necessary, pre-treating streets with salt and brine. The Village Office would like to thank residents for their cooperation during snow emergencies, for observing no parking signs, and for keeping the streets as clear as possible, which has allowed Rolling Acres to do their work relatively easily.

RFPs

In addition to the request for proposal for election services and waste and recycling services, the Village is also preparing an RFP for the street maintenance contract. This contract also covers any potential improvements to streets and sidewalks that the Council deems necessary.