

Council Meeting Agenda

March 4, 2024

Join Zoom Meeting

Link: <https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRtVnJUZZ09>

Meeting ID: 860 9193 9743

Passcode: 491819

Board of Supervisors of Elections Accepting Nomination

7:00 p.m. Nominations for two (2) Council seats and the role of Mayor will be accepted by the Board of Supervisors of Elections at the start of the meeting.

Somerset Town Council Meeting

Public Comment Period

7:05 p.m.

Approval of Agenda

7:10 p.m. Motion: To consider approval of the agenda as presented.

Consent Agenda

7:11 p.m. To consider approval of the consent agenda as follows:

- Nomination of Gayle Horn (Surrey St.) to the Pool Committee for a term ending in 2026;
- Nomination of Russell Green to the Pool Committee for a term ending in 2026;
- Arbor Day Proclamation;
- Approval of Budget Work Session Dates:
 - Monday, March 18, and
 - Monday, March 25.

Non-Consent Agenda

7:12 p.m. Public Hearing/Motion: To consider the Adoption of a Resolution establishing the 2024 Pool Rules

7:16 p.m. Public Hearing/Motion: To consider the Adoption of a Resolution Condemning Antisemitism

7:20 p.m. Motion: To consider the Introduction of a Resolution Sunsetting the Town of Somerset Police Program

7:21 p.m. Public Hearing/Motion: To consider a permit application submitted by David Kelly on behalf of David S. Kelly Development Co., Inc. for the construction of a new home at the property located at 4815 Cumberland Ave.

8:00 p.m. Discussion: Building Administrator's Report

8:05 p.m. Discussion: Manager/Financial Report

8:15 p.m. Adjourn

Key:

Public Hearing Item: Agenda item where public comment is permitted.

Discussion Item: Agenda item limited to discussion among the Council, Mayor and Town Staff.

Motion Item: Agenda item requesting action, limited to Council discussion.

Comments: Opinions and Questions from Town residents.

ⁱ Questions should be submitted via email ahead of the meeting to manager@townofsomerset.com or town@townofsomerset.com.

* Residents who wish to present for a particular Agenda item are advised to arrive 20 minutes ahead of the item's scheduled discussion time, as discussions can run ahead of schedule.

The Mayor and Town Council may entertain a motion during the open meeting to close a portion of the meeting, in accordance with Section 3-305(b)(1)(7) of the Open Meetings Act (Maryland Code, General Provisions Article), to consult with counsel to obtain legal advice.

Nominations

The Somerset Board of Supervisors of Elections will accept nominations for two (2) Council seats, and the position of Mayor, ahead of the Town Council meeting, at 7:00 p.m., March 4, 2024.

Additional candidates may be nominated after the meeting by written petition signed by at least 20 voters and filed with the Town Manager by March 18. The Board of Supervisors of Elections will announce a final list of candidates by March 25, 2024.

To be eligible to run for office, a candidate for Mayor or Council must (1) be a citizen of the United States, (2) have resided in the Town for at least eighteen months immediately preceding the election, and (3) be a qualified voter of the Town of Somerset and of the State of Maryland.

Consent Agenda

Pool Committee Nominations

Pool Committee Chair Matt Zaft has requested the Mayor's nomination of Russell Green and Gayle Horn to serve on the Pool Committee. Mr. Green was already serving on the Committee, and his term expired at the end of 2023. He would like to continue serving on the Committee. Ms. Horn would be replacing Nate Hurst, whose term also expired in 2023, but who does not wish to fill another term.



*** OFFICIAL PROCLAMATION ***

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, _____, Mayor of the City of _____, do hereby proclaim _____ as **ARBOR DAY**
In the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS _____ day of _____, _____
Mayor _____

Town of Somerset
Resolution Establishing 2024 Pool Rules

Resolution No.:1-24-2
Introduced: 1/8/2024
Adopted:
Effective Date:

RESOLUTION ESTABLISHING TOWN POOL RULES

WHEREAS, the Town of Somerset recognizes the importance of maintaining a safe and enjoyable environment for all residents and visitors utilizing the Town Pool; and

WHEREAS, the Pool Committee has diligently reviewed and considered the current state of pool operations and has provided recommendations for the establishment of pool rules to enhance safety, order, and overall satisfaction for the upcoming year;

NOW, THEREFORE BE IT RESOLVED by the Town of Somerset Council that the attached Pool Rules are hereby established for the year 2024; and

BE IT FURTHER RESOLVED that the Town staff is authorized to post these pool rules at the pool facility and on the Town's official website. The Pool Committee shall review and update these rules as necessary, with any changes subject to approval by the Town Council.

