

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Minutes for Council Meeting on
September 19, 2019

Council Members Present: Arthur Alexander; Susan Fattig; Tiffany Cissna; Katya Hill;
Village Manager: James D. Gaston III; **Assistant Village Manager:** Tina Lurie;
Building Administrator: Doug Lohmeyer; **Residents and other attendees:**
Keith Allen (Turner Ln); Paula Goldberg (Bradley Ln); Lynn Welle (Oxford St);
John Nunez (Cummings Ln); Bernice Duval (Taylor St), Molly Ruhl (Delfield St);
Susan Post (Turner Ln), Peter Kahn (Bradley Ln), Marty Langelan (Chestnut St);
Nick Picerno (Montgomery County Police Department / MCPD); Mike Pratt (MCPD)

7:30PM Call to Order: Cissna
Council member Cissna opens the meeting with a moment of silence for Council Chair Richard Krajeck, on behalf of his service to the community.

7:31PM Council member Alexander suggests the Village remember Mr. Krajeck by installing a plaque, a tree or something else.

7:31PM Opportunity for council to hear residents' comments: Cissna
Paula Goldberg (Bradley Ln) states the Community Garden is a work in progress and she suggests we name the garden "Richard's Garden" in honor of Richard Krajeck, and that we consider installing a walkway or bench.

7:32PM John Nunez (Cummings Ln) said he would be willing to donate a bench or plaque at the garden in honor of Mr. Krajeck. Mr. Nunez's property abuts the Community Garden.

7:33PM Update from VMA Police Officers:
Montgomery County Police Department Detective Nick Picerno summarizes VMA public meeting with MCPD District 2 Commander, Sean Gagen, that was held on Monday, September 16, 2019 in the Village office. The meeting covered a variety of topics, including community concerns relating to the break ins at the Brookville Market, Olympia Café, and an attempt on the Brookville Pharmacy as well as pedestrian safety, particularly that of school children waiting for buses or crossing Brookville Road. He says even though we've had some issues lately, we still have a very low crime rate. He also mentioned the police can't share much about the break ins to protect the integrity of the investigation. He mentioned that he did have traffic officers in the area and he would follow-up on their findings/actions.

7:37PM Montgomery County Police Department Officer Mike Pratt compliments the residents for keeping the community safe by locking their cars and keeping their exterior lights on. He and Detective Picerno take crime in VMA very personally.

7:38PM Marty Langelan (Chestnut St) says a lot of crime is at 3:00am or 4:00am. She asks if the police work those hours Officer Pratt says he adjusts his hours based on what's

going on. Detective Picerno says he usually works daytime hours and Office Pratt usually works evening hours.

7:41PM Council member Cissna asks about traffic safety issues and the work Commander Gagen said was on-going. Detective Picerno says he'll follow up.

7:42PM VMA Committee Updates:

Marty Langelan (Chestnut St) gives her report on behalf of the Election Committee. She provided a verbal election committee report to the Council and a summary of the Committee's actions with respect to the vacancy on the Council following former Chairman, Richard Krajeck, passing away. The Committee's full report is listed in the appendix.

7:53PM Council member Alexander discusses how replacing a council member at this time and under these circumstances is a complicated process.

7:55PM Bernice Duvall (Taylor St) asks if this has ever come up before. Ms. Langelan briefly mentioned former Council member Bill Lebovich resigned in 2015, but that situation was different because his resignation did not create a situation in which there would be 4 Council seats up for election at one time, and that this situation has not come up before.

7:56PM Per Council request, concurring with the Elections Committee recommendations, Ron Bolt will draft the necessary paperwork regarding the Charter change by the next Council meeting. Council member Cissna reiterates the Council will accept the Election Committee's recommendations.

7:57PM Keith Allen (Turner Lane) gives the weather report. There is no rain in sight. We are going through a very dry period and it will get warm again.

7:58PM Mr. Allen gives the report on behalf of the Community Engagement Committee (CEC). He reports that committee members took an oath. Regarding movie night- about 130 people attended. Some complained of a late start. In the future, we need to remind people to pick up their trash. The Halloween party will be on Thursday, October 31 from 5:30pm – 7:00pm. There will be an adult only event again next year on date TBD, but hopefully in a neighborhood home again. The next CEC meeting will be on Monday, December 9 at 7:30pm at someone's home.

The full report of the Community Engagement Committee is in the appendix.

8:07PM Paula Goldberg (Bradley Ln) mentions we're in a draught. We can't plant anytime now due to the heat and dryness. She reminds residents to water trees. She and Arborist Paul Wolf are going through the neighborhood at least once a week.

8:09PM Action on meeting minutes of August 15, 2019

Council member Alexander moves to approve the minutes, Council member Fattig seconds, all in favor.

8:10PM. Building Administrator's report: Doug Lohmeyer

Mr. Lohmeyer give his report. A copy is available in the appendix.

8:13PM John Nunez (Cummings Ln), the owner and developer for 3521 Cummings Ln submits a request to build a fence in the ROW (Right of Way). Mr. Lohmeyer confirmed all the necessary paperwork has been filed with the office. Mr. Bolt suggests we prepare a ROW agreement. An application for a fence is pending. Mr. Lohmeyer recommends the limit be 42 inches in height. Council member Hill makes a motion for Mr. Bolt to draft a ROW agreement. Council member Alexander seconds, all in favor.

8:24PM The Council discusses possible amendments to the Code regarding Accessory Dwelling Units (ADU's), which may be detached dwellings or integrated apartments. Ron Bolt prepared a draft ordinance to assist in the discussion. Council member Fattig mentions that two off-street parking spaces would be required for the ADU as drafted. Council member Alexander thinks it's possible some of the restrictions could be considered discriminatory based on automobile ownership. Council member Cissna requests clarification on what would be regulated on the interior of a building, if it was compliant with the VMA Code. Mr. Bolt says he will give legal advice on this in the closed session at the end of this open meeting. Because of this, the ordinance regarding this will not be introduced tonight.

A copy of the draft ordinance is in the appendix.

8:39PM Council member Fattig discusses reasonable accommodation processing ordinance and resolution. Council member Cissna asks to clarify the statement that reads "If a reasonable accommodation is granted, it does not have to run with the land" to make it clear that accommodations don't generally convey. That edit was made and Council member Hill made a motion to introduce Ordinance 9-19-3 as amended, Council member Fattig seconds, all in favor.

A copy of the Amended VMA Reasonable Accommodation Policy and Regulations and a copy of the Ordinance are included in the appendix.

8:43PM Council member Fattig makes a motion to introduce Resolution # 9-19-4, pertaining to adopting a policy and regulations for reasonable accommodation processing. Council member Alexander seconds, all in favor.

8:46 PM The Council discusses proposed Resolution 9-19-2, regarding private trees which may obstruct the Village public Right of Way (ROW). Council member Alexander talks about the resolution and asks who pays for removal of public trees that fall into the public ROW. Mr. Bolt discusses this further, explaining that there is significant case law on the matter. Council member Alexander introduces Resolution 9-19-2, Council member Fattig seconds, all in favor.

8:54 PM Mr. Gaston discusses Resolution 2019-01, a traffic order to erect traffic control signs on Summit Ave. at the Thornapple Street intersection. He says we should delete Richard Krajeck's name from the resolution. Mr. Bolt says it is OK for Council member Cissna to sign. Council member Hill motions to adopt Resolution 2019-01, Council member Alexander seconds, all in favor.

8:57PM VMA Annual Survey: Hill

Council member Hill discusses the annual Village survey. She went through each question that was included in the survey last year, suggested many of them stay the same for year of year comparison and suggested the following changes with which the rest of the Council agreed.

Question 5: Keep the question the same. Add a note for this year that the Village has an open RFP for composting services.

Question 7: Under the reference to question 8, delete 8 and put in 6. Therefore, the reference is now to question 6, not question 8.

Question 9: Discussion of whether this poll regarding whether residents would want their emails included in the next Village Directory should be deleted. Given the results, overwhelmingly in favor of including emails if residents chose to do so, the Council agreed to delete.

