

**SECTION THREE**  
**VILLAGE OF**  
**CHEVY CHASE**

# News & Views

JANUARY 2019

## CALENDAR

**WEDNESDAY, JANUARY 9**

**Christmas Tree Pick-up Curbside**  
(note trees can be put out on any Monday—No plastic bags or tinsel please as they are turned into mulch)

**WEDNESDAY, JANUARY 9**

**Council Meeting**  
CCUMC Room 107, 7:45 p.m.

**SUNDAY, JANUARY 13**

**Section 3 Get Together**  
**Le Bar at LaFerme.**  
6:00 to 8:30 p.m.  
(see story at right)

**WEDNESDAY, FEBRUARY 13**

**Council Meeting**  
CCUMC Room 107, 7:45 p.m.

## VILLAGE COUNCIL

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## SECTION 3 LA FERME GET TOGETHER JANUARY 13

Join us at Le Bar, the heated patio and bar at LaFerme, for hors d'oeuvres and drinks on Sunday, January 13. It's Section 3 night! Catch up with friends and neighbors and meet new ones at this new annual event. Last year we tried to find a new way to keep in touch after the holidays and sponsored a Section 3 night at LeBar. Beer, wine and hors d'oeuvres will be provided. If you like, you can get a group together and make a reservation (on your own tab of course) for dinner after drinks at LeBar.

Join us from 6:00 to 8:30 p.m. We'll be there and hope to see you!



## SECTION 3'S BIGGEST CHALLENGES OF 2018

Without question, rain has been the biggest challenge we have all faced in 2018. With over two feet more rain than we normally get (about 65 inches fell in 2018 as opposed to the average 40 inches for the year), many of us encountered water in unexpected places or with a force we had never encountered before. If a few instances we have been able to address spot issues, but overall we are seeing a problem of lots built out to the maximum allowable setbacks, variances granted which sometimes created unforeseen problems, and topographic issues which haven't been addressed and it may not be possible to address.

For starters, we have loamy soil. Virtually every home in Section 3 has a sump pump (if you don't please remember that you have to get a permit for one if you install a new one). We have an excessively high water table, the land runs from Connecticut Avenue towards Rock Creek Park and its tributary by La Ferme restaurant, with Connecticut Avenue being the high point. There is also a "v" formed by the lots on Bradley and the lots on the south side off Raymond Street, particularly between Florida Street and Georgia Street. Some of those homes have a "private" open storm drainage system which over the years has been compromised and wasn't meant to handle the volume of water

**CHALLENGES OF 2018, CONTINUED ON PAGE 5**

*\*In accordance with the Americans with Disabilities Act and our desire to have our meetings open to everyone in our community, Council meetings are held at the Chevy Chase United Methodist Church which has handicapped elevator access via the parking lot entrance. We are grateful to the Church for their generosity in allowing us to use their facility each month.*



## COUNCIL ACTIONS

The Council met on Wednesday, December 12 at Chevy Chase United Methodist Church in Room 107. The meeting began at 7:55 p.m. All Council members were present.

### PUBLIC SAFETY

The Village Manager said a new police patrolman has been hired. The head of the County's canine unit, Ari Elkin, began working in Section 3 at the beginning of December. He and Yves-Didier N'Kodia, who has been working in Section 3 since January 2018, will patrol our streets at random hours according to a plan with both patrolmen for a total of 16 hours per month total. We're happy to welcome Sgt. Elkin to our team. The Village Manager has asked both patrolmen to be vigilant regarding "porch pirates" who often do their Christmas shopping by stealing delivered packages.

The Village Manager noted that several residents on Brookville Road have noticed additional noise coming from the roof of Brookville Market where a new heat pump has been installed. One of the residents has raised this with the manager of the market and they will talk to the landlord. If the problem persists, the Council may want to address these problems with the landlord.

### BUILDINGS & ROADS

Council Buildings and Roads representative **Carolyn Greis** reported that building permits for two fence were issued: one to the **Matan** family at 6817 Connecticut Avenue and one to the **Margolis** family next door at 6815 Connecticut Avenue. Other permits are moving along the pipeline.

