



SOMERSET TOWN JOURNAL



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Celebrate July 4th with Somerset. Join the Somerset Community Band!

Somerset Community Band Needs Players For July 4th

By Ann Brown, Special Events Committee

David Sacks, one of our many talented neighbors, has offered to lead an instrumental ensemble in playing a few patriotic tunes on **July 4**. We invite all musicians, young and old, to join us for this first annual event. We will have

two rehearsals in the week before July 4 and we will play under the new pavilion at the pool at around **3:00 p.m.**, following the festivities at Town Hall. If you are interested, please contact **Ann Brown**, abrown@annbrowncommunications.com for more information. The only requirement is experience playing in a group (school band, ensemble, etc.)

Balancing Interests With Home Generators

By Alan Proctor, Council Member

Everyone in Town knows how deeply **Pepco** has let us down in its repeated **failures to deliver electricity** on the reliable and continuous basis expected of a public utility. This has imposed serious costs and consequences for some residents, including some health risks, and has been a major inconvenience for all. One would hope that several serious state and county initiatives, and even the additional efforts of our Town's ad hoc committee on improving the reliability of Pepco services, will improve the reliability of Pepco's services soon. At the same time, a number of Town residents are taking the initiative to further protect themselves and their families by purchasing **backup home generator systems** that they install on their property and which will automatically engage when Pepco's **system fails**. This has been a common approach for the economic and political elite for many years in third world countries, and now we are seeing this practice emerging right here in Pepco's **Washington, DC**



A Pepco Backup Home Generator System.

service area. Indeed, since the first of the year at least nine residents have submitted applications to install back-up generators.

At one level, this is very understandable. Even though residents who install generators face considerable installation costs, they can avoid the costs and risks associated with extended outages and address their special needs for reliable electricity. At the same time, the generators can have **negative effects** on neighbors and the Town because of the noise level of the systems.

The Council has been trying to take a balanced and objective position with respect to this influx of requests to install new systems. We continue to press Pepco to improve reliability – to both reduce outages and increase the speed of service recovery in order to

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Calendar

Monday, July 4

Town of Somerset
Fourth of July Celebration

Tuesday, July 5

Council Meeting

Monday, July 25

MVA Mobile Office

Don't forget to check the Town website throughout the month for an up-to-date calendar. Go to www.townofsomerset.com and click on **Town Calendar**.



On My Mind

By Mayor Jeffrey Slavin

Biking Adventures

Last month I had the great fortune to participate in **Bike DC**, a twenty-mile ride on public streets and highways organized by the **Washington Area Bicyclist Association** (WABA). It was an amazing experience on a picture-perfect day that took riders from **downtown DC** to the **GW Parkway** well past **Spout Run**, and then in the other direction to the stunning **Air Force Memorial**. I hope to see other Town residents take this ride next year.

Furthermore, now I am interested in doing similar rides in other cities, like **Boston**, **New York**, **Philadelphia** and **Baltimore**. Maybe we could even have **Team Somerset**, although rest-assured these are rides and not races, and designed for all generations and skill levels of bikers.

Many of you know that I bike a lot around Town, especially because **gas prices** are high, for my commitment to the environment, and to set an example for better health and fitness. I want everyone to be aware that, even though it's not a law, I always use a **helmet**, wear **reflective clothing** at night, and have front and rear **lights** on my bike, as well as a **bell**. If these safety measures are not taken, using a bike can be very risky.

In fact, on a related note, a resident wrote me recently concerned about bike etiquette and safety, and said that he has noticed careless riders in Somerset that could lead to an accident. In response, I checked with our **County Police** and learned a few important facts about the laws surrounding biking. When a biker uses the sidewalk, **pedestrian rules** apply. When a biker uses the street, the laws for **motor vehicles** are in effect. Of course, the police don't appear to have the resources to enforce any of this.

What we could do in Somerset is develop some suggestions about bike safety and start an awareness campaign. We could even consider the possibility of doing our own enforcement. But first, we need to get a group together to talk about it and come up with best practices.

I hope many of you will come along for this particular ride.