This resolution shall take effect immediately upon adoption.

ADOPTED by the Council of the Town of Somerset on this ___ day of _____ 2024.

ATTEST:

TOWN OF SOMERSET

Matt Trollinger, Manager/Clerk-Treasurer

Town of Somerset

Approved:

Stephen Surko, President

Town Council

_____ Date: _____

Jeffrey Slavin, Mayor

Town of Somerset

Town of Somerset
Resolution Condemning Antisemitism

Resolution No.: 1-24-AS

Introduced:

Adopted:

Effective Date:

**RESOLUTION CONDEMNING ANTISEMITISM AND ATTACKS ON
RELIGIOUS INSTITUTIONS**

WHEREAS, the Town of Somerset is committed to fostering an inclusive and welcoming community that respects and celebrates diversity, and

WHEREAS, the Temple Emanuel in the nearby Town of Kensington recently experienced an act of vandalism targeting its sign, which has been classified as a hate crime by the Montgomery County Police Department, and

WHEREAS, this incident is indicative of a concerning trend in the rise of antisemitism in Montgomery County, as evidenced by statistics from Maryland State Police and Montgomery County Police, which reveal that 90% of incidents motivated by bias towards religions in the past year were considered anti-Jewish, despite Jewish persons comprising only 10% of the county's population, and

WHEREAS, the Town of Somerset unequivocally condemns all forms of discrimination, hatred, and violence, particularly those directed towards religious institutions and communities, and

WHEREAS, it is essential for local governments to take a stand against antisemitism and work collaboratively to promote tolerance, understanding, and respect among all residents,

NOW, THEREFORE, BE IT RESOLVED that the Town of Somerset:

- Strongly condemns antisemitism in all its forms and manifestations, recognizing that acts of hatred against one religious group undermine the fabric of our diverse community.
- Expresses solidarity with the Temple Emanuel and all religious institutions that have been targeted by acts of vandalism or hate crimes.
- Urges all residents of the Town of Somerset to stand united against antisemitism and to actively work towards building a community that values diversity, inclusivity, and mutual respect.
- Encourages collaboration with local organizations, religious leaders, and community members to promote dialogue and understanding among different faiths and cultures.
- Supports initiatives that aim to create a more tolerant and accepting environment for all residents, regardless of their religious beliefs.

- Affirms its commitment to upholding the principles of justice, equality, and human rights for all.

This resolution shall take effect immediately upon its passage.

ATTEST:

TOWN OF SOMERSET

Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset
Approved:

Stephen Surko, President
Town Council

Jeffrey Slavin, Mayor
Town of Somerset

Date: _____

Town of Somerset

A Resolution Sunsetting the Town of Somerset's Security Program

Resolution No. 24-3-1

Introduced: March 4, 2024

Adopted: April 1, 2024

Effective Date: May 1, 2024

A Resolution Sunsetting the Town of Somerset's Security Program Utilizing Secondly-Employed Off-Duty Montgomery County Police Officers, Effective May 1, 2024

WHEREAS, the Town of Somerset established a security program utilizing Montgomery County police officers for the purpose of enhancing public safety within the town limits; and

WHEREAS, the Town's volunteer public safety committee has diligently researched and gathered data on the effectiveness of the security program over the past year; and

WHEREAS, the public safety committee has concluded that the current security program is not effectively deterring crime within the Town of Somerset; and

WHEREAS, alternative methods such as public awareness campaigns, infrastructure improvements, and targeted programs for speeding and stop sign violations have been identified as potentially more efficient and effective in enhancing public safety and utilizing town funds; and

WHEREAS, the Committee has submitted a formal recommendation to the Town Council recommending that the program end; and

WHEREAS, numerous residents of the Town of Somerset have expressed their support for ending the police program within the town;

NOW THEREFORE, be it resolved by the Town Council of the Town of Somerset that the Town of Somerset's security program utilizing Montgomery County police officers shall be sunset, and all associated contracts and agreements with the Montgomery County Police Department shall be terminated, effective May 1, 2024; and

BE IT FURTHER RESOLVED that the Somerset Town Manager is hereby directed to provide notice of this resolution to the Montgomery County Police Department and all participating officers.

This resolution shall take effect on May 1, 2024.

Certified and adopted by the Council of the Town of Somerset on this ____ day of _____, 2024.