Question 11: Council member Hill suggests we replace a question that led to the composting RFP with a question from the Elections Committee. It should say something similar to "Was the election process clear and voting easy? Was the information you needed available?"

Change the numbering of the remainder of the questions, so that what was the old question 11 now becomes question 12, question 12 becomes question 13, etc...

Council member Hill suggests we delete the question which asks "Do you support installing sidewalks at the north end of the Village on Thornapple Street and Delfield Street?" This question is no longer needed due to our Walkability Study.

Regarding the question on "which Village events have you participated in the past year (select all that apply)" we need to take out the Valentine's wine tasting and add an adult party.

Council member Hill set forth a general timeline for getting the survey out to residents and set the expectation that the results will be discussed at the next Council meeting.

Last year's survey is included in the appendix.

9:08PM Financial Matters: Alexander

Council member Alexander gives his report. He did a cost comparison analysis of the price the Village currently pays for leasing the Village office vs. possible costs in the future if the Village were to consider buying a house or property and converting it into a Village office.

The purpose of this discussion was to consider what options the Council might have if we lost our lease.

Council member Cissna raised concerns regarding the details of the brief analysis.

A copy of the report is in the appendix.

Ed Novak from 7220 Chestnut could not attend the meeting, but he submitted a letter to be part of the record. That letter is included in the appendix.

9:18PM Manager's Report

Manager Gaston gives his report. A copy of the report is in the appendix.

9:32PM Opportunity for Council to hear residents' comments: Cissna

Marty Langelan (Chestnut St) requests a new streetlight on her block. There is discussion about dark spots in the Village and agreement that a new review should be undertaken.

9:39PM Marty Langelan (Chestnut St) asks a question regarding a cut through to Chevy Chase Park (commonly referred to as Shepherd Park). There used to be a path on private property, but it is blocked off now. Ms. Langelan requests this be included as part of the Walkability Study. Ms. Langelan also thanks everyone for their help, particularly with Richard Krajeck gone.

9:43PM Council member Alexander moves to adjourn regular session and move into a closed section, per Citation 3-305(b) 1, to discuss a personnel matter and Citation 3-305(b) 7, to get legal advice regarding regulating ADU's. Council member Hill seconds, all in favor. Regular session is adjourned.

10:41PM Council member Fattig moves to adjourn closed session, Council member Hill seconds, all in favor. Closed session is adjourned.



VILLAGE OF MARTIN'S ADDITIONS

COUNCIL MEETING APPENDIX

September 19, 2019

Materials included in this appendix were either included in the Council monthly meeting packet distributed before the meeting or submitted to the Council as part of the meeting. All materials appear as submitted.

Election Committee Report for the VMA Council Meeting 9/19/2019

The VMA Election Committee marks the loss of Council Chair Richard Krajeck with great sadness. We are so grateful for all his work to ensure that VMA has good ethical government and clean elections. He made a tremendous difference, and we miss him very much. It is so sad to have to turn now to filling his vacant seat on the Council.

Charter section 409 stipulates the 3-seat / 2-seat structure for VMA elections. If Richard had lived one year longer, or if his Council seat had been in the 3-person election group instead of the twosome, the existing vacancy procedures would work just fine. But because of the timing of Richard's passing, VMA now faces the problem of having four seats up for election next May (the three incumbents whose terms will be up, plus Richard's seat). Since Charter section 602 says that everyone gets a 2-year term, we'd be stuck with a 4-1 electoral imbalance from then on.

We all agree that it's important to keep the 3-seat / 2-seat structure. It's a bedrock provision in the VMA Charter, and it's good democratic practice to elect half of the Council each year -- it makes the governing officials more responsive to the community.

The Election Committee explored a number of possible remedies. There are two main ways to go:

(A) The Council could amend Charter section 408 to allow VMA to fill the vacancy for the remainder of Richard's term;

or

(B) The Council could take the avenue Frank Correl suggested on the listserv: Amend section 602, fill the vacancy only until the next election (per the current language in section 408) and then put a 1-year term on the ballot in the May 2020 village election, to elect someone at that point to complete the second year of Richard's term.

There are several good reasons why we do not recommend option B.

1. There is no precedent for having a 1-year term on the ballot. Section 602 of the village Charter specifies 2-year terms.

2. There is no time advantage to option B -- it wouldn't speed up the process of filling the vacancy. Before we could proceed down that path, the Council would have to revise section 602 to allow VMA to put a 1-year term on the ballot. The process for any Charter amendment generally takes at least two months. That's true no matter which section you're amending.

3. To do option B, we'd also have to amend the VMA election ordinance. There is nothing in our current election regulations that would permit a 1-year term. Would we have two sets of candidates, some running for 2-year terms and some running for the 1-year term? We'd have to write some new election procedures to explain how people would do that. Would we require every candidate to identify which term he/she is running for? How would we enforce that requirement? If candidates did not specify a term, would we exclude them from the ballot? Disqualifying a candidate would be lousy. And just as a practical matter, yes, we do have smart, dedicated people on the Election Committee, but it takes time for any volunteer committee to write good, careful new regulations and submit them for Council approval. That process could take even longer than the Charter amendment.

4. Having people run for a 1-year term would also make for a pretty complicated ballot format in May 2020. We'd have one group of candidates running for the three regular 2-year terms, plus the section for write-ins there, and then a second set of candidates listed for the 1-year term, plus a second write-in section for that part. That would certainly confuse folks. As you know, it's good electoral practice to keep ballot formats as simple as possible. The Election Committee does pay attention to things like ballot format and has worked to make VMA's ballots clear and easy to read. This past May, we had a really simple ballot -- just two open seats and three candidates. We put the "Vote for two" instructions in bold print right there on the ballot. But six residents still screwed it up by voting for three people. How many more ballots would be invalidated by voter error next May if we had a much more confusing format with two different sets of candidates running for two different terms?

5. Administrative feasibility matters. If we have four seats up for election next May and 260+ voters (the number we had this year), the Election Committee will have more than 1000 votes to count. That's a lot for any late-night manual vote-count. If we add another layer of complexity to that, with some of the candidates running for 2-year slots and some for a 1-year slot, the mechanics become truly problematic. The combination of sheer volume plus complexity would impose a difficult workload burden, and the complexity would multiply the possibility of human error, no matter how carefully we work to get all the vote-counts right. Accurate vote-counting matters. And the vote-counters could face all kinds of conundrums. Suppose someone writes-in a 1-year candidate's name for a 2-year seat? Would you disqualify that vote?

On the other hand, there is plenty of precedent for option A -- having the person who fills the vacancy serve out the unexpired term. The Town of Chevy Chase does that, and we understand from our village attorney that many other local jurisdictions do, too.

Option A is the simplest way to restore the 3-seat / 2-seat electoral balance. It requires no amendment to the 2-year Council terms in section 602, no new election ordinance regulations, no complicated ballot formats, and no extra-complicated workload for the people doing the vote-counting. Clean and simple is better, in our book.

Frank Correl was concerned about a "denial of democratic expression" if we go with option A. Yes, thankfully, most of the time our Council members are elected directly by our residents. But when we have a Council vacancy, there is nothing undemocratic about having the duly elected Council members elect, by their own majority vote, someone to fill the vacancy from a list of interested residents who've stepped forward, willing to serve. VMA's combination of an open community solicitation and Council majority-vote is a standard method for handling vacancies -- a simple, efficient, and democratic way to fill the seat. It's not a denial of democracy to have our elected Council representatives vote to fill a term that's less than two years long.

The Election Committee evaluated all the various possible remedies and is unanimous in recommending that the Council adopt option A to revise section 408 and fill the vacancy for the remainder of the term. We have provided the Council with a mark-up showing the proposed amendment to section 408. Thank you.

Respectfully submitted by the VMA Election Committee, September 2019.