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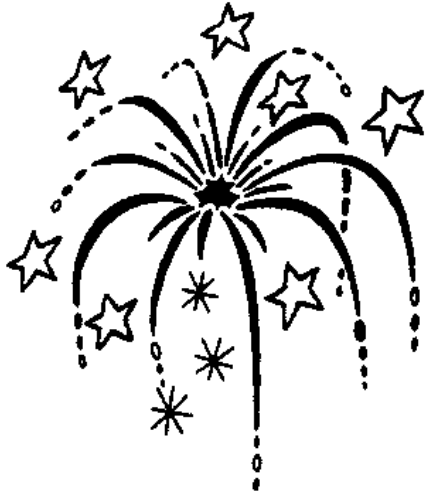
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Maxine Finkelstein, Editor
Deadline for ads and copy is the 15th of the month at 4:30 p.m.



July 4th

Don't Miss the Town of
Somerset's
July Fourth Celebration!



All Town Residents are invited to the old-time festivities taking place on the Fourth of July at Town Hall.

The picnic begins at noon – bring your own picnic lunch and blanket – the Town will provide birthday cupcakes, ice cream, and punch under the shade of our huge tent.

The program begins at 12:45 p.m. with the Color Guard and National Anthem. Mayor Slavin will introduce special guests, honor this year's graduates, and read the names of our swim team record holders. We will also enjoy a reading of the Declaration of Independence by Somerset children.

Again this year, the celebration will be filled with games and fun! Get ready for the egg toss, the mummy wrap, races, and more!

Follow the kids on their decorated bikes as we parade down to the Somerset Pool at 2:00 p.m. for water games and fun in the sun. We'll have the traditional coin toss, water balloons, greased watermelon and more! The pool closes at 6 p.m.

The whole town is invited, so plan to be there to celebrate with us!

Monday, July 4th

Noon – Picnic at Somerset Town Hall

12:45 p.m. – Program and Games

2:00 p.m. -- Parade to the Pool on Decorated Bikes

2:30 p.m. – Pool Games

3:00 p.m. – Poolside Patriotic Songs by Somerset Community Band*

If you have a graduate whose name you would like to include in the ceremony, please email Mayor Slavin at mayor@townofsomerset.com

If you are interested in playing in the community band, contact Ann Brown, abrown@annbrowncommunications.com

If your child would like to read part of the Declaration of Independence, contact Gina Pack, gpack@manifoldproductions.com

Hope to see you all on the Fourth!

Limiting The Number Of Curb Cuts?

By Barbara Zeughauser, Council Member



Curb Cuts Sample

Recently, the Council has been reviewing the issue of **curb cuts** (a break in the curb to allow

access from the street to a driveway) and considering the possibility of amending the **Town Code** to clarify and limit the number and width of curb cuts permitted for each property. Street parking within the Town continues to be very challenging, and the Council is looking at ways to preserve the limited street parking that is available to our residents and their guests. Some of our neighboring communities, including the Town of **Chevy Chase** and **Chevy Chase Village**, have provisions in their Town Codes to restrict curb cuts to one per lot. In addition, they have placed limits on the width of the driveway aprons.

At our **July Council meeting**, there will be a public hearing and action to clarify and limit the number and width of curb cuts permitted for each property (there is a copy of this proposed code amendment, along with two others, included in this Journal). If you have any thoughts you would like to share on this issue, please email the Council at council@townofsomerset.com.

Crime Has Come To Somerset!

Birdie Pieczenik, Chairperson, Somerset Security Committee

It's no fun having to report that last month several crimes occurred in Somerset—especially when they are serious.



First, there were two house break-ins (**Dorset and Cumberland**). One locked house was entered by throwing a **brick** through a glass window; the other involved entry via an **unlocked door**. One occurred mid-afternoon; it is not clear when the other occurred. In both cases, **easy-to-carry** items, such as **laptops** and **silver**, were taken. Town residents in both crimes were in their homes, unaware of what was happening and thankfully, there were no personal encounters. In both cases, there were reasons to question whether the houses were familiar to the perpetrator and whether the occurrences were random.

In addition, a locked car on **Cumberland** was broken into during the night and items taken; and people were found to have been living or sleeping in one of the vacant houses on which has now been demolished; they fled when the bulldozers arrived.