The Council voted on two variance applications. It granted the **Weller** family's request at 6705 Connecticut Avenue to add a half-story, gable roof to the existing garage located partially in the north side setback such that the new roof extends approximately 4' into the setback. The Council turned down the **Friedland** family's request at 3601 Raymond Street to construct a 6' fence for 40' along Brookville Road where the allowable height is 4'.

The Council discussed proposed small cell tower legislation and tentatively agreed to the principles outlined (see story this issue) with the understanding that once all the Chevy Chase municipalities join together, we will adopt an all Chevy Chase ordinance.

The Village Manager reports that a major distributor of lighting does manufacture the equivalent of a warm white LED street light. She has asked them to provide pricing for eight-foot and 12-foot bracket arms, a "hat" or dark sky shield, and teardrop lighting. We await their estimates to get a full understanding of the cost

of lighting our streets. The Council is going to view sample lights in Takoma Park before having talks with Pepco. The Village Manager reports that she is working with Pepco to get three street lights re-lamped. Two are near the intersection of Spring and Fulton Streets and one is on Georgia Street near Raymond Street.

The Village Manager is working with D&F Construction to get a drainage solution for 6805 Delaware Street as the old system which dumped water into the inlet on the corner appears to have collapsed. The plan is to put the sump pump discharge through the curb into the gutter and then have salt on hand in the greenway if the water freezes this winter. We will monitor this solution closely as the other alternative solutions are both much more costly. The cost of this improvement will be shared with the homeowners.

The drainage issues at the dead end of Florida Street have been addressed with a "dry creek" that turns wet and directs water into the outlet on the street. With this year's heavy rains, many areas within the community have suffered severe drainage issues because the water table is high, the soil does not "perc" well, and our average yearly rainfall was bested by over two feet.

The Council has decided to revisit some of the variance and stormwater runoff aspects of Chapter 6 of our ordinances. The plan is to develop options with the council for presentation by the February Council meeting.

### FINANCIAL REPORT

The Village Manager reports that we are searching for a new institution to make a jumbo CD deposit at the highest rate possible.

### COMMUNITY & SOCIAL

The Village Manager reports that the 2019 directory is almost completed and will go to the printer soon.

This year there are new laws on the books requiring websites to be ADA compliant. Because our web host does not have the many municipal clients, we have decided to seek a new host with more municipal experience who can assure us that our site will be ADA compliant. The Village Manager is doing research and will be reaching out to find a new host.

The Village Manager has reached out to the new member on the County Council responsible for our area. She is trying to set up a meeting with all the District 1 municipalities to impress on him our perspectives on issues concerning the county and its growth.

The Farmers' Market continues to draw folks, but the question is whether it will sustain them through the winter or if they will break until next March. We await the farmers' assessment.

The Council agreed that the weekend of January 11, 2019 would be a great night to hold a Section 3 night at La Ferme's bar as we did last year rather than hold another holiday party. The Village Manager will work with LaFerme to secure a date (see story page 1.)

The meeting adjourned at 8:55 p.m.



## NEIGHBORHOOD NEWS

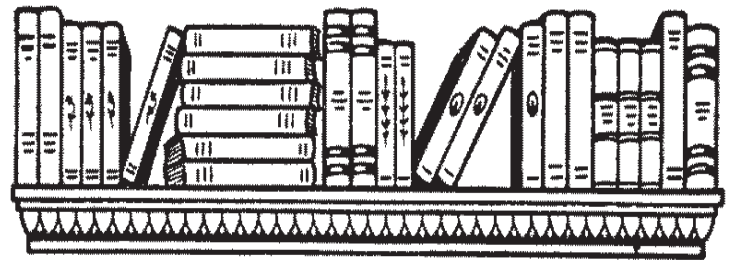
Congrats to **Cynthia Grimes**, daughter of **Molly Borders** of Raymond Street, who has just earned not one but two Masters' Degrees from Tulane University: one in Social Work and the other unique specialty developed at Tulane after Katrina, a Masters of Science in Disaster Resilience Leadership. What a unique skill set and so appropriate to addressing the many disasters we seem to be facing all over the country.