Community Engagement Committee
9/4/19 7:30pm-9pm
Village Office, open to all residents
Meeting Minutes

- Attendance: Kristi Tampio, Keith Allen, Sallie Van Tassel, Barbara Sacks-Singer, and James Gaston; 1 member unable to join (Katherine Hample)
- Committee members took oath of office
- Committee affirmed desire to continue Richard's vision and reviewed new mission statement clarifying its role in the community
- Committee will share notes and a brief report at Village Council meetings (official duty)

I. Movie Night Feedback:

- Largely positive feedback
- Estimated headcount was 130 (double last year's attendance)
- Some complaints of late start but general sentiment that time to socialize with neighbors was a good thing
- Next year advertise to come early and picnic prior to movie; quote an initial gathering time and then a movie start time
- Some trash left on basketball court but unrelated to the movie goers; Bonnie cleaned up that trash while on dog walk the next morning; next year provide a quick reminder via megaphone at the end of movie to pick up any trash
- Could keep a supply of flashlights for Halloween and Movie Night in the future
- Park permit cost more than last year due to permission required from actors' guild (not required last year); though there was a licensing issue with last year's movie to consider getting ahead of for next year (i.e., decide on movie asap to avoid higher charges)
- Video of interviews will be sent to James shortly

II. Halloween Planning:

- Based on survey, have gone back and forth between Sunday before or evening of Halloween (this year plan to **host event on Halloween (10/31), Thursday**)
- Food truck (pizza ready-made) at cul de sac, beverages, DJ, parade before kids go off trick-or-treating
- Last years' time of 5:30pm-7pm worked well – plan to offer food until 7
- Parade around the park instead of down the street so everyone can see costumes (this worked well last year)
- Estimated attendance based on years' past is 300
- Clean up involves recycle bins and extra trash bins/bags; plastic/aluminum (non-glass) containers only; non-glass for beverages in coolers
- Parade started in 1968 – only year it didn't happen was 1993 due to rain
- Next Steps
 - Committee to send Save the Date in the next week or so
 - James will report back on contents of box in external storage unit (noisemakers, etc.)
 - James will distribute vendor information over email for Committee to discuss

III. **Street Capitan Liaison – Barbara to Chair**

- Most streets have captains confirmed; Committee updated list of captains for each street
- Role is to be eyes and ears on the street; distributing welcome bags and flyers
- Occasional meeting with the street captain cohort is an option if needed
- Barbara to coordinate with James on street captain activities

IV. **2020 Events Calendar**

- 2019 Spring Fling perceived as controversial due to timing proximity to village elections even though the date was completely

unintentionally close to the elections cycle. Committee reaffirmed need/demand for an adults only event

- Possible date: Sat Feb 1 (for an indoor, evening event in neighbor's home)
- Next Steps
 - Kristi to ask Council for recommendations of a potential host
 - Sallie to serve as ambassador/champion of the benefits of hosting to prospective hosts
- Other 2020 dates to consider:
 - 4th of July (June 28 – Sunday) – dates back to 1981 but more recently (2006) became July 4 party (used to be done in May); rename Summer Celebration
 - Sept 6 (Sunday) - Movie night – Labor Day is late this year; not certain whether Montgomery County will start school before Labor Day; consider upgrading the event with more refreshments (e.g., kettle corn)
 - Oct 31 - Halloween 2020 is on Saturday
 - Add cookie exchange to an existing event (summer celebration)

V. Next Committee Meeting

- Monday, December 9 at 7:30pm at someone's home
- Quarterly cadence agreed

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: September 14, 2019

SUBJECT: Building Administrator's Report

3520 Bradley La.

The applicant has submitted a building permit to the County and the Village. The neighborhood information meeting has been held and the County and Village building permits have been issued. The Village has approved a variance to allow a temporary handicap ramp and porch to be constructed on the right side of the house. The variance requires the ramp and porch be removed as soon as the structure is no longer needed by the current owners.

7204 Chestnut St.

The applicant has submitted a building permit package to the County and the Village. The applicant has applied for a variance, which was held on Thursday, Dec. 20, 2018. A second variance hearing was held on Jan. 30, 2019. The Village issued the building permit on April 2nd. The staff has requested a "Wall Check" to insure the new additions do not encroach into the setbacks.

7210 Chestnut St.

The Village has received an application for a new house to be built on the vacant lot. The County issued their building permit on Oct. 1, 2018 and the Village issued their building permit on Oct. 11, 2018. Work begun at the site on Oct. 11th. If the work is not completed and the County has not closed their building permit by Oct. 11th, the applicant will need to apply for a Village permit extension.

3521 Cummings La.

The applicant has submitted a building permit to the County and the Village. The variance hearing was held on Feb. 6, 2019. The County issued their building permit on April 2nd and the Village issued their building permit on April 8th. The applicant has provided a "Wall Check" and a "Height Survey", which indicate the new construction is in conformance with the approved site plans and the Village Code.

The property owner has requested permission from the Village to construct a screening fence along a portion of the Cummings Lane frontage, within the Village right of way. If the Village approve the proposed fence, a right of way license will be required.

3508 Shepherd St.

The applicants have submitted at building permit package to the County and the Village. The work related to the house improvements has been completed, but some exterior work is still in progress. The property has been sold and the new owners have moved in. When the exterior work is completed, the existing building permit will be closed and the applicant's bond will be returned. The current homeowner has stated they will be applying for a building permit to install a screened porch at the rear of the house. A right of way license is in process for the driveway pavers, which were installed within the Village right of way.

3412 Taylor St.

An application for a County and Village building permit has been submitted. A resident's information meeting was held on Tuesday, June 19th. The Village building permit has been issued. The house construction has begun. The applicant has raised the elevation of the house because of a high ground water condition. A revised MCDPS building permit may be required. The applicant will provide a "Height Survey" as soon as the roof and shingles are in place.

3512 Taylor Street

The staff noticed that when the retaining wall was re-built, the contractor left a 2-inch-wide depressed area between the existing Village sidewalk and the base of the new wall, which may cause a pedestrian to trip and fall. The staff is attempting to contact the homeowner to correct the situation.

3407 Thornapple St.

The applicant has submitted a building permit application to the County and the Village. The neighborhood information meeting was held on Monday, Jan.14, 2019. The County issued the sediment control permit on Feb. 22nd and their building permit on April 9, 2019. The pre-construction meeting has been held and the Village building permit has been issued. Work has begun on the new house construction. The applicant has submitted a "Wall Check", which indicated the new house is in conformance with the approved site plan and the Village Code.

Miscellaneous Items

The staff is presently working with the following properties:

1. MSHA Brookville Rd. and Quincy intersection ponding rainwater.
2. The Village building permit conditions and the Village Performance Bond has been revised to clarify that the property owner is responsible for any damage to the Village right of way, which may be caused by the public utility contractor's work relating to the applicant's project.
3. The Village is assessing the Accessory Dwelling Unit impact.

Ordinance No.: 9-19-1
Introduced: September 19, 2019
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO
ADD BUILDING REQUIREMENTS APPLICABLE TO DETACHED
ACCESSORY DWELLING UNITS

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District, general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Maryland Code, Local Government Article, Section 5-211 authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 19th day of September 19, 2019;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the ____ day of _____, 2019, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council did not submit any comments;

WHEREAS, the Village Building Administrator, counsel, and staff, have made certain recommendations to the Village Council for amendment of the Village building regulations, concerning detached accessory dwelling units, as recently authorized by Montgomery County Zoning Text Amendment 19-01, effective December 31, 2019;

WHEREAS, due to narrow street widths, and the existing density and motor vehicle use and traffic in and around the Village, the Village Council finds that existing parking congestion and shortages would be exacerbated by the allowance of accessory dwelling units, unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, the Village Council finds that the Village building regulations do not currently separately address accessory dwelling units and should therefore be amended;

WHEREAS, the Village building regulations currently subject all dwelling units to the building requirements for main buildings;

WHEREAS, as stated in Section 7-401, the purposes of the Village building regulations include maintaining privacy and space between properties, ensuring adequate light, air, and safe passageways between buildings; encouraging appropriately-sized construction in keeping with lot sizes and the character of the Village; minimizing the flow of stormwater from lots by encouraging the maintenance of open spaces and the reduction of impervious surfaces; and the preservation and perpetuation of neighborhood character;

WHEREAS, the Village Council finds that the allowance of accessory dwelling units would be detrimental to the purposes of the Village building regulations, unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of _____, 2019, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

Section 6-101. Definitions

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

* * *

(b) "Accessory dwelling unit" means a second dwelling unit that is located within a main building or an accessory building.