The break-ins are of major concern! And, since the best offense is a good defense, here are several things you can do to make you and yours more secure:

1. Call Officer **Dana Stroman** of the **Montgomery County Police Department** (**direct cell: 240-876-1277**) to make an appointment for a free risk assessment of your home and recommendations how to better secure it. I recently spoke with her and she knows to expect your calls.
2. All of the security tips, which have been published in previous **Somerset Journals** by the **Somerset Security Committee**, can be accessed by visiting the Town website (www.townofsomerset.com), hit Quick Links, then click on "**Security Committee**." On the committee's page, you will find downloadable security tips that cover your home, garage, doors, windows, landscaping, vacations, latchkey kids, etc. It's good stuff!
3. Be vigilant at all times and report any suspicious activity to the **Montgomery County Police Department's** non-emergency number (**301-279-8000**). My advice is to err on the side of over-reporting rather than under-reporting.
4. Use **911** to report a crime in progress.

Lastly, this is the time of year that **unlicensed magazine solicitors** come knocking at our doors. In **Montgomery County**, door-to-door vendors who sell magazine subscriptions are required to be licensed by the **Department of Permitting Services**. They must display the license on their outer garment—it will have a photograph and a **County Seal**. The police would like you to report all illegal vending and suspicious activity to their non-emergency number (**301-279-8000**).

Latest News From Town Hall

By Jerry Schiro, Acting Clerk-Treasurer



Somerset Town Hall

Pepco Power Line Upgrades Planned

Pepco notified Town Hall that it is planning upgrades to the electrical distribution system in Town. The work is in response to recent pressure from **Montgomery County** regarding poor service in this area. The work will include **6,764 feet** of primary conductor replacement, **1,318 feet** of 2-phase primary conductor replacement, **3,025 feet** of secondary conductor replacement, **621 feet** of secondary service replacement, **155 feet** of bare neutral replacement, **two pole** replacements, and

two instances where **tree trimming** is required. This work will be performed on portions of **Dorset Avenue, Surrey Street, Greystone Street, Trent Street, Uppingham Street, and Warwick Place** (in no particular order). The Town's Arborist, **Dr. Tolbert Feather**, will coordinate the tree trimming involved. Town staff is working with Pepco to confirm specific information regarding the schedule for the work.



Pepco – Tree Trimming

WSSC Street Restoration



Street Restoration

After a lengthy utility replacement project, the end is near and **WSSC** is completing the street restoration work in the project area. The restoration will include a new street base, asphalt overlay, street milling and a final top asphalt finish coat. The nice weather has allowed the work to progress at a good pace. The work is underway on **Cumberland** and **Warwick**. It is anticipated the work will be completed by **June 20**.

Park Area Around The Town Hall

The Town staff has been diligent in maintaining the park area around the Town Hall. Most recently, new picnic tables were placed in the area and the staff is working to spruce up the area for the Fourth of July celebration. The Fourth of July work is ahead of schedule, and we will have the staff available for the pool opening later this month. While the area is certainly here for the enjoyment of our residents, we ask that you be sensitive to the plantings when children are playing in the area. A good deal of the maintenance has resulted from damage from park users.

DMV Mobile Office

The **DMV Mobile Office** will be at the **Friendship Heights** on **Monday, July 18** from **10:00 a.m.** until **2:00 p.m.**

Permits Granted



The Mayor issued the following permits during the past month. The Town Council issues building permits.

Tree Removal Permits

5909 Uppingham Street–**Flowering Cherry** in the rear yard. The tree was dead.

4716 Falstone Street–**Leyland Cypress** west side of the rear yard. The tree was dead.

5513 Greystone Street–**Leyland Cypress** on the rear property line. The tree was hazardous.

4513 Cumberland Avenue–**Red Oak** in the back garden. The tree was dead.

4721 Falstone Avenue–**Cypress** at the right front corner of the garage. The tree was dead.

Fence and Wall Permits

4805 Falstone Avenue–a black chain link fence on the property line at **4803 Falstone**

4803 Falstone Avenue–a common chain link fence on the property at **4805 Falstone**



Town Hall Will Be Closed
In Observance Of
The Fourth Of July Holiday
On Monday July 4.



By Mayor Jeffrey Slavin

The recent performance dedicating our new **grand piano** by **The Sometimes Somerset Singers** at Town Hall to was an extremely successful standing-room-only event. Thanks again to Residents **Bill McPherrin** and **Keith Robinson** (Essex) for their most generous gift, which will benefit the Town for generations to come. Conductor/Director/Council member **Cathy Pickar** (Dorset) is to be commended for putting this performance together and for her dedication to the

group. Among those in attendance were Council Vice President **Marnie Shaul** (Uppingham) and my dear friend, former DC Councilmember **Carol Schwartz**, who had heard about the talent in Town and wanted to experience it for herself!