Mayor Jeffrey Slavin

Council President Stephen Surko

Attest:

Matt Trollinger, Town Manager/Clerk-Treasurer

TOWN OF SOMERSET
PUBLIC SAFETY COMMITTEE

M E M O R A N D U M

DATE: October 18, 2023

TO: Town of Somerset Council

FROM: Kumar Vaswani, Chair, Public Safety Committee (PSC) 

SUBJECT: Recommendations Regarding Town Police Program

INTRODUCTION

President Surko and Council Member Rovak have asked the Public Safety Committee (PSC) to evaluate the Town's police program.

Please note that:

(1) No one is questioning the quality of our Town police officers. Their integrity, dedication, and quality are undisputed.¹

(2) The PSC has met with the Town's lead officer several times and has always had a collegial relationship with him.

Additionally, the PSC chair has known one of the Town officers for more than two decades.

However, the issue is not the quality or dedication of our Town police officers.

The issues are:

Does the Town's police program provide **a good return on our investment?**

Is the program **a good fit for the Town?**

¹ In attempting to explain the benefits of the police program, Town officials have stated that we have two very good officers here. But no one is questioning the quality of our Town police officers. Please see the PSC's July 13, 2022, memo to the Council, which is incorporated herein by reference, for more information.

Are there more effective and more fiscally prudent alternatives?

Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?

(3) During the sixteen years of the Town police program's existence, the Council has never been fully briefed on the program. Consequently, there is a great deal of confusion surrounding the program. In this memo, we present data and evidence and address some of the confusion and misconceptions regarding the program.

(4) No doubt the police play an important role in the detection and prevention of crime—and the Town should ensure that it continues to receive the benefit of these services from the Montgomery County Police Second District. But any Town police/security efforts need to be part of a holistic, coordinated program that includes monitoring, supervision, public education, engagement (and proactive action) by the public, as well as collaboration with our public safety partners at the county, state, and federal levels.²

(5) Somerset has an enviably low crime rate. However, the PSC is in no way minimizing or trivializing any of the crimes that have occurred in Town. Any crime is one crime too many. The PSC recognizes the physical and psychological toll of crime and will continue to seek effective ways to prevent crime.

(6) The PSC has the expertise to address these issues and make recommendations to the Council.

Two PSC members are attorneys, at least one of whom has worked on criminal issues. While police officers certainly have valuable experience, it is attorneys who work with policy and larger issues related to law enforcement. The heads of departments and government components that have significant law enforcement roles—such as USDOJ, DHS, FBI, ATF, DEA, etc.—are attorneys—not police officers.

Two PSC members have extensive public safety experience and have worked and interacted with scores of police officers at the federal, state, and local levels. Members of the PSC have worked with victims of crime. **The PSC is familiar with the benefits, costs, and challenges of police programs.**

(7) The Town's police program presents numerous challenges because of its complexity, its interconnection with the Montgomery County Police Department (our officers essentially have two employers simultaneously), previous Councils' lack of oversight, confusion about the program, lack of documentation, and the public's perceptions regarding both crime and law enforcement.

² Two of the PSC's goals are to use a holistic approach to public safety and to instill a public safety ethos in our Town government.

The PSC applauds all Council Members, the Mayor, the Town Manager, and the Deputy Town Manager for taking on these challenges.

RECOMMENDATIONS

The PSC met on October 10 and voted to make the below 5 recommendations to the Council.

The PSC respectfully **asks the Council to vote to:**

(1) Maintain the current moratorium on hiring of new police officers.

JUSTIFICATION: Two years ago, the Town Manager agreed to a moratorium on hiring of police officers. The moratorium should continue.

The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

(a) On September 22, 2023, the Traffic Committee sent the Council a letter stating: “We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program . . . have not effected the increase in traffic safety we expected. . . . [W]e have not seen an increase in stop sign compliance, which was our main goal.”

(b) **The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town’s crime rate.** In fact, even as police expenditures have remained the same or dropped, crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.

Please see the below Executive Summary (item #1) for additional data.

(c) The Town is not set up to hire new officers. We have no policing policy, no personnel practices regarding Town police officers, and no processes for screening, recruiting, hiring, evaluation, and onboarding.

(2) Discontinue the Town’s police program effective close of business April 30, 2024 (or sooner if the Council desires).

JUSTIFICATION: The Town’s police program has not met the Town’s expectations. Additionally, the program does not provide a good return on our investment.

The Town started the police program in 2007 to address traffic safety concerns. However, in its September 22 letter to the Council, the Traffic Committee stated, “**the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as we had hoped.** . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety.” [emphasis added]

Moreover, the data show that the police program has little to no impact on Somerset’s crime rate. (Please see the crime statistics and police expenditures in the Executive Summary, item # 1 below.)