* * *

(Note: existing definitions are re-lettered accordingly).

Section 6-302. Permits Required.

* * *

(b) Improvements.

Prior to the issuance of a building permit pursuant to the provisions of this Chapter, no person shall:

- 1) Add to, erect, install, replace, alter, construct, re-construct, repair or improve any building;
- 2) Add to, install, replace, alter, construct, re-construct, repair or improve any non-vegetative surface in a front yard;
- 3) Place any heavy equipment upon or move any heavy equipment over an improved street surface, curb, or sidewalk;
- 4) Add to, install, replace, alter, construct, re-construct, repair or improve any curb cut, driveway, or driveway apron; ~~or~~
- 5) Commence any activity involving reconstruction, repair, or excavation of any street, curb, or sidewalk, or installation of any structure thereon, or temporarily close or block any street or sidewalk within the Village. No building permit for construction of a private structure within the public right-of-way shall be issued until the owner of the abutting property has executed a revocable license to use the right-of-way in a form approved by the Village. The Code Enforcement Officer may waive the requirement for a license for the alteration or replacement of stairs, guardrails, and walkways, if, in the discretion of the Code Enforcement Officer, the cost and inconvenience of the license exceeds the benefit to the Village; **or**
- 6) **Add to, install, replace, alter, construct, re-construct, repair or improve any accessory dwelling unit, including but not limited to the conversion or renovation of an existing building or part thereof into an accessory dwelling unit.**

(c) Repairs.

Notwithstanding paragraph (b) above, no building permit shall be required in the case of ordinary repairs or maintenance, as defined in Section 6-101, and no building permit shall be required for any of the above described activities in subparagraphs 1 through 5 occurring entirely within the interior of a building, provided, however, that a permit shall be required in connection with an accessory dwelling unit as described above in subparagraph 6, including but not limited to activities occurring entirely within the interior of a building. Emergency re-construction, repair or excavation may be undertaken without first securing a building permit, except that such permit shall be applied for as soon as possible after the need for such activities becomes known.

* * *

Section 6-303. Applications; Investigations and Inspection; Issuance

- (a) Any person planning to engage in an activity covered by this Article that requires a Montgomery County building permit shall apply for a Village building permit within three (3) days of applying for the County permit.
- (b) An application for a Village building permit shall be submitted in a form prescribed by the Council and shall be accompanied by (i) a copy of the Montgomery County building permit or application for a Montgomery County building permit for the activity and (ii) such plats, plans, drawings, reports and the like as the Council or Code Enforcement Officer deems necessary to determine whether the proposed activity would be in derogation of the health, safety, comfort or welfare of the present or future inhabitants of the Village. For any construction that would be located within four (4) feet of a required setback, or within two (2) feet of a lot line, a site plan and boundary survey with a margin of error of +/- one-tenth (0.10) of a foot, or better, must be submitted depicting all existing and proposed buildings and their distances to the lot lines. The application shall be signed by all the owners of the property and, where related to the erection or construction of, or addition to a building, shall also state the intended use of such building or addition thereto. The applicant may be required to provide a copy of all covenants recorded with respect to the property. A permit for construction related to an accessory dwelling unit shall not be issued until the applicant has submitted a copy of the Montgomery County landlord license for the proposed accessory dwelling unit.

* * *

Section 7-101. Definitions

* * *

(b) "Accessory dwelling unit" means a second dwelling unit that is located within a main building or an accessory building.

* * *

- (gg) "Main Building" means a building in which is conducted the principal use of the property on which it is situated. Any dwelling shall be deemed to be a main building on the lot on which it is located.

* * *

(Note: existing definitions are re-lettered accordingly).

* * *

Section 7-402. Construction Standards and Requirements

* * *

(f) Accessory buildings

- (1) Front setback: No wall or projection of any accessory building shall be located closer to the front lot line than sixty (60) feet, **provided, however, that any accessory building that is, or contains, an accessory dwelling unit shall comply with the required front setback for a main building.** For corner lots (which have two front yards), this requirement shall apply only to one front yard. The front yard which is parallel to the side yard shall have a minimum setback equal to the established building line.
- (2) Rear setback: No wall or projection of any accessory building shall be located closer to the rear lot line than five (5) feet, **provided, however, that any accessory building that is, or contains, an accessory dwelling unit shall comply with the required rear setback for a main building.**
- (3) Side setback: No wall or projection of any accessory building shall be located closer to either side lot line than five (5) feet, **provided, however, that any accessory building that is, or contains, an accessory unit shall comply with the required side setback for a main building.**
- (4) Height: The height of any accessory building shall not exceed twenty (20) feet to the highest point of roof surface regardless of roof type.
- (5) Wall plane length: The length of any wall plane of any accessory building shall not exceed twenty-five (25) feet.
- (6) **Accessory Dwelling Unit Parking. At least two (2) new dedicated on-site parking spaces shall be provided for any accessory dwelling unit. Such parking spaces shall comply with the driveway width and maximum non-vegetative surface area requirements of this Chapter. Existing parking area in a driveway or an existing garage may not serve as the required on-site parking spaces for an accessory dwelling unit.**

* * *

Section 7-404. Developmental Nonconformities; Accessory Dwelling Units

A developmental nonconformity may be maintained, altered, or repaired, but not replaced, provided that it may not be enlarged in any manner, including but not limited to enlargement of any three-dimensional boundary that existed on June 16, 2009, **and further provided that an accessory dwelling unit may not be constructed within a non-conforming structure.** except in accordance with this Chapter. **A building in which an accessory dwelling unit is constructed must meet the required setback and other requirements of this Chapter at the time of construction of the accessory dwelling unit.** As used in this Section, “maintained” and “repaired” shall have the same meaning as “ordinary repairs or maintenance”, as defined in Section 6-101 .

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin’s Additions, that:

- (1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or 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 31st day of December, 2019 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN’S ADDITIONS

Susan Fattig, Secretary

Tiffany Cissna, Vice Chair
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged



VILLAGE OF MARTIN'S ADDITIONS

7013 Brookville Road (Suite B, 2nd floor)

Chevy Chase, MD 20815-3263

Phone (301) 656-4112 Fax (301) 656-0030

www.martinsadditions.org

Reasonable Accommodation Policy and Regulations

The Village of Martin's Additions may grant reasonable accommodations under the Americans with Disabilities Act (ADA) in the context of Village building regulations.

The ADA defines a "disability" as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Examples of major life activities include, but are not limited to, performing manual tasks, walking, seeing, breathing, and hearing. To determine if an applicant is "substantially limited" in a major life activity, the Village will consider the nature and severity of the symptoms alleged, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

If an applicant for reasonable accommodation is "disabled" under this test, the applicant is entitled to a reasonable accommodation if such accommodation is necessary to allow equal opportunity to use and enjoy their residence. "Reasonableness" requires an examination of whether a request is the minimum reasonably necessary. Also, a request is not reasonable if it would fundamentally undermine the overall zoning scheme or impose undue administrative burden or expense on the Village.

In summary, to grant reasonable accommodation, the Council must make the following findings:

- (1) The applicant is "disabled," *i.e.*, has a physical or mental impairment that limits one or more major life activities;
- (2) The limitation is "substantial" considering its nature and severity, duration or expected duration, and permanency or long-term impact;
- (3) An accommodation is necessary to allow equal opportunity to use and enjoy the property; and
- (4) The requested accommodation is reasonable.

If a reasonable accommodation is granted, it generally will not run with the land. An accommodation can be conditioned upon the duration of the impairment or the applicant's residence at the subject property.