Unfortunately, there have been several break-ins reported in the past month and residents were home when both occurred. I spoke to one of the victims and she advised us to be sure to lock doors because that was not the case when the illegal entry took place at her home. Both of these incidents are quite unsettling, and we will be working with the police to seek advice on how residents can take practical steps to protect their safety and possessions

The Council and I have gotten reports over the past months of a number of violations of tennis court rules. Per the **Town Code, the Mayor, Council, and tennis Chair** have historically governed the courts, but it has become apparent that we need an official **Tennis Committee** in place to make policy recommendations and help with rules enforcement. For example, having such a committee at the pool is why we have such a smooth operation there, so we need to set something up for the courts. Anyone interested in participating needs to get in touch with me as soon as possible

Our Acting Clerk-Treasurer/Administrator **Jerry Schiro** has been doing a terrific job on a temporary basis, and I have received numerous compliments about his performance. Jerry's tenure is about to end, and the **Ad hoc Personnel Committee** is working hard to find a Town Manager to recommend to succeed Jerry. The Committee is hoping to complete the process within the month

Council member Shaul and I will be attending the **Maryland Municipal League Convention in Ocean City** late this month, as we do every year. We will look forward to attending a multitude of seminars on topics that will benefit the Town, do a lot of networking, especially to learn more creative ways to solve problems, and will receive another **Banner City Award** from the League for our participation in MML activities. I am pleased to say that our Town has received this honor since its inception, and it is a tribute to our Council members. They really take advantage of the outstanding programs offered to a greater degree than most other municipalities around the State. I am impressed that our Council always strives to get the greatest value out of tax dollars, especially because League membership is not inexpensive.

Home Generators from page 1

avoid the need for residents and the Town to take on the costs of back-up generators. Reliable electrical service is the single smartest and best solution, but success relies on Pepco, and it has a terrible record of improvements in these respects. So, we also understand the interests of some residents in installing their own back-up systems.

In reviewing generator applications, the Council has maintained its standard procedures around resident applications for relevant permits, including notifications to neighbors and compliance with County and Town requirements as to location of the systems and compliance with

County-specified **daytime** and **nighttime** sound limitations. The Council has been respectful of the interests of current and future residents not only for a beautiful but also reasonably quiet neighborhood, and has been mindful of heading off future surprises and conflicts involving installation of these systems. We have discussed with applicants the importance of meeting the County's noise limits and the challenges and costs they may face in doing a mitigation plan. **No generator recently installed and tested has passed the county's nighttime noise limits without sound mitigation.**

The Council values feedback from residents on our policy and approach to balancing competing interests and welcomes ideas for further improvements. The reality is that we are all in this together in trying to work our way through the challenges caused by Pepco's poor service. This is an ongoing process and an ongoing conversation with all of you.

Town Council Update

Special Council Meeting May 16, 2011

The Town Council met in Special Session on May 16, 2011. The Town Council heard a report on the status of the pool renovation and received a revised list of the critical items that must be completed prior to occupancy. The contractor projects the completion date for June 24. In order to expedite the opening, the Council encouraged the contractor to check into the feasibility of obtaining a certificate of occupancy with some of the insignificant items incomplete. Council also continued a hearing from the May 2 regular Council meeting regarding an extension to a building permit for 4909 Essex Avenue. The Council heard from the applicant and the Town Building Official that the project has progressed significantly since the May 2 hearing. The Council granted an extension to the permit until the July 5 Council meeting. At that time, the progress will be evaluated again.