For all the reasons stated in this memo, the program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

(3) If the Council feels the Town needs a security presence:

The Council could explore the option of hiring unarmed safety patrols (i.e., personnel who will drive around the Town in marked vehicles).

As part of this exploration, the Town should study the legal and social implications as well as the experiences of nearby neighborhoods and municipalities.

JUSTIFICATION: Somerset has an enviably low crime rate. Although there are no guarantees, violent crime in Town is fortunately extremely rare. Most crimes in Town are property-related, and the police have repeatedly told us that most of these crimes are preventable.

The evidence and data do not indicate that hiring a security presence would significantly reduce Somerset’s already low crime rate. Even without our Town police program, Somerset already has a police presence; the police respond to calls in Somerset an average of two times a week. The majority of those calls (90%) are handled by the regular Second District police officers (not our Town police).

The PSC also believes that better communication with residents and the Montgomery County Police Second District, as well as infrastructure improvements, may well do more to enhance residents’ feelings of safety than a hired security presence would.

However, if the Council desires a security presence in Town, the Council could consider contracting with a firm to provide **unarmed safety patrols in marked vehicles.**

For example, a **University of Maryland task force has recommended that the university “increase the use of non-sworn staff for routine patrols”** as part of an effort to “consider new approaches that would ensure a greater sense of community safety and trust, particularly among those who are most vulnerable to discriminatory police actions.”

<https://president.umd.edu/administration/commissions-task-forces-and-councils/task-force-on-community-policing>

We note that safety patrol personnel would not be able to issue traffic citations or warnings.

We also note that there are legal, racial equity, and social justice implications with hiring any type of security presence – whether the police or private safety patrols.

(4) In the interim, until the police program’s discontinuation:

Direct Deputy Town Manager Hardwick to:

- (a) monitor the police activity log on a daily basis, effective immediately;**
- (b) immediately instruct the Town police to again resume documenting each shift in the police activity log, as recommended by the PSC and approved by the Council in August 2022;**
- (c) ensure that the Town police continue to document each shift in the police activity log, so there are no more gaps in the log in the future;**
- (d) ensure that the officers enter in the log the reasons for any traffic stops, for any warnings issued, and for any citations issued, effective immediately.**

JUSTIFICATION: This is essentially *res judicata*. The Council approved the PSC’s recommendation to resume use of the police activity log **over a year ago**. Please see the PSC’s memo of July 13, 2022, for more information.

Although the Town resumed use of the log in February of this year, the Town officers have again stopped using the log. As the PSC chair emailed Town Manager Trollinger on August 26, the daytime officer stopped documenting his shifts in the log on **August 17 of this year**. The night officer stopped documenting his shifts in the log on **September 6**.

The PSC chair never heard back from the Town Manager. As of October 18, the officers are still not documenting their shifts in the log.

It appears that through no fault of his own, the Town Manager -- the officers' supervisor -- may not have time to adequately supervise the Town police, including monitoring the police activity log.

Therefore, the Council should transfer the Town Manager’s duties to another employee who has time to do the work.

Although incompletely filled in, **the police activity log has been the sole source of transparency regarding the current activities of the police program, including the number of calls responded to, the number of tickets issued, the nature of the calls responded to, etc.**

In the November 2020 “Somerset-Montgomery County Police Forum,” a resident stated, “If we keep hiring them [the police], you should ask for them to keep lists of their contact with the community and what they are doing . . . because it’s our Town money that’s going out to them. I haven’t figured it out yet.”

Her comments were on point. The log has enabled the PSC to respond to inquiries from Council Members and residents.

For example, a Council member recently asked questions about: what the Town police do during their shifts, the number of night hours worked every week, the times of night the officers work, and the number of night shifts worked every week.

It is only because of the police activity log that the PSC was able to respond to the Council member’s questions.

The police activity log has also enabled the PSC to introduce some transparency to the police program by informing the public (as the Town used to do routinely) about: the nature of the calls responded to by Town officers, the number of calls responded to per month, the number of warnings issued per month, and the number of traffic stops made per month.

It was only after the Town resumed maintaining the police activity log in February of this year that the PSC was able to resume publishing summaries of Town police activity (quarterly) in the Town Journal.

However, **the value of the police activity log diminishes when the officers do not document their shifts.**

This is not the first time the Town has failed to ensure that the log is being filled in.