When a request for reasonable accommodation under the ADA is filed, the evaluation process will be the same as that for a variance. Staff will prepare a summary of the request for delivery to the Council and adjoining and confronting houses and will post notice of the request on the property. If no written objection to the request is received within 20 days, the request may be approved administratively by the Chair and Village Manager. If a written objection to the administrative approval of the request is filed, the Village will schedule the request for a public hearing following the same procedures for a variance (posting of the property and notices delivered to adjoining and confronting houses at least 20 days prior to the hearing).

In all cases, a Village Building Permit will not be issued until a written decision approving the request for reasonable accommodation is approved.

Ordinance No.: 9-19-3
Introduced: September 19, 2019
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO
ADD PROVISIONS FOR THE PROCESSING OF REASONABLE
ACCOMMODATION REQUESTS

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District, general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Maryland Code, Local Government Article, Section 5-211 authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, the Americans with Disabilities Act, 42 U.S.C. Sec. 12132, et seq., requires that local governments provide reasonable accommodations with respect to land use and zoning requirements, and a public entity, such as the Village, must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity, 28 C.F.R. Sec. 35.130(b)(7);

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 19th day of September 19, 2019;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the _____ day of _____, 2019, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council did not submit any comments;

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of _____, 2019, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

Section 7-405. Variances

- (a) A property owner may apply to the Village Council for a variance from the strict application of the terms of this Article. The Council may authorize a variance from the strict application of any specific requirement of this Article when the standards described herein are met.
- (b) Processing and Public Hearing Requirement
 - (1) Applications for a variance shall be submitted to the Village Manager and shall include the following:
 - (i) Written application on the form provided by the Village Manager, including a statement detailing the specific provisions of this Article from which a variance is sought;
 - (ii) Detailed information pertaining to the nature and extent of the variance sought, including the following: (a) a boundary survey with a margin of error of +/- one-tenth (0.10) of a foot, or better, showing boundaries, dimensions, area, topography, and frontage of the lot involved, as well as the location and dimensions of all buildings existing and proposed to be erected, and the distances of the buildings from the nearest lot lines; and (b) plans, architectural drawings, photographs, elevations, specification or other

detailed information depicting fully the exterior appearance of existing and proposed construction;

- (iii) A summary of what the applicant expects to prove at the hearing, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time for presentation of the applicant's case; and
 - (iv) Any additional exhibits which the applicant intends to introduce at the hearing.
- (2) The Council shall hold a public hearing on all applications for the grant of a variance. ~~A minimum of~~ **At least** twenty (20) days prior to the scheduled hearing, the Village Manager or his or her designee shall post notice of the hearing at the applicant's property that is the subject of the variance request and mail written notice to all adjoining and confronting property owners by first-class mail.
- (3) **Reasonable Accommodation. If a variance is requested as a reasonable accommodation based upon a disability, as defined by Federal law, the Chair and Village Manager may grant the variance, according to such regulations as may be adopted by the Village Council from time to time. At least twenty (20) days prior to acting upon the request, the Village Manager or his or her designee shall notify the Village Council and post notice of the request at the applicant's property that is the subject of the variance request and mail written notice to all adjoining and confronting property owners by first-class mail. If prior to the expiration of the fifteen-day notice period, written objection to the variance request is filed with the Village Manger, the variance application shall be scheduled for a public hearing and heard by the Village Council according to the provisions of this Section and such regulations as may be adopted by the Village Council from time to time.**
- (c) Standards for decision on variances: The Council may grant petitions for variances upon proof by the applicant by a preponderance of the evidence that:
- (1) by reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the lot, the strict application of this Article would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property;
 - (2) such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; and
 - (3) such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.
- (d) Conditions. In granting a variance, the Council may impose such conditions as it determines, in its judgment, are necessary to protect the public health, safety, and welfare.

- (e) Decision. The decision of the Council granting or denying a variance shall be in writing and shall be final and effective as of the date the Council approves the written decision.
- (f) Duration. A building permit for the construction authorized by the variance must be obtained within twelve (12) months of the effective date of the variance or the variance shall be void, unless an extension is granted in writing by the Code Enforcement Officer. The Code Enforcement Officer may grant an extension of the variance, upon such conditions as the Code Enforcement Officer may set, upon a reasonable showing that there has been no material change in circumstances since the effective date of the decision approving the variance and despite due diligence by the recipient of the variance, additional time is necessary to secure a building permit.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin's Additions, that:

- (1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or 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 _____, 2019 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

Susan Fattig, Secretary

Tiffany Cissna, Vice Chair
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

Resolution No. 9-19-4
Adopted:
Effective:

**RESOLUTION OF
THE VILLAGE OF MARTIN'S ADDITIONS**

SUBJECT: RESOLUTION TO ADOPT POLICY AND REGULATIONS
FOR REASONABLE ACCOMMODATION PROCESSING

WHEREAS, by Ordinance no. 9-19-3, adopted on ____ day of _____, 2019, the Village Council amended the Village building regulations to govern reasonable accommodation requests; and

WHEREAS, the Village Council finds that, in accordance with the Village Code, the adoption of the attached policy and regulations would assist in assuring the good government of the Village; protect and preserve the Village's rights, property and privileges; and protect the general welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED this ____ day of _____, 2019, by the Council of the Village of Martin's Additions that:

1. The Village of Martin's Additions hereby adopts the attached Reasonable Accommodation Policy and Regulations; and
2. This resolution is effective as of the ____ day of _____, 2019.

I, Susan Fattig, Secretary of the Village Council, hereby certify that the foregoing Resolution was adopted by the Council at its open meeting on the ____ day of _____, 2019.

Susan Fattig, Secretary

Ordinance No.: 9-19-2
Introduced: September 19, 2019
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO REGULATE THE INSPECTION OF PRIVATE TREES AND REMOVAL OF PRIVATE TREES THAT FALL INTO THE PUBLIC RIGHTS-OF-WAY

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, the Maryland General Assembly has found and declared that forests and trees are an important and necessary part of the urban and community environment and that the retention, enhancement, and management of these forests and trees by local governments is in the best interest of the citizens of this State, and Maryland Code, Natural Resources Article, Section 5-427(a), as amended, provides that, in promotion of this policy interest, the governing body of a municipal corporation, by appropriate resolution or ordinance, may implement a local urban and community forestry program within its jurisdiction;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 19th day of September 19, 2019;

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of _____, 2019, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

Section 9-110. Maintenance of Trees on Private Property Near Public Right of Way

- (a) All trees and shrubs located on private property in the Village shall be maintained in a condition so as not to interfere with:
 - (1) the proper spread of light along a street from a streetlight;
 - (2) the visibility of any traffic-control sign, device, or signal; or
 - (3) the required clearance over public sidewalks (8 feet) or streets (12 feet).
- (b) All trees and shrubs located on private property in the Village shall be maintained in a condition so as not to constitute a hazard to persons or property on public right of way or to harbor pests or diseases that constitute a threat to other trees within the Village.
- (c) The owners of property on which is located any tree or shrub that has been determined by the Tree Supervisor to be not in compliance with the provisions of subsections (a) or (b) above shall be notified of that determination in writing by hand delivery or certified mail and shall treat, trim, or remove and destroy the tree or shrub or portion thereof with such period as the Tree Supervisor may specify. The time specified for compliance shall be at least thirty (30) days unless a shorter period is indicated in the judgment of the Tree Supervisor.
- (d) An owner may appeal any determination by the Tree Supervisor to the Village Council. The appeal shall be made in writing and delivered to the Village Manager within ten (10) days of receipt of the notice [described in (c) above] or within the time specified for compliance, whichever is shorter. The nature and grounds for the appeal shall be specified, and any materials or information relied upon in support of the appeal shall be submitted with the appeal.
- (e) The Village Council shall consider the appeal at a public meeting at which any interested party may appear and participate. Written notice of the meeting shall be delivered or sent by certified mail to any owner who appealed at least five (5) days before the meeting. The Council may affirm, withdraw, or modify the notice and shall advise the appellants in writing of its decisions. If the notice is upheld in whole or in part, the Council shall specify a date for compliance.
- (f) If the owner fails to comply with a notice from the Tree Supervisor within the time specified, the Village may perform any work directed in the notice and shall bill the reasonable costs thereof to said owner. The Village may recover any expenses related to the performance of such work from the owner through any means available under law, **including, but not limited to, as a lien on the property tax bill.**