Regular Council Meeting June 6, 2011

The Town Council met in regular session on June 6, 2011. The Council took the following actions:

1. Approved a waiver permit to allow the construction of a 3x7 foot gable shield to a non-conforming pool house at 4728 Dorset Avenue. The construction will extend into the setback.
2. Granted a building permit for renovation at 4728 Dorset Avenue. The renovations will not expand the footprint of the house. The permit also covers the installation of a new in-ground pool, a fence, and installation of a generator.
3. Granted a permit to replace an air-conditioner at 5509 Uppingham Street and waived late fees due to emergency circumstances.
4. Approved the removal of three trees at 4902 Falstone Street; a Norway maple 9" in diameter, a Silver maple 14" in diameter and a Silver maple 13" in diameter.
5. Approved the Arborist's recommendation to remove six hazardous public trees
 - 18" dbh (diameter at breast height) Honey locust located at the Pool Facility
 - 24" dbh Polar located in Capello Park near Wisconsin and Cumberland—tree #8
 - 30" dbh Silver maple in Capello Park near Wisconsin and Cumberland—tree #857
 - 30" dbh American elm in Vinton Park at the corner of Wisconsin and Dorset—tree #957
 - 24" dbh Sugar maple at 5712 Surrey Street—tree #224
 - 20" dbh Pin oak at 4803 Grantham Street—tree #427
6. Approved an increase to the Pool Project Manager's contract to \$143,000.
7. Approved the recommended Council Liaison list for the year 2011. The special responsibilities of the Council members were assigned as follow:

Bill Farley:

Batting cage Committee
Bethesda Fire Board
Citizens Coordinating Committee on Friendship Heights alternate
Montgomery County Civic Federation
Pool Committee alternate
Transportation Management District
Western Montgomery County Citizens Advisory Board alternate

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Cathy Pickar:

Audit Committee alternate
Bank statement reviewer
History Committee
Pool Committee
Western Montgomery County Citizens Advisory Board

Alan Proctor:

All About People column
Pool house project contract officer
Check signing
Newcomer's Committee alternate
Special Events alternate
Tennis Committee

Marnie Shaul:

Audit Committee
Check signing
Citizens Coordinating Committee on Friendship Heights
Environment Committee
Montgomery County Civic Federation alternate
Parks and Natural Resources Committee alternate
Security Committee alternate
Tennis Committee alternate

Barbara Zeughauser:

Ad hoc Communications Committee
Bethesda Fire Board alternate
Environment Committee alternate
Parks and Natural Resources Committee
Newcomers Committee
Security Committee
Special Events Committee

8. Authorized the Acting Clerk/Treasurer to release request for bids for street milling and repaving.
9. Approved alternative Council meeting dates to accommodate the Fiscal Year 2012 Town Holiday schedule.



**ORDINANCE TO AMEND TOWN OF SOMERSET CODE:
CHAPTER 3, STREETS AND SIDEWALKS,
SECTIONS 3-103, 3-105, 3-106; AND 3-111, AND TO
RENUMBER SECTIONS 3-107, 3-108, 3-109, AND 3-110**

WHEREAS, the Charter of the Town of Somerset Section 83-68(a) permits the Town to “do whatever it deems necessary to establish, operate, maintain in good condition, and regulate the use of public ways of the Town”; and

WHEREAS, the Charter of the Town of Somerset Section 83-68(b) provides that the Town “may require that a permit be obtained from it and a reasonable deposit to safeguard the Town be made before any cuts or openings are made in any street, curb, or sidewalk”; and

WHEREAS, the Charter of the Town of Somerset Section 83-69(5) provides that the Town has the power to “install, construct, reconstruct, repair, and maintain curbs and gutters along any Town public way or part thereof”; and

WHEREAS, the Town Council of the Town of Somerset wishes to amend its requirements applicable to new curb cuts, to existing curb cuts, and to the removal of existing curb cuts; and

WHEREAS, the Town is concerned about aesthetics, removal of trees, reduction in the area available for plantings, reduction in the space available for on-street parking, and safety; and

WHEREAS, based on these concerns, the Town wishes to limit new curb cuts to one per property, to limit the width of driveways at the curbside, and to require certain improvements when a curb cut is removed;

BE IT ORDAINED by the Town Council of the Town of Somerset that Chapter 3 Section 3-103 and Sections 3-105 through 3-111 be amended as follows ([deletions in brackets], **NEW MATTER IN BOLD CAPITAL LETTERS**):

CHAPTER 3: STREETS AND SIDEWALKS

Article I. In General

Section 3-103. Action on Permit Application

(a) Temporary Permit

(b) Driveway Apron or Curb Cut.

