

TOWN OF GLEN ECHO
Town Council Meeting
April 9, 2012

ATTENDANCE: Deborah Beers, Mayor
Nancy Long, Councilmember
Eve Arber, Councilmember
Steve Matney, Councilmember
Mark McCaffrey, Councilmember
Nicole Fraser, Clerk/Treasurer

VISITORS: Jeff Broadhurst, Broadhurst Architects
Matt McFarland, Resident and General Contractor
Raya Bodnarchuk, Resident
Polly Angelakis, NPS¹ Site Manager of GEP
Robin Kogelnik, Resident
Gerry Bodlander, Echo Reporter
Andy Malmgren, Resident
Renny Springuel, Resident
Edie Springuel, Resident
Eleanor Balaban, Resident
Stephen Hathaway, Resident
Cathie Polak, Resident
Phyllis Fordham, Resident

Mayor Beers called the meeting to order at approximately 8:01 p.m.

GLEN ECHO PARK REPORT

GEP Site Manager Polly Angelakis reported that the NPS has gathered enough information to begin the EA process for the geothermal system for Clara Barton NHS.

Ms. Angelakis noted that a series of events marking the 100th anniversary of Clara Barton's death and continuing legacy would occur April 12-April 15. On Thursday April 12th, a tree planting will occur followed by an open house with living history interpreters portraying Miss Barton and her chief field agent Dr. Julian Hubbell. On Saturday April 14th, Mary Ann Jung will perform two living history programs as Clara Barton in the GEP Bumper Car Pavilion followed by an open house at Clara Barton NHS. Sunday April 15th, a symposium on Miss Barton's legacy will take place in the Spanish Ballroom.

¹ Abbreviations used in this document include EA (Environmental Assessment), GEBC (Glen Echo Baptist Church), GEP (Glen Echo Park), GEPPAC (Glen Echo Park Partnership for Arts and Culture), NCC (National Community Church), NHP (National Historical Park), NHS (National Historic Site) and NPS (National Park Service).

Ms. Angelakis noted that the GEP's Family Day will occur on April 28th, marking the opening of the Carousel season and the Junior Ranger Day at Clara Barton NHS.

Ms. Angelakis reported that the NPS met with the Federal Highways Safety Team regarding the proposed shared use path and general safety concerns at GEP and Clara Barton NHS. As a result of the meeting a second stop sign was added to the University Avenue and Oxford Road confluence. The NPS has also lowered the speed limit in the parking lot to 10 mph and added "watch for children" warning signs. Ms. Angelakis said that the Safety Team recommended lowering the existing stop sign on Oxford. Mayor Beers replied that the Town had already adjusted the stop sign.

Ms. Angelakis reported that the Ballroom Café is open under new management. Brown Bag, a local chain in Bethesda, will operate the café. Councilmember Long asked if the arrangement with Brown Bag is an interim measure or did the café operation go out for bid. Ms. Angelakis replied that it is a short term measure for just one season (*N.B.* – It did not go out for bid). Montgomery County could do a call for proposals. Councilmember Long asked if NPS will participate in the decision on a new concessionaire. Ms. Angelakis replied that no, it is a Montgomery County decision but the NPS will oversee park safety.

Councilmember Long noted that Clara Barton NHS had received some excellent publicity in the Washington Post Magazine (April 8th, 2012) in an article by Town resident and Washington Post columnist, Melinda Henneberger.

PRESENTATION OF RESIDENTIAL BUILDING PLANS

Mr. Andy Malmgren of 42 Wellesley Circle presented plans for a two story addition to his home. Mayor Beers advised everyone in attendance that they need to present plans before a Town permit can be issued and construction can begin (*N.B.* Clerk Fraser issued a permit before the plans were presented to Council; Mr. Malmgren came before Council at her request to rectify her error). Mayor Beers counseled all potential permit applicants to also get photos of the sidewalks in advance of the project so that the homeowner is responsible for any damage. Mayor Beers noted that there are no sidewalks in front of the Malmgren home, so sidewalk repair is not an issue here. Councilmember Long complimented Mr. Malmgren on not changing the façade of the house. Mr. Malmgren noted that the addition keeps with the integrity of the house; the addition renovates an old bathroom and adds a laundry room.

Mr. Jeff Broadhurst of Broadhurst Architects presented plans for the Feringa-Johnson residence at 6009 Princeton Avenue. He reported that the plans propose to remove the current one-story addition and two non-compliant additions. These will be replaced by a 2 ½ story addition and to renovate the balance of the house (a new kitchen on the lower level and converting the current master bedroom into a first floor parlor). The new plans will result in more open space on the site. Mayor Beers asked what the lot size is. Mr. Broadhurst said that it was 6000 square feet. Mayor Beers asked if the setbacks of the current structure were compliant. Mr. Broadhurst said that the front extends into the front

setback by 3.75 inches and the rear by a few inches also. He asked if the Town might support a variance to allow the new addition to be flush with the existing front façade. Mayor Beers said that the Town may be able to weigh in on it and possibly the County will overlook it as it is a few inches instead of feet; she reflected that if the residents wished to get a variance, to come to Council and they could help if at all possible. She noted that the Town ordinances have nothing specific for this kind of situation. Only ordinances for corner lot situations. Mr. Broadhurst said that he understood that stormwater is an issue in all jurisdictions and that a civil engineer will be onsite, and as the general contractor (Matt McFarland) lives downhill from the jobsite, he hopes that any stormwater will be properly managed. Ms. Polak, resident of 6001 Princeton, noted that she lives even further downhill and also appreciates stormwater management efforts.