There are months-long gaps in the log for both 2021 and 2022 -- which is precisely why the PSC recommended in July 2022 that the Town resume using the log to document each shift.

The Town finally resumed using the log in February of this year, **but now the officers have again stopped documenting their shifts.**

The PSC is monitoring the log, but it is the Town staff’s responsibility to monitor the log as well. And the staff should ensure that the officers are properly documenting each shift in the log, as required by the Council.

We understand that because Town Manager Trollinger is overworked, he may not have had time

to remind the Town police to document each shift in the log, even after receiving the PSC chair's email notifying him of the daytime officer's failure to do so. (Subsequently, the night officer has stopped documenting his shifts in the log as well.)

And the Town Manager probably does not have time to monitor the police activity log on a daily basis or to adequately supervise the police.

Therefore, the Council should delegate tasks relating to the police activity log to Deputy Town Manager Hardwick.

(5) Request the Town's auditing firm to:

- (a) investigate and explain the \$14,000 discrepancy for the police program in FY 22;**
- (b) report back to the Council by December 4, 2023; and**
- (c) send an email copy of the report to the chair of the PSC.**

JUSTIFICATION: For FY 22, the police program was budgeted at \$50,000. According to the final audited financial statement provided by the Town's auditing firm and included in the Council meeting packet, the Town spent \$64,000 on the program. This represents a 28% cost overrun.

In a January 9 email, the Town Manager stated that he paid out to officers "\$49,995. It looks like the auditors added something else to this account."

The Town Manager stated that he would get back to the PSC on this. The PSC never heard anything further on this.

The Council has a fiduciary responsibility to ensure that taxpayer funds are spent in a fiscally prudent manner and that budgeted funds are not diverted or misspent. The Town should investigate the discrepancy.

EXECUTIVE SUMMARY

Although the Town's police program was started with good intentions, the program is providing a low return on investment and is not a good fit for Somerset.

Without question, we have two outstanding police officers. This is beyond dispute. No one is questioning the quality of the officers.

However, the police program is not a good fit for Somerset for the following reasons, among others:

(1) The data show that the Town police program has little to no impact on Somerset's crime rate.

Decreasing our police hours has not resulted in a higher crime rate for our Town.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:

FY 20 ³	\$36,000	13 crimes
FY 21	\$50,000	17 crimes
FY 22 ⁴	\$50,000	13 crimes
FY 23	\$33,000	7 crimes (calendar year to date)

Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.⁵

The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.

(2) The Town police have little opportunity to take police actions in Somerset.

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

Following is a summary of Town police activity this year.

³ Source: August 3, 2020 Council packet. Actual figure is \$35,870.27

⁴ Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

⁵ We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

This year (to date) the Town police:

Responded to 7 calls in Town this year (less than 1 call per month on average), according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

In previous years, based on the police activity log, our Town police responded to an average of 1 Town emergency every 3 months.

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

Made 0 arrests this year to date (and 0 arrests in the last 5 years), according to the police activity log. (The PSC has logs going back 5 years.)

Possibly issued 1 ticket this year to date, according to the police activity log. (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

Issued 5 warnings year to date, according to the police activity log. One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

Wrote 2 community notices that we can recall this year. (The Town Manager distributed these notices via Town Announcements.)

Please see additional details on the low level of Town police activity under “Background” (below).

(3) Even when we have had a police officer in Town, crimes have still occurred.

A Town police officer was on duty at the same moment that the carjacking occurred in January 2021. The Town police officer’s presence did not deter the crime, and she did not catch the suspect.

And the unlawful entry on Cumberland in December 2021 occurred while a Town police officer was on duty. Again, the Town police officer’s presence did not deter the crime, and he did not catch the suspect.

(4) The Question of What Services the Town Police Can Provide

Town officials have suggested meeting with Second District officials to ask them what services the Town police can provide for us.

(a) **The Town has already asked the Second District this question (twice):**

At a March 30, 2023 meeting with Second District Commander Daum, Town Manager Trollinger asked her what services the Town police can provide for us.

In reply, Commander Daum stated that it would be unethical for her to answer this question. (If the Town has questions about the legality or ethics of the Second District answering this question, the Town should consult with the Town Attorney).

At a November 2020 Town forum, President Shaul asked a similar question of Commander Gagen. **He never answered the question.**

(b) **This seems to be a recurrent theme – the Town’s constant struggle to find things the Town police can do for us.**

(c) **The answer to this question seems rather elusive**, which could mean that the police program is a solution in search of a problem.

(5) High Cost and Low Return on