- (1) The Town Council shall act upon the permit application for a permanent driveway apron or curb cut following the procedures and criteria for consideration of building permit applications **AND THE PROCEDURES AND CRITERIA IN THIS ARTICLE.**
- (2) **IF A PROPERTY HAS ACCESS THROUGH AN EXISTING CURB CUT, NO OTHER CURB CUTS MAY BE APPROVED FOR THAT PROPERTY. THIS SUBSECTION IS APPLICABLE EVEN IF THE ACCESS IS SHARED WITH ANOTHER PROPERTY THROUGH A SINGLE CURB CUT.**
- (3) **WHEN CONSIDERING AN APPLICATION FOR ANY NEW CURB CUT AND ITS LOCATION, THE TOWN COUNCIL SHALL TAKE INTO CONSIDERATION SUCH FACTORS AS CHARACTER OF THE STREET, REMOVAL OF TREES, REDUCTION IN THE AREA AVAILABLE FOR PLANTINGS, REDUCTION IN THE SPACE AVAILABLE FOR ON-STREET PARKING, SAFETY, AND LOCATION OF PUBLIC UTILITY FACILITIES.**

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- (4) FOR ALL NEW CURB CUTS, ANY PORTION OF A PRIVATE DRIVEWAY WHICH CROSSES THE PUBLIC RIGHT-OF-WAY MAY NOT EXCEED TEN (10) FEET IN WIDTH, EXCEPT THAT THE APRON WHERE THE DRIVEWAY CONNECTS WITH THE STREET SHALL BE ALLOWED A FIVE-FOOT RADIUS ON EACH SIDE OF THE DRIVEWAY FOR A TOTAL ENTRANCE AT THE CURBSIDE NOT TO EXCEED TWENTY (20) FEET IN WIDTH.

Section 3-105. ELIMINATION OF CURB CUT

WHEN A PROPERTY OWNER ELIMINATES A CURB CUT, THE PROPERTY OWNER SHALL INSTALL, AT THE PROPERTY OWNER'S EXPENSE, A CURB, SIDEWALK, GRASS, AND/OR TREES OR OTHER PLANTINGS, SO THAT THE AREA WHERE THE CURB CUT IS ELIMINATED IS CONSISTENT WITH THE ADJACENT AREA.

Section 3-106. NONCONFORMING CURB CUTS

(A) MORE THAN ONE CURB CUT PER PROPERTY

IF A PROPERTY HAS MORE THAN ONE CURB CUT LAWFULLY EXISTING OR APPROVED FOR A PERMIT AS OF MAY 2, 2011, SUCH CURB CUTS SHALL BE CONSIDERED NONCONFORMING. THE NUMBER OF CURB CUTS MUST BE BROUGHT INTO COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE UPON THE FOLLOWING:

- (1) ISSUANCE OF A TOWN PERMIT FOR THE CONSTRUCTION OF A NEW OR REPLACEMENT HOUSE,
- (2) ISSUANCE OF A TOWN PERMIT FOR THE CONSTRUCTION OF A NEW OR REPLACEMENT GARAGE, OR
- (3) A NEW DRIVEWAY IS CONSTRUCTED ON THE PROPERTY, OR AN EXISTING DRIVEWAY IS RELOCATED.

(B) CURB CUTS GREATER THAN TWENTY FEET IN WIDTH

ALL DRIVEWAY ENTRANCES AT THE CURBSIDE THAT WERE LAWFULLY EXISTING OR APPROVED FOR A PERMIT AS OF MAY 2, 2011 THAT DO NOT COMPLY WITH THE TWENTY (20) FOOT WIDTH LIMIT DESCRIBED IN SECTION 3-103(B)(4), ARE NONCONFORMING. SUCH DRIVEWAY ENTRANCES SHALL BE BROUGHT INTO COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE WHEN THE APRON OR THE DRIVEWAY IS RECONSTRUCTED OR REPLACED.

Section [3-105] 3-107. Provisions Not Applicable to WSSC

Section [3-106] 3-108. Indication of Obstruction

Section [3-107] 3-109. Destruction of Streets

Section [3-108] 3-110. Penalties

Section 3-111. WAIVER

THE TOWN COUNCIL MAY GRANT A WAIVER FROM THE DRIVEWAY AND CURB CUT REQUIREMENTS OF THIS ARTICLE IF THE TOWN COUNCIL MAKES A FINDING OF AN EXTRAORDINARY CONDITION SPECIFIC TO THAT PROPERTY WHICH RESULTS IN AN EXTREME HARDSHIP FOR THE APPLICANT.