- (g) If the condition poses a clear hazard to persons or property and therefore requires more immediate corrective action, the Council may shorten any of the periods specified above and provide notice as soon as is practical under the circumstances.
- (h) The owners of property on which is located any tree or shrub near a public right-of-way shall periodically inspect the health of such vegetation. In the event a tree or shrub, or branch thereof, shall fall into a public right-of-way, the Village shall remove the fallen vegetation that obstructs the right-of-way. The owner shall be responsible for removing that portion of the tree or shrub, or branches thereof, which fall onto the owner's private property. The Village and the owner may reach an agreement as to the cost-sharing for the removal. If no agreement is reached, the Village shall remove only that portion of the vegetation that has fallen into the right-of-way.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin's Additions, that:

- (1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or 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 ____st day of _____, 2019 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

Susan Fattig, Secretary

Tiffany Cissna, Vice Chair
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged



August 7, 2019

Traffic Order No. 2019-01

ORDER FOR TRAFFIC CONTROL DEVICES

Pursuant to Section 8-103 of the Village of Martin's Additions Code, regulatory traffic control devices are hereby approved at the following location(s):

DEVICE(S)

LOCATION

NO PARKING ANY TIME

Summit Avenue, east side, from a point opposite the north curb line of the west leg of Thornapple Street, to a point 60' south of the south curb line of the east leg of Thornapple Street, 65' in total length.

RECOMMENDED:

APPROVED:

James D. Gaston III
Village Manager

Richard Krajeck
Chairman, Village Council

Approval Date

cc: Chevy Chase Village Police
Montgomery County Police

Constant Contact Survey Results

Survey Name: VMA Annual Survey 2018

Response Status: Partial & Completed

Filter: None

Oct 09, 2018 1:12:23 PM

1. Overall, how satisfied are you with the Village operations?

	Number of Response(s)	Response Ratio
Extremely satisfied	96	57.1%
Somewhat satisfied	43	25.5%
Neither satisfied nor dissatisfied	13	7.7%
Somewhat dissatisfied	4	2.3%
Extremely dissatisfied	0	0.0%
No Responses	12	7.1%
Total	168	100%

2. If you would like to share your experience with the Village, please describe below.

35 Response(s)

3. If you have contacted the Village office within the last year, how quickly did the Village office staff respond to your request?

	Number of Response(s)	Response Ratio
Within the same day	86	51.1%
Within 3 business days	31	18.4%
Within one week	2	1.1%
Never received a response	3	1.7%
N/A	27	16.0%
No Responses	19	11.3%
Total	168	100%

4. If you have contacted anyone on the Village Council within the last year, how quickly did the Council Member(s) respond to your request?

	Number of Response(s)	Response Ratio
Within the same day	21	12.5%
Within 3 business days	13	7.7%
Within one week	3	1.7%
Never received a response	4	2.3%
N/A	108	64.2%
No Responses	19	11.3%
Total	168	100%

5. Most of the Village budget is spent on providing our residents with services. These services often exceed what is provided by the county, such as bi-weekly trash collection from the side yard, police patrols, and Village-sponsored events. Please indicate any changes in services you would like the Village Council to consider, keeping in mind the additional expense the Village would incur from providing such services.

68 Response(s)

6. I believe the enforcement of the building codes has been fair and effective.

	Number of Response(s)	Response Ratio
Strongly agree	15	8.9%
Agree	48	28.5%
Neither agree nor disagree	62	36.9%
Disagree	13	7.7%
Strongly disagree	0	0.0%
No Responses	30	17.8%
Total	168	100%

7. If you selected disagree or strongly disagree in question 8, please describe your experience.

17 Response(s)

8. The Village staff sends regular communications to residents about upcoming events, issues under consideration by the Council, and messages from local police. If you would like to receive additional information from the Village office, please list it here.

19 Response(s)

9. If the Village added resident email addresses to the directory, would you make your email address available for this purpose?

	Number of Response(s)	Response Ratio
Yes	104	61.9%
No	30	17.8%
No Responses	34	20.2%
Total	168	100%

10. Do you believe the 2018 election was conducted in a fair and open manner? If you have any recommendations or comments, enter them in the comment box.

	Number of Response(s)	Response Ratio
Yes	114	67.8%
No	3	1.7%
No Responses	51	30.3%
Total	168	100%

11 Comment(s)

11. The Village is exploring offering composting as a new service to residents. If the service is approved, a Request for Proposals would be put out by the Village, ensuring the chosen contractor utilized best practices for our environment. The cost of such a program would depend on participation rates, but would be roughly \$20 - \$35 per (participating) household per month. For additional information on composting, please visit the EPA or State of Maryland Department of Environment websites: Please select the option that best matches your interest in such a program.

	Number of Response(s)	Response Ratio
I support Village funds being used for the service, and would participate in	60	35.7%
I support Village funds being used for the service, but would not participate	19	11.3%
I do not support Village funds being used for the service, but would	13	7.7%
I do not support Village funds being used for the service, and would not	35	20.8%
No Responses	41	24.4%
Total	168	100%

31 Comment(s)

12. Do you support installing sidewalks at the north end of the Village on Thornapple Street and Delfield Street?

	Number of Response(s)	Response Ratio
Yes	85	50.5%
No	34	20.2%
No Responses	49	29.1%
Total	168	100%

38 Comment(s)

13. In which Village events have you participated in the past year (select all that apply)?

	Number of Response(s)	Response Ratio
Monthly Council meeting	29	21.9%
Halloween	48	36.3%
Independence Day/4th of July	39	29.5%
Valentine's wine tasting at La Ferme	37	28.0%
Celebration on the Sidewalk/Election	73	55.3%
Movie Night in the Park	16	12.1%
I have not participated in any Village events	31	23.4%
Other	11	8.3%
Total	132	100%

14. Please list, if any, other events that you would like the Village to organize or host.

26 Response(s)

15. Would you like to volunteer your time and expertise to the Village of Martin's Additions on a short-term or long-term basis? If so, please contact the Council directly at VMACouncil@googlegroups.com.

14 Response(s)

16. Do you have anything else you would like to share with the Village Council? For example, you could provide suggestions on what you would like to see more or less of in how we operate.

24 Response(s)

17. Please select your street below.

	Number of Response(s)	Response Ratio
Bradley Ln	9	5.3%
Brookville Rd	2	1.1%
Chestnut St	10	5.9%
Cummings Ln	15	8.9%
Delfield St	10	5.9%
Melville Pl	2	1.1%
Oxford St	2	1.1%
Quincy St	10	5.9%
Raymond St	16	9.5%
Shepherd St	6	3.5%
Summit Ave	15	8.9%
Taylor St	6	3.5%
Turner Ln	15	8.9%
Thornapple St	12	7.1%
No Responses	38	22.6%
Total	168	100%

**Village of Martin's Additions
Financial Report for August 2019
Arthur Alexander, Treasurer
September 19, 2019**

August 2019

	<u>Actual</u>	<u>Budgeted</u>
Revenues	6,879	44,817
Expenses (excluding capital projects)	112,538	123,034
Net Income (revenues minus expenses)	-105,659	-78,217
 Capital investment expenses	 \$ 0	
 Investment reserves (less expenditures)	 1,500,000	
Emergency reserves	1,000,000	
 Current assets less designated reserves	 \$ 266,722	

Village of Martin's Additions
Financial Report for August 2019: Contingencies
Arthur Alexander, Treasurer
September 19, 2019

In this report, I depart from the usual discussion of spending and receipts to consider a longer-term issue. What might we do if we lost the Village office? This could happen from a destructive fire or storm; the sale and demolition of the building; or non-renewal of our lease. Your imagination will likely come up with other possibilities. How might we cope?

In the past, Village operations were in a private home, typically the village manager's, as they still are in neighboring towns. When a larger venue was required, space was rented in a local town hall, or above the restaurant, La Ferme. For more than twenty years, we have enjoyed the benefits of our own office where staff work and meet with contractors, discuss issues with residents, and where Council meetings are held. I do not foresee doing all this in someone's basement. Hence, the need for considering a contingency plan.