**Donna and Walter Pennington** of Taylor Street are leading the charge to raise funds for a cure for pancreatic cancer. Says Donna, "our son, **William**, who is now age 29, was diagnosed with pancreatic cancer two and a half years ago. After chemotherapy, radiation and two surgeries, he is still battling this deadly disease. Because of our son's journey, we have started the Faith Hope Love Gala, a black tie benefit to raise funds for Johns Hopkins pancreatic cancer research. The gala will be at the Columbia Country Club on January 26, 2019. We hope you will support our cause and attend the Gala. For more information please visit: <https://faithhopelovegala.org> or contact us at [faithhopelovegala@gmail.com](mailto:faithhopelovegala@gmail.com)."

It is with great sadness that we report the passing of long-time Section 3 neighbor, **Dennis Warner** of Shepherd Street. Dennis passed away on Wednesday, December 19 leaving his wife **Mary Louise**, four children, 13 grandchildren, and two great grandchildren, and lots of family and friends. Denny and Mary Louise raised five daughters: **Kathleen, Mary, Susan, Ann** and the late **Christine McDaniel** in their Shepherd Street home which they moved into in 1976. A funeral mass was offered at Blessed Sacrament Church on Thursday, January 3 at 11:00 a.m. Should you wish to make a donation in his memory, the family asks that you select a charity of your choice.

## 3613 AND 3615 RAYMOND STREET

We have heard from any number of residents about the damages done to our greenways on Raymond Street by the subcontractors working for the builders of the two new houses at 3613 and 3615 Raymond Street. The developer has made a written commitment to restore those greenways. We hope to work out the details with him shortly. Most of the large trucks will be gone once the foundations are poured.



## CHEVY CHASE LIBRARY

On Wednesday, 01/02, 23 and 30 at 6:00 PM Teen Writers' Club: The Teen Writers' Clubs of the Maryland Writers' Association, a growing network of after-school writing programs for aspiring writers ages 11-17, is hosting a club at the Chevvy Chase Library. The purpose of the Teen Writers' Clubs is to provide young writers with a safe and supportive meeting place where they can improve their skills under the guidance of writing mentors, get inspired by meeting guest authors, and make new friends with fellow young writers. The Maryland Writers' Association intends to publish an anthology of work from the teen writing clubs in 2019. Shelby Settles Harper will lead the Chevvy Chase Library Teen Writers' Club. Shelby is a lawyer and citizen of the Caddo Nation of Oklahoma. She is an award-winning fiction author who has practiced law at both for-profit and non-profit entities, representing Indian tribes, individual Indians, women's rights issues, and other progressive causes. Her work can be found in Gargoyle Magazine #61, aaduna, Defying Gravity: An Anthology of Washington, DC Area Women, Divergent Voices Literary Magazine, Bethesda Magazine – First Place Fiction Winner, Outside In Literary and Travel Magazine, Tinhouse (online blog), and So to Speak: a feminist journal of language and art. Shelby serves on the National Council for the Smithsonian Museum of American Indian.



## SMALL CELL TOWERS: FEDERAL, STATE, COUNTY, AND SECTION 3 RULES

America is getting ready to add 5G cell towers to the array of options needed for communication. These towers might be attached to existing Pepco poles under a lease agreement with Pepco, but there are also wires that may need to be placed underground and attached to equipment in the greenways. And it is also possible that the providers may want to place towers in the greenway and not on poles.

The increasing need for bandwidth is not just for your cell phones; 5G is going to play a key role in driverless cars and traffic management, smart appliances, buildings, etc.

In County hearings on the subject, a number of residents expressed concerns about health related issues and proximity to cell towers. A recent court case challenged the FCC to update their standards for emissions from these towers but the motion was denied. We are therefore required to accept the cell towers even though a number of people have expressed health concerns. As we are not in a position to evaluate or alter these standards, Section 3 and all local jurisdictions must remain agnostic on the subject.