**ORDINANCE TO AMEND TOWN OF SOMERSET CODE:
CHAPTER 3, STREETS AND SIDEWALKS, SECTIONS 3-103,
3-105, 3-106, 3-107, 3-108, AND 3-109**

WHEREAS, the Charter of the Town of Somerset Section 83-68(a) permits the Town to “do whatever it deems necessary to establish, operate, maintain in good condition, and regulate the use of public ways of the Town; and

WHEREAS, the Charter of the Town of Somerset Section 83-68(b) provides that the Town “may require that a permit be obtained from it and a reasonable deposit to safeguard the Town be made before any cuts or openings are made in any street, curb, or sidewalk”; and

WHEREAS, the Charter of the Town of Somerset Section 83-69(5) provides that the Town has the power to “install, construct, reconstruct, repair, and maintain curbs and gutters along any Town public way or part thereof”; and

WHEREAS, the Town Council of the Town of Somerset wishes to amend its requirements applicable to new curb cuts and to the removal of existing curb cuts; and

WHEREAS, the Town is concerned about aesthetics, removal of trees, reduction in the area available for plantings, reduction in the space available for on-street parking, and safety; and

WHEREAS, based on these concerns, the Town wishes to limit new curb cuts to one per property and to require certain improvements when a curb cut is removed;

BE IT ORDAINED by the Town Council of the Town of Somerset that Chapter 3 Sections 3-103 through 3-109 be amended as follows ([deletions in brackets], **NEW MATTER IN BOLD CAPITAL LETTERS**):

CHAPTER 3: STREETS AND SIDEWALKS

Section 3-103. Action on Permit Application

(a) Temporary Permit

(b) Driveway Apron or Curb Cut.

(1) The Town Council shall act upon the permit application for a permanent driveway apron or curb cut following the procedures and criteria for consideration of building permit applications **AND THE PROCEDURES AND CRITERIA IN THIS SECTION.**

(2) **IF A PROPERTY HAS ACCESS THROUGH AN EXISTING CURB CUT, NO OTHER CURB CUTS MAY BE APPROVED FOR THAT PROPERTY. THIS SUBSECTION IS APPLICABLE EVEN IF THE ACCESS IS SHARED WITH ANOTHER PROPERTY THROUGH A SINGLE CURB CUT.**

(3) **WHEN CONSIDERING AN APPLICATION FOR ANY NEW CURB CUT AND ITS LOCATION, THE TOWN COUNCIL SHALL TAKE INTO CONSIDERATION AESTHETICS, REMOVAL OF TREES, REDUCTION IN THE AREA AVAILABLE FOR PLANTINGS, REDUCTION IN THE SPACE AVAILABLE FOR ON-STREET PARKING, AND SAFETY.**

(4) **FOR ALL NEW CURB CUTS, ANY PORTION OF A PRIVATE DRIVEWAY WHICH CROSSES THE PUBLIC RIGHT-OF-WAY MAY NOT EXCEED TEN (10) FEET IN WIDTH, EXCEPT THAT THE APRON WHERE THE DRIVEWAY CONNECTS WITH THE STREET SHALL BE ALLOWED A FIVE-FOOT RADIUS ON EACH SIDE OF THE DRIVEWAY FOR A TOTAL ENTRANCE AT THE CURBSIDE NOT TO EXCEED TWENTY (20) FEET IN WIDTH.**

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(5) **THE TOWN COUNCIL MAY GRANT AN EXCEPTION TO THE REQUIREMENTS OF THIS SECTION IF THERE IS A FINDING OF AN EXTRAORDINARY CONDITION SPECIFIC TO THAT PROPERTY WHICH RESULTS IN AN EXTREME HARDSHIP FOR THE APPLICANT.**

Section 3-105. **REMOVAL OF CURB CUT**

WHEN A PROPERTY OWNER REMOVES A CURB CUT, THE PROPERTY OWNER SHALL INSTALL, AT THE PROPERTY OWNER'S EXPENSE, A CURB, SIDEWALK, GRASS, AND/OR TREES OR OTHER PLANTINGS, SO THAT THE AREA WHERE THE CURB CUT IS REMOVED IS CONSISTENT WITH THE ADJACENT AREA.

