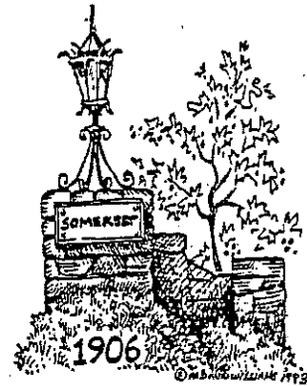


# TOWN OF SOMERSET

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Jeffrey Z. Slavin  
*Mayor*

Rich Charnovich  
*Town Manager/Clerk-Treasurer*

## Special Meeting Council Minutes February 27, 2012

### Mayor and Town Council Present:

Mayor Jeffrey Slavin  
Council Vice President Marnie Shaul  
Council Member Cathy Pickar  
Council Member Barbara Zeughauser  
Council Member Bill Farley  
Council Member Alan Proctor

### Town Staff

Richard Charnovich, Town Manager-Clerk/Treasurer

### Consulting Staff and Contractors

Mimi Kress, Sandy Spring Builders  
Jeff Robertson, CAS Engineering  
Vince Berg, Berg Engineering  
Larry Plummer, Town Building Inspector  
Dr. Tolbert Feather, Town Arborist  
Norman Knopf, Town Attorney

### Residents Signed In:

Sue and Doug Besharov, Cumberland  
Annie Gubser, Cumberland  
Brian and Merideth Davis, Cumberland  
Jack Frink, Cumberland  
John and Pat Barry, Cumberland

Mayor Slavin called the meeting to order at 7:30 pm.

1. **Consideration of an application submitted by Sandy Spring Builders, LLC, on behalf Briand and Merideth Davis – 4515 Cumberland Avenue for a Demolition Permit, Building Permit, Wall Permit, Dumpster Permit and Curb Cut Permit** Mayor

Slavin asked the applicants to introduce themselves and make brief comments if they would like. Brian and Meredith Davis introduced themselves and thanked the Mayor and Council for taking the time to have this Special Meeting. Jeff Robertson, CAS Engineering, made a presentation to the Council regarding the existing and proposed conditions as listed on the proposed plans. The current driveway is 30 feet long and the proposed driveway is 123 feet long. Dimensions of the driveway can be found on the plans of record. The driveway apron will be in the same location. Dimensions of the proposed garage to be built can be found in the plans of record. The Town Council had an extensive discussion regarding the proposed storm water system in the area with the applicants Engineer, Jeff Robertson, as well as Vince Berg, the Engineer that the Town hired to review the plans for this project. The storm water system plans for the project are also part of the record in the Town's files.

The original plan had 8 trees to be removed. There are now 9 trees on the site that are proposed to be removed. Town Arborist Plan that is in the record shows locations of the trees to be removed. The original tree removal plan would need to be amended to include this additional tree for removal. Town Arborist has deemed that the additional tree is hazardous and should be removed. The dumpster for the project is to be located in the front middle of the property, and it will not block the street or sidewalk. Vice President Shaul asked a question about the parking plan. Larry Plummer stated that no more than 3 cars could be parked on the street. 3 cars could also be parked on the site.

Council Member Proctor asked a question about the storm water design and capacities. Council Member Farley also asked a follow up question concerning the current capacity of the system compared to what is being proposed. Town Attorney Knopf asked the applicant if Montgomery County has reviewed the demolition and storm water permits. The applicant confirmed that they were reviewed and approved by Montgomery County.

Mayor Slavin asked Mr. Berg, the Town's hired storm water consultant to give a brief report. Mr. Berg said that the proposed storm water plan does meet the County Code requirements. Mr. Berg's email report is part of the Town's record for this application. Council Vice President Shaul asked who would be maintaining the pipes, inlets and system on the lot. Mr. Berg stated that the homeowner would be responsible. Attorney Knopf stated that the back of the lot

is Drummond Avenue, and the Town's Code doesn't require notice to non-Town residents.

Mayor Slavin asked Larry Plummer, Town Inspector, to provide his report. Mr. Plummer stated that a generator would be a separate application if they wanted it. Mr. Plummer stated that the application does meet Town and County regulations. Mr. Plummer also expressed his views with respect to the current condition of the storm water system in the area. Vice President Shaul asked about the screening of the port a potty on the site. Vice President Shaul also asked a question about the technology of storm water tanks. Mr. Berg stated that it was the responsibility of the homeowner to maintain them. Mr. Berg also stated that it was a lot more difficult to dictate what can be done with private storm water systems.

Attorney Knopf stated that we would be doing findings for this application and they will be a part of the minutes of the meeting. John Barry, Cumberland, stated that the existing drainage system has not worked in his opinion. He stated that he does think the new system will improve the drainage. Mr. Barry stated that he would like to see the system tested once installed to ensure that it works. Annie Gubser, Cumberland, stated that a number of years ago, a private legal easement was created across a number of these properties. Council Member Pickar asked if maybe in the future there was a way for the private property owners to work to upgrade the pipe in the future. Council Member Zeughauser commented that she would like to see permeable pavers on the driveway. George Wyeth, Falstone Avenue, asked if the volume of water would increase or decrease after the new system is installed. Mimi Kress, Sandy Spring Builders, stated that when the work was done during excavation, they would decide what they would do with the adjoining pipes in the front of the property. Jack Frink, Cumberland, asked about how the storm water management worked on the other side of Cumberland. Mimi Kress, Sandy Spring Builders, stated that the plan the County approved on her client's property is what they have to do for the project should the Council also approve.

Motion Council Member Farley, Second Council Member Zeughauser to approve the Demolition and Curb Cut Permits. Motion passed 5-0. Motion Council Member Pickar to approve the Wall Permit given that it meets the requirements of the Town Code. Second Council Member Farley. Motion passed 5-0. Motion Council Member Pickar to approve the Dumpster Permit contingent that it doesn't cause any problems for pedestrian or vehicular traffic, Second Council Member Zeughauser. Motion passed 5-0. Motion Vice President Shaul, Second Council Member Zeughauser, to amend the current tree removal plan in place to include the removal of the red maple in the front left/southwest portion of the property, and to replace it with an American Locust or American Linden as per the Arborist

recommendation. Also that the tree on the border of the Davis and Barry property be replaced with a larger canopy tree instead of two kousa dogwoods. Motion passed 5-0. Motion Council Member Pickar to approve the building permit as approved by Montgomery County with the following conditions, Second Council Member Proctor: all aspects of the tree removal and replacement plan are followed, the generator is excluded from this permit, pipe fronting Davis property is to be inspected and replaced upon installation if it is deemed to be insufficient and that the storm system is tested to make sure it works during construction. Attorney Knopf asked Council Member Pickar if she finds the application to be complete and it conforming to the Town Building Code as per the report/testimony by Inspector Plummer, and she replied yes. Motion passed 5-0. The applicant expressly waived the requirement to receive the written legal opinion in advance of beginning construction before the next Council Meeting.

2. **Council Member Proctor introduced legislation in relation to an amendment to the Town Code to set standards for utility company attachments to poles in public rights of way.**