Recently the FCC ruled that we cannot deny operators from installing their equipment. The FCC has even indicated the schedule that is admissible for fees that can be charged and imposed deadlines for application processing. A number of municipalities across the country challenged the FCC order to allow for more local control but that motion was denied. Small cell tower operators will be able to apply for locations as early as January 14, 2019. Localities can draft standards for the aesthetics of the installation with a deadline of April 15, 2019. If you have no standard in place on January 14—THEN YOU HAVE NO STANDARD AGAINST WHICH YOU CAN JUDGE APPLICATIONS. Thus, the sooner we adopt a set of standards, the earlier we can try and demonstrate to the County Council that we can handle these requests and perhaps even influence their permitting process for non-incorporated municipalities.

So with that Federal pre-emption in mind, states, counties and municipalities are coping with just how that equipment gets installed. And there may be more rules at the Federal level which make some of the efforts now underway at the state and local level moot. We are plunging into unknown territory, but in order to protect ourselves, we have to define some guidelines as operators endeavor to put their equipment and cell towers in Section 3.

Montgomery County has passed a zoning text amendment which mandates that towers have to be no less than 60 feet from any residence. If this stands, it would mean that NO cell towers

could be placed in Section 3 because our setbacks are 30 feet and our streets are narrow. So we are not sure how that is going impact our community and neighboring communities like Martins Additions with similar densities.

The last County Council could not come to agreement on what additional rules and regulations they would impose so that leaves it to the new Council. At the same time, the State legislature could not pass any legislation in their last session but it will come up again in the new session which runs from January to April of 2019. Who has the power to govern what a cell tower provider can and can't do is at the moment up for grabs. Municipalities, like Section 3, are aware that if a provider had to be governed by different rules for each of the Chevy Chases, we are less likely to get compliance. Therefore we have been working with various municipalities to arrive at a mutually agreed upon set of regulations. Happily for Section 3, we already require that a permit is necessary for the use of the public right-of-way by all telecommunications providers, utilities and other users. Anything we adopt would fall under that section of our existing code.

Given that we have no choice but to accept the expansion of 5G cell towers in our area, we want to draft a meaningful ordinance even if it turns out we may later be pre-empted by either State or County legislation or both.

What we do know is that we need to be assured that:

1. Permits are issued only to those who are actually going to build the cell towers, not to firms looking to aggregate permits and sell them to providers.
2. That our greenways are protected and that whenever possible, co-location of various towers is used on the same Pepco poles.
3. That any equipment placed in our narrow greenways doesn't block a car from backing out of a driveway or a sight line at an intersection.
4. That our street trees are protected and that wires connecting equipment aren't putting our greenways and plantings at risk.
5. That maintenance is provided for the equipment and responsible parties agree to that maintenance and do so with specific permission from Section 3 so that traffic isn't hampered.
6. Provisions need to be made for the emergency removal or relocation of facilities, their abandonment, reconditioning, repair or replacement.
7. If we need to hire an engineer with technical expertise in this area, that the permit fees will cover those expenses.

A draft of the legislation will be distributed by email after consultation with other Chevy Chase jurisdictions and our attorney.

## CHALLENGES OF 2018 CONTINUED FROM PAGE 1

it now does because of increased stormwater runoff from larger than original homes on both streets. There is a similar drainage problem between the homes at Section 3's dead ends and the houses on Thornapple Street in Section 5.

In both areas, and in other locations around Section 3 on individual lots and in our greenways we have tried to manage the water via rain tanks, re-routing stormwater runoff and swales to direct the water. In spite of all those efforts, this year was a nightmare and the problems are still "percolating" (pun intended) as of this writing.

The County is responsible for our stormwater drainage system (our storm sewers) and they have been most responsive in re-pointing and repairing inlets. Our basic problem is that the whole system lies under the greenway and is by and large connected by 10" terra cotta pipes. You may recall a few years back, one of those pipes on Shepherd Street collapsed and had to be replaced which meant tearing up the sidewalk between Delaware Street and Florida Street to put in a new 15" pipe. The County had to tap into a special emergency fund for that project because of its severity. Major repairs are not in their budget which is now running a serious deficit.