Section [3-105] **3-106.** Provisions Not Applicable to WSSC

Section [3-106] **3-107.** Indication of Obstruction

Section [3-107] **3-108.** Destruction of Streets

Section [3-108] **3-109.** Penalties

**ORDINANCE TO AMEND TOWN OF SOMERSET CODE:
CHAPTER 6, BUILDING CODE, SECTION 6-710**

WHEREAS the Town Council of the Town of Somerset wishes to amend its Code to require a deposit with an application for a permit for wall placement or construction;

BE IT ORDAINED by the Town Council of the Town of Somerset that Chapter 6 Section 6-710 be amended as follows (**NEW MATTER IN BOLD CAPITAL LETTERS**):

CHAPTER 6: BUILDING CODE

Section 6-710. Permit for Fence or Wall Placement or Construction – Application Form

(f) Fee. A seventy-five dollar (\$75.00) Fence or Wall Permit fee shall accompany the application.

(g) **DEPOSIT. TO COVER POSSIBLE DAMAGE TO TOWN PROPERTY, A DEPOSIT IN THE FORM OF A CHECK OR BOND IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) SHALL ACCOMPANY AN APPLICATION FOR A PERMIT FOR WALL PLACEMENT OR CONSTRUCTION. NO DEPOSIT IS REQUIRED TO ACCOMPANY AN APPLICATION FOR A PERMIT FOR FENCE PLACEMENT OR CONSTRUCTION.**

Preliminary Agenda

Regular Town Council Meeting

Somerset Town Hall – Monday, July 5, 2011 – 7:30 p.m.

The Somerset Town Council will meet in regular session on Tuesday, July 5, 2011 at 7:30 p.m. at the Somerset Town Hall. Please be advised the agenda may change after the publication of the Journal. Updated agenda are posted on the Town website: www.townofsomerset.com.



left to right: Council members Bill Farley, Barbara Zeughhauser, Cathy Pickar, Vice President Marnie Shaul, Alan Proctor

Regular Meeting of the Town Council

1. Approval of Council Minutes
 - June 6, 2011 Regular Council Meeting
 - June 20, 2011 Special Meeting – 7:30 p.m.
3. Financial Report – 7:35 p.m.
4. Pool Update – 7:40 p.m.
5. Suggestions and Comments from Residents – 7:45 p.m.
6. Fact-finding hearing for a building permit to erect a children's tree house in the rear yard at 4511 Dorset Avenue, applicants Cecilia and Jack Bensen. The structure is constructed. – 7:55 p.m.
7. Fact-finding hearing for a building permit to erect a children's tree house in the side yard at 4820 Dorset Avenue, applicant Matthew Zaft. – 8:05 p.m.
8. Fact-finding hearing for a permit to rebuild an existing screened porch at 4802 Falstone Avenue, the applicants are Sara Anderson and Mark Greenberg. – 8:15 p.m.
9. Fact-finding hearing for a permit to install a 17KW generator at 5524 Greystone Street, the applicant is Maurice Asseso. The applicant proposes to locate the generator in the rear yard. – 8:25 p.m.
10. Continue a fact-finding hearing on the progress of the work at 4909 Essex Avenue and consider an additional extension to the building permit – 8:35 p.m.

Hearing and Action on the following proposed amendments to the Town Code:

- Amend Chapter 6 Section 6-710 of the Town Code to require a deposit for a wall permit
 - Amend Chapter 3 Section 3-102 of the Town Code regulating curb cuts
 - Amend Chapter 9 Section 9-106 of the Town Code to provide for the installation of stop signs at the 5400 block of Trent Street on the turn – 8:45 p.m.
11. Discussion regarding the Town's enforcement of generator noise – 8:55 p.m.
 12. Mayor's Report – 9:10 p.m.
 13. Adjourn – 9:15 p.m.

This is a preliminary agenda prepared to meet the Journal press deadline, which typically is two weeks prior to the next Town Council meeting. During this period, there will likely be changes to the timing of items, and some items may be added or deleted. Please consult the bulletin board on the Town Hall porch or the Town website for the most up-to-date agenda.

Residents who wish to be present for a particular agenda item are advised to arrive 15 minutes ahead of the item's scheduled discussion time as discussions sometimes run ahead of schedule.

Items marked * have related articles inside this issue of the Town Journal.