One possibility is to buy a house within the Village to accommodate the activities now held at the Village office. The purpose of this note is to consider the financial implications of that choice.

According to the online company Zillow, the average price of a Village of Martin's Additions house in the past two years is approximately \$1 million, which makes the arithmetic easy. Acquisition could be financed two ways: outright purchase from our reserves, or with a mortgage. First consider outright purchase. The main cost is the income lost from our deposits at the Maryland Local Government Investment Pool (MLGIP). The current interest rate on deposits is 2.1%; therefore, we would lose \$21,000 from withdrawing a million dollars.

The second option is to obtain a mortgage; the current rate on a conventional 30-year mortgage with a 20% down payment is 3.8%. The annual payment would be \$45,000. Additionally, we would lose the interest on the down payment, \$4,200, for a total cost of \$49,200. However, not all the mortgage payment is a net cost. An increasing portion over the years reduces the debt. A "pure" cost is simply the interest on the loan; in the first years, this is \$30,400, which is what we use in the comparisons.

Our current lease of \$32,000 annually includes a pro-rated portion of the property tax. The tax on a property assessed at \$1,000,000 is currently about \$10,700. One additional cost is insurance; we currently pay approximately \$300 for the office contents. A rough estimate of the cost for a complete structure and contents is around \$1,000.

The annual costs of the alternatives are shown in the table below. The bottom line is that outright purchase from Village reserves of approximately \$2.7 million is a feasible option. A mortgage would have larger budgetary and economic costs, especially in the early years.

	<u>Current lease</u>	<u>Outright purchase</u>	<u>Mortgage</u>
Lost interest on reserves	0	21,000	4,200
"Pure" mortgage cost	0	0	30,400
Property taxes	0	10,700	10,700
Insurance	300	1,000	1,000
Lease	32,000	0	0
TOTAL	32,300	32,700	46,300

Tina Lurie

From: Edward Novak <ed@novaventuresdev.com>
Sent: Thursday, September 19, 2019 4:43 PM
To: Arthur Alexander
Cc: James D Gaston, III; Tina Lurie; Katya Hill; The Cissna Family; Fattig Susan
Subject: Village Office Alternatives

Dear Arthur,

I was reading through the agenda for the Village Council meeting tonight. Unfortunately I cannot attend due to another conflict, but I wanted to share my thoughts regarding your suggestion that VMA consider acquiring a single family residence to demolish for conversion to a permanent village office. While I respect your desire to address proactively about what might happen if the current Village office space is no longer available, I think the specific suggestion raises a number of significant concerns:

1) Zoning prohibitions: Office space and the Village uses you describe are not permitted on residentially zoned single family lots. Applying to rezone a single family home to a commercial use would be an extremely expensive and time consuming undertaking and, in my opinion, unlikely to be approved by the County Council. Especially if even one nearby neighbor opposed the application. Given the ongoing debate and neighborhood tensions over the Brookville Road dog park, I can't imagine that there wouldn't be someone who would oppose a commercial use in the middle of their neighborhood.

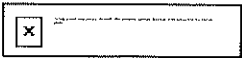
2) Excessive Cost: Even assuming success with zoning approvals, the total costs would be considerably higher than your analysis suggests. I could envision a total cost of at least \$1.5+ million to buy a "tear down" house, demolish it, and design and construct a 1,500 to 2,000 square foot, ADA compliant, sufficiently parked Village office. Such a building would NOT qualify for a 30 year fixed rate residential mortgage. It would need to be financed with a shorter term (5-7-10 years) commercial loan with higher equity requirements and higher interest rates. For comparison, a privately funded new commercial office building that cost \$1.5 million would require at least \$100,000 to \$120,000 per year in net rental income to be considered financially feasible. As such, an investment by VMA of \$1.5+ million to replace a \$32,000 annual lease does not make economic sense, in my opinion. The fact that VMA may have a healthy cash balance in its reserve account does not, in my opinion, reduce the responsibility to objectively and prudently evaluate expenditures of such taxpayer funds.

3) Low Probability of Loss: My 30+ years of real estate experience suggest to me that the likelihood of VMA losing the current space is relatively low. I believe that the current building(s) and tenant mix represents the "highest and best use" of the property and that wholesale redevelopment is extremely unlikely. I also believe that having VMA as a tenant - with the election festivities, etc. - is a great benefit for both the other tenants and landlord. Perhaps asking the Landlord for additional lease extension options would help alleviate this concern.

3) Other Options: Lastly, in the unlikely event VMA loses its lease, underutilized meeting space is available at many nearby churches, schools, the Chevy Chase Village offices, etc., where there is ample parking, an evening assembly use is already approved and it would not be disruptive to the peaceful enjoyment of nearby neighbors.

Again, I applaud your intentions for thinking ahead, but in this case, I think the potential suggested solution is premature and has significant issues. Sorry I can't make the Village meeting tonight, but I am available to discuss further, if you would like.

Best Regards,



Ed Novak
President

(301) 656 5901 | (202) 271 5721 | ed@novaventuresdev.com
www.novaventuresdev.com
7220 Chestnut St., Chevy Chase, MD 20815



Thursday, September 19, 2019
Manager's Report
Submitted by James D. Gaston, III

Administrative Matters:

- Chevy Chase - #DownCounty Council Meetings
 1. Attended the Village of Chevy Chase, MD, Council Meeting Monday, September 9, 2019
 - Dog Park Update - On Monday, September 9, 2019, at the CCV Board of Managers meeting, a vote was taken regarding the status of CCV Dog Park. The final vote was 5-2 in favor of disestablishment
 - Alternative Dog Park Option have been emailed to VMA residents
 2. Attended monthly Fire Board Meeting, Wednesday, September 11, 2019 at 8 PM
 - VMA has a vacant 3rd position
 - Chevy Chase Fire Department Open House-Sat, Oct 12, 2019, 10 AM – 3 PM
 - All are invited
 3. Attended the 1st MML Engagement and Outreach Committee in Annapolis, MD, August 28, 2019
 4. Registered for the Fall MML Conference in Cambridge, MD, Oct. 13-15, 2019
- VMA Office Computers
 - All VMA computers have been upgraded to the latest version of Microsoft Office & the VMA office has migrated from Gmail platform to Microsoft Office
- Building Permit Log - See Attached
- Brookville Burglaries
 - VMA hosted a Community Meeting with Montgomery County Police Commander of District 2, on Monday, September 16, 2019
 - Brookville merchants have decided to install alarm/siren systems & several video cameras to address the recent burglaries
 - Installation should be completed by the end of September or sooner
- VMA Committees
 - Per the VMA Council request; all VMA appointed members have been completing an Oath of Office & a Conflict of Interest Form
- 2019 Leaf Bags
 - For those who chose to receive leaf bags this year from VMA, if you have not already received your leaf bags, you will soon receive them. Deliveries have already begun from Global Industries and are expected to be completed within the next week. Please note the boxes are addressed to "Resident" because the office chose not to give residents' names to the vendor.
- Storage Unit -Wayne Fowler & I cleaned and purged the VMA external storage unit
 - The shelving units for the archive boxes have been installed
- VMA Community Garden has been cleaned up of loose debris by *GreenSweep*
 - Phase two (2) is being done by Ruppert Landscaping & will be completed by the end of the month
 - Phase three (3), if approved, is a total reconfiguration of the garden to the original plan with a new gravel walkway.
 - Seeking vendors for draft designs & costs



Thursday, September 19, 2019
Manager's Report
Submitted by James D. Gaston, III

- Dark Spots – See attached Map
 - VMA has old-style street lights at 7210 Chestnut Street & 3 other locations
 - There are other areas of VMA that could use the installation of new street lamps
 - On my night tour, I counted 12 areas that meet this criterion
 - Cost would be \$42,000 for 15 new street lamps plus installation
 - Still working a vendor for installation cost
- Chevy Chase Park – Currently being addressed & should be done by September 2019
 - Addressing some erosion & drainage issues
 - Basketball court improvements, including resurfacing courts (new fence)
 - Replacing some fencing around the playground
 - Painting the playground equipment (starting in September)