New construction in several areas has presented a whole other set of stormwater runoff issues. In 2019 the Council expects to review a number of the drainage problems in the community, but as a government we are somewhat limited. We cannot spend public dollars on improvements on private property, we can suggest solutions, we can talk to neighbors.

Montgomery County (and Section 3) require stormwater drainage plans for any major improvement, and we in Section 3 often make a provision that if the solution approved by the permit does NOT resolve any stormwater problems that we will require the homeowners to make additional adjustments. The County government rules make homeowners responsible for their own stormwater runoff and review plans. But two feet more rainfall than is normally envisioned doesn't help!

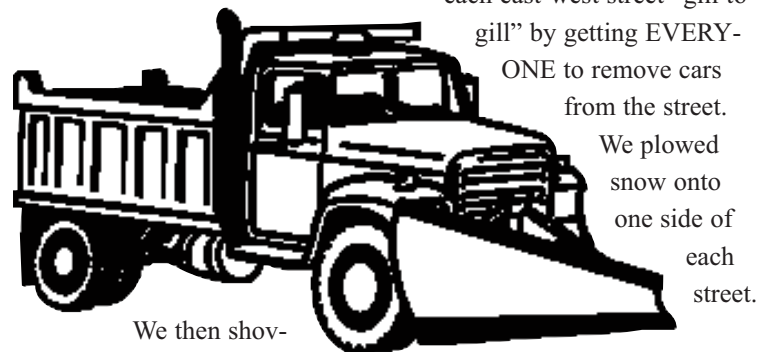
### 3602 TAYLOR STREET

After two years of delays and problems, the eyesore that was 3602 Taylor Street has been removed. We had a frustrating series of situations with the initial builder, with the County and what they were willing to do and with the lender and ultimate owner of the property. Thanks to the diligent work of one County employee, Julia Thom, a code enforcement officer, the owner was compelled to tear down the house under the threat of being taken to court.

The lender reports that the property has not yet changed hands.

## AND IN 2019....

If the forecasts are correct, we may be facing some serious snow accumulation challenges. If that should occur, we have an emergency plan for extra heavy snows that we used several years back when the schools were closed for almost a week: we cleared



each east-west street "gill to gill" by getting EVERY-ONE to remove cars from the street. We plowed snow onto one side of each street. We then shoveled the other side of each street cleared in this manner and cleared a footpath to each house and the driveway aprons of the homes on the side of the street where the snow was piled high. We'll let you know if we need to take this drastic step, but wanted to at least mention it for those who were not part of our community when we last faced heavy snows.

For those of you who are seniors and have in the past had your public sidewalks shoveled, no worries. You get this service for anything two inches or over with the understanding that we are helping with the heavy lifting, but will first plow the streets. If there is a problem with ice, you are required to either spread salt yourself or hire someone to handle this for you. Contact the Village Manager for the names of teens interested in earning extra money doing your front walks and/or your driveway. Teens, or parents of teens are welcome to email the Village Manager with names and contact information of kids eager to earn some extra cash and we'll try and match you up.

## SATURDAY, JANUARY 19— LAST CALL TO DROP OFF DONATIONS FOR THE BCC USED BOOK SALE.

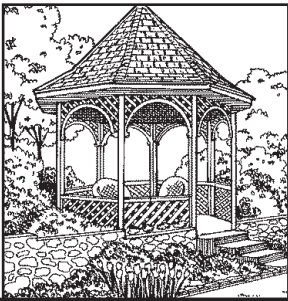
If you're clearing out bookshelves, remember the BCC Used Book Sale slated for the sale on March 9-10. You can drop them off at the main entrance to the high school from 10:00 a.m. to 2:00 p.m.



**SECTION 3 VILLAGE OF CHEVY CHASE**

P.O. Box 15070

Chevy Chase, MD 20815



**SECTION THREE  
VILLAGE OF  
CHEVY CHASE**

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# News & Views

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JANUARY 2019

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## SNOW?

### NO PARKING ON THE STREET!

Please don't leave your car on the street... make it easy for our plows to clear the streets Be a good neighbor.