Renny Springuel asked what the neighbor sign-off process consists of. Mayor Beers replied that in order to have a Town permit issued, the neighbors surrounding the proposed project site are asked to look at the sketches or diagrams and sign that they have seen them; the form does not require signatures. Eleanor Balaban asked what happens if a neighbor doesn't sign off. Mayor Beers replied that the Town requires people to get all signatures if possible but not if a neighbor is abroad or "is refusing to sign just to be mean." Ms. Balaban asked if neighbors could stop construction for any reason. For example, if a proposed structure would block a view. Mayor Beers said if they do have a legal reason to stop it (*e.g.* setbacks not met, height too high) then yes construction may be stopped. Ms. Balaban said that by the time the neighbors have signed off the construction may have started already. Mayor Beers said the Town had 30 days to comment on any plans. Ms. Polak said that the neighbor signatures are there to help neighbors be aware of the project. Mayor Beers said if the neighbors just don't like the proposed project, that's not a reason to stop it. If it is a legal reason, then bring it to the Town and Montgomery County.

Mr. Springuel asked what would happen if people don't get permits at all or when people get permits after construction. Mayor Beers said the Town could pursue action if necessary. Councilmember Matney noted that permits are only required for exterior work not interior work. Ms. Polak added that replacing siding or exterior painting doesn't require a permit, it's only when a footing is dug (or when an exterior structure is erected) that the permit process is set in motion.

Ms. Fordham requested that all projects be mindful of storm water management. She reported that this year for the first time she had 3 inches of water in her basement. Montgomery County did a major stormwater project. She said it was unlikely that the Town was responsible for the water in Ms. Fordham's basement as there has been no construction in her area. Ms. Fordham replied that she did not suspect the Town; she hypothesized the August 2011 earthquake may have altered something. She asked for vigilance by the Town and County to control stormwater runoff. Mayor Beers said that each resident is responsible for water leaving their property and the Town has a sediment control ordinance however stormwater management has been given to the County.

Robin Kogelnik, owner of 6100 Princeton Avenue presented her plans for the demolition and building of a new residence. Ms. Kogelnik and her family lived in the house for 10 years (they have rented it out the last two years) and have had substantial stormwater issues in the hand dug basement. The basement currently has 3 sump pumps and a French drain and yet standing water is a regular occurrence. The house is structurally unsound according to engineers and architects: no foundations, no footers. The Kogelniks looked into a house lifter but she felt “in the end the less expensive and best long term plan is to tear down and rebuild.” She shared plans for a 2 ½ story (35 feet high) four square home with a front porch. Councilmember Matney asked what the current height of the home is. Ms. Kogelnik was unsure. Mayor Beers said that she was going to have the town attorney take a look at the setbacks on the corner lot. She said that the variance that Speke and Julia Wilson were able to get for their adjoining property was that they were the only house on the block that faced University Avenue. Mayor Beers noted that the 6100 Princeton property is one of several houses that face Princeton and as a result would not necessarily fall under the same set back variance as the Wilsons but more appropriately the County 25 feet front setback, as it is a corner lot. Councilmember Matney suggested that the proposed 8 foot porch would exceed the 25 feet front setback. Mr. McFarland said that it is possible to construct a porch within the setback as long as it is not screened in. Ms. Kogelnik noted that the lot is 5,625 sq. ft. a substandard size. Mayor Beers read from Town Ordinance 3.1.1 noting that it needs to be applied uniformly, if not we will be setting a precedent. Mayor Beers said that she recommends that the Town not issue a town permit on the 6100 Princeton property until the Town attorney has a chance to look at it. Ms. Kogelnik said that she was asking to stay within the footprint of the current house with the exception of one foot in the front but less in the back. Mayor Beers reiterated that she would like the Town represented if there is a Public Hearing on the project; many houses have received variances. Ms. Balaban, that in her memory, this is the first teardown of a house in Glen Echo. Ms. Kogelnik said that she is trying to build within the integrity of the town, and to try to stay in the footprint of the town and she knew that it will require a variance. Mayor Beers said that this situation is novel for the Town and that she needs to get legal advice. Ms. Kogelnik said that she needed to know what would be adverse to the town and the Rheins (next door neighbors) were very supportive of the project. Ms. Kogelnik said that she is in the process of having the lots consolidated, she submitted the request in January but it can take up to five months for building review. The building process can not start until the lots are consolidated. [N.B.- This process used to be called “erasing lot lines” since it was not possible to build a structure over a lot line.]