VMA Traffic Control

- Inventory of the all of the VMA signage has been done by Joe Curto
- No Parking Sign at Thornapple and Summit plus Traffic order

Village Exterior Door

- Door has been fixed & will be locked after office hours, during the weekends & on holidays

VMA Archiving VMA is following the storage procedures outlined by the Maryland Archives Office at the external storage with the recently delivered State of Maryland Retention and Disposal Schedule archive boxes

- AVM, Tina Lurie, under the direction of the Maryland Archives Office has reviewed all of the boxes & the next step is to complete the same review all of the 3 cabinets
- This project is $\frac{3}{4}$ completed & it should be finished by the end of October or sooner

Fire Hydrant Markers See attached Picture

- 15/30 or Half of the 30 New Fire Hydrants markers have been installed on all Fire Hydrants south of Turner Lane
 - The rest will be installed by the end of September
 - The old yellow signs will be removed by the end of October

Dead Ends

- The fences for the dead ends, Bradley, Raymond & Cummings will be painted by the end of September or sooner
- Raymond Street Dead
 - Paul Wolf has made recommendations for cleanup & the installation of vegetation
 - Vendors are being sought for pricing

VMA Village Office

The office will be closed on Columbus Day, Monday, October 14, 2019

Community Events:

1. 2nd annual Movie Night in the Park at Chevy Chase Park (Shepherd Park) - The Princess Bride
 - a. The event was a very successful
 - b. 2020 Movie Night has been scheduled for September 6, 2020



Thursday, September 19, 2019
Manager's Report
Submitted by James D. Gaston, III

Contractors and Contracts:

- Reviewing all of VMA's current contracts for accuracy and current status
 - Rolling Acres Contract for Street Cleaning, Sewer Cleaning & Leaf Removal is signed
- GIS: VMA GIS system is being updated & vendor is in review
- Walkability Study: Chris Jakubiak has begun is review of VMA
 - A Walkability committee needs to be appointed by the VMA Council

Utilities:

- PEPCO-is compiling a list of double pole issues within our service territory, which includes but Montgomery County. PEPCO they will be removed within 60-90 days
- Washington Gas Nothing to report
- WSSC Nothing to report

Building Administration:

- Please see report from Doug Lohmeyer, attached

Municipal Operations:

- Please see report from Wayne Fowler, attached

TO: The Council at the Village of Martin's Additions
FROM: Wayne C. Fowler, Blue Crab Contracting, LLC
DATE OF MEMO: September 17, 2019
SUBJECT: Municipal Operations Support Report

3520 Bradley Lane

Handicap ramp framing nearly complete.

7203 Chestnut Street

Stump has been ground below grade and right-of-way stabilized with straw and seed.

7204 Chestnut Street

Roof, exterior trim, siding and windows are installed.

7210 Chestnut Street

House construction nearly complete.

7211 Chestnut Street

Interior progress continues.

3521 Cummings Lane

Preparing for underground Pepco service line installation.

3502 Shepherd Street

Dumpster removed from driveway.

3508 Shepherd Street

Finishing touches in progress.

3412 Taylor Street

Roof, exterior trim, siding and windows are installed.

3407 Thornapple Street

House wrap and windows are installed.

3503 Turner Lane

Exterior trim and siding are nearly complete.

Miscellaneous Items

1. Dogi Pot Dispensers refilled on weekly basis. Produce map of Dogi Pot locations in the Village.
2. Put out Office recycling for regular weekly pick up.
3. Regular posting of No Parking signs at 5 addresses on request. i.e.: Moving in and out, Large equipment, Tree work, etc.
4. Transporting to and from storage as requested and needed. i.e.: Equipment, supplies, rolled plans, files, etc..
5. Maintain and update a list of telecom cable and wire to be reported to MC311 for removal.
6. Maintain and update a list of 10 houses for sale and under construction in the Village.
7. Document and alert Village Office to ROW tree damage requiring Village Arborist's attention.
8. Maintain and update Municipal Operations Support Report
9. Identify missing and damaged signage in ROW and submit list to Office.
10. Meet with staff about updating GIS System.
11. Meet with staff about migration to Outlook.
12. Meet with staff about annual leaf bag delivery logistics.
13. Delivering recycling bins to residents at the direction of the Village Office.
14. Update map of hydrants in the Village and install 15 of 30 hydrant flags. Installation will be completed by the end of the month.
15. Record and report double power poles in 2 locations in the Village.
16. Barricades at the end of Quincy Street and Bradley Lane will be repainted by the end of the month. The metal edge of the storm drain inlets will be painted to improve visibility by the end of the month.

VMA Building Permit Log							DATE OF REPORT 09/17/19										
#	PERMIT No.	PERMIT EXP.	ADDRESS	STREET NAME	APPLICANT	PHONE NO.	EMAIL	DESCRIPTION OF WORK	CONTRACTOR	PHONE	DEMO	DUMPSTER	TOILET	CURB CUT	HVAC	S.C.	VILLAGE OFFICE COMMENT
1	18-10-29-A	11/2/2019	3520	Bradley Ln	Suzanne Wright	301-551-6018	qualdewright@gmail.com	Single story rear addition	CDL Repair/Rebuild Remodel	(443) 487-2619	Y	Y	Y	N	Y	N	
2	19-04-03-A	04/03/2020	7204	Chestnut St	Kimberly & Chris Steed	202-669-0834	steed@gmail.com	Additions front, rear & side	Jason Evans, Acadia	(301) 801-0777	N	N	N	N	N	N	
3	18-10-11-NC	10/11/2019	7210	Chestnut St	Robert Slapnik	240-481-1419	slapnik10@outlook.com	Demo new house	Beluga Builders	(443) 848-7414	Y	Y	Y	N	Y	Y	
4	19-2-15-PP	8/15/2019	7211	Chestnut Street	Elliott Antoine	617-512-0875	elliott.antoine@gmail.com	Portable toilet	Ascend Construction	(301) 525-5672	N	Y	Y	N	N	N	
5	19-03-29-A2	04/08/2020	3521	Cummings Ln	John Nunez	240-882-3089	jbrunez@comcast.net	Additions to ex house	Bethesda Chevy Chase Builders	(240) 882-3089	Y	Y	Y	N	Y	N	
6	19-02-25-D	02/25/2020	207	Oxford	Jeffrey & Elizabeth Goldberg	240-479-8185	elizabethgoldberg@gmail.com	Deck	MD Deck	(301) 792-2518	N	N	N	N		N	
7	19-02-13-P	11/19/2019	107	Quincy St	Matthew & Marjorie Schneider	240-401-8616	marjorie1122@yahoo.com	Rear screened porch	Jendell Construction, Inc.	(301) 942-3600	N	N	Y	N	N	N	
8	19-07-02-AD	7/2/2020	123	Quincy St	Andra Patterson	301-442-9624	andrapattersonan@verizon.net	Rear addition	Hyre Expectations	(240) 778-3897	Y	N	N	N	Y	N	
9	18-11-08-Ad	9/23/2019	3508	Shepherd St	Karen Kuchins SOLD to Camille Wahl	301-275-2255	kzkuchins@aol.com	Additions to ex house	Llaveros Services	(301) 652-1799	N	Y	Y		N	N	
10	19-02-01-LJP	2/4/2020	3412	Taylor St	Monica & John Darvish	N/P	N/P	New house	Park Bradley Homes	(703) 485-7493	Y	Y	Y	Y	Y	Y	
11	19-05-29-NC	5/30/2020	3407	Thornapple St	3407 Thornapple Street LLC	301-675-1682	dejanbujak@gmail.com	New house	Dejan Bujak	(301) 675-1682	N	Y	Y	Y	Y	Y	
12	2019-05-08-5 DU	2020-08-05	3503	Turner Lane	Mike Hess	(240) 286-1165	mhess@hessconstruction.com	Dumpster	Hess Construction	(240) 286-1165	N	Y	N	N	N	N	