Ms. Bodnarchuk said that it is difficult for the Town to have so many tall homes and that some residents feel “canyoned.” She felt the Town is taking a risk not having a historic district designation. Mayor Beers said that she foresees a number of applications for major construction coming through the Town and she would like to make sure the Town has a thorough grasp of the nature of future projects and applicable ordinances. Ms. Springuel said that while she applauds Ms. Kogelnik for her attempts to rebuild and stay in town, she agreed with Raya “If you are allowed to build (very tall) within the footprint without a variance, or the people come after you do it” the nature of the Town will change considerably.

Councilmember Arber asked how the home will be demolished. Ms. Kogelnik said that she was in touch with non-profit Second Chance, a company that strips homes of all usable goods and recycles them. Mr. McFarland said that after the home is stripped it will be hosed down, then the grabber comes and takes it down. Ms. Fordham asked if he would use explosives; Mr. McFarland said no. Ms. Polak asked if the dumpster could stay on the lot (not on the street); Mr. McFarland said he thought he could use the driveway with crushed gravel. He estimated that it would take two days to dig out the foundation and haul it away. Ms. Fordham asked what kind of environmental impact the project would have. Mr. McFarland said that he would try to save any trees and shrubs on site and the silt fence will stay on the inside of the current picket fence, there should be no runoff. Councilmember Matney asked Ms. Kogelnik what are her plans for her current residence (not in Glen Echo); Ms. Kogelnik replied that they plan to sell the house and live in Glen Echo full time.

APPROVAL OF MINUTES

Motion 2012-07 to approve the minutes with changes of the March Council Meeting.

Changes were:

- 1) Page 2, 3rd paragraph, 1st sentence, change "Canasl" to "Canal"
- 2) Page , 7th paragraph, 3rd sentence, insert "over the creek" after "bridge"

Motion approved unanimously.

The Council expressed thanks to Sophie Keefer for taking the minutes at the March meeting.

GEPPAC GALA REQUEST

Mayor Beers reported that she had received a request from Katey Boerner of GEPPAC to sponsor a table at the GEPPAC Gala. Mayor Beers said that it would cost \$2000 for a table and while she would feel comfortable giving a donation (as the Town already had at the end of 2011), she did not feel comfortable spending tax dollars to send Council to a party. Cabin John and Bannockburn have sponsored tables in the past, however they have paid with association dues not tax dollars. Council and Mayor both agreed not to sponsor a table at the GEPPAC Gala.

POLICE REPORT

Councilmember Matney asked Clerk Fraser to request the police officers to break down the citations vs. warnings in the monthly report.

ORDINANCE REVIEW

Council and Mayor decided to hold an ordinance review on June 4th at 8 pm.

BUDGET HEARING

Council and Mayor set the budget hearing for May 21st at 7:30 after which the budget meeting would begin immediately.

TOWN MAINTENANCE

Clerk Fraser presented a quote from Case Design to repaint the sidewalk curbs. Council and Mayor asked her to get estimates from another firm. Mayor Beers asked if progress had been made on the trees on the right-of-way touching the Roddy home at 5906 Oxford. Clerk Fraser said that Mark Peyton had already trimmed the trees in question.

MONTGOMERY COUNTY ZONING MEETING

Montgomery County will hold a zoning meeting on April 16 from 5-8 pm to go over proposed changes in the Bethesda-Chevy Chase Master Plan area. Several Councilmembers said they would try to attend. In particular, there is quite a bit of zoning related to changing single family dwellings to multi-family dwellings. The information at this meeting is expected to reflect Montgomery County's proposed planning philosophy from single-family to multifamily development.

TOWN BUDGET

Motion 2012-08 to move \$2,000 from snow plowing to administration to cover policing costs. Motion passed unanimously.

ADDITIONS TO THE AGENDA

Councilmember Long reported that she contacted the Army Corps of Engineers regarding the graffiti on the mural at the Goldsboro-MacArthur roundabout. Nathan Cole, the contact at the Corps, said that they have contacted the original artist and he will start soon to repair the mural.

Councilmember Long noted that Carol Barton's artwork was featured in the April 2 issue of the Washington Post magazine. Also of note was a "Today" show piece on the NCC and Pastor Mark Batterson. Councilmember Long suggested it might be time for the citizens involved with the outreach to NCC to schedule another meeting with Pastor Batterson. Mayor Beers reported that a recent email from Mr. Meeks said that the GEBC was about to resolve the issues concerning the annex with the adjoining property which will allow them to sell. The proceeds from the sale will allow NCC to renovate the Vassar Circle property. Mr. McFarland asked what is the zoning of the annex. Mayor Beers said it is zoned as R-60 but it is a church. Mr. McFarland asked if it has been sold yet and if it could be turned into a commercial property. Mayor Beers said that now theoretically they could sell it. Councilmember Arber said she believed it could be used for commercial activity if it was owned by the church itself and home to non-profit activity.

Meeting adjourned at 10:02 pm.

Respectfully submitted, Nicole Fraser

Deborah M. Beers, Mayor

Date

Attachments : Town Hall Use Report
Police Citation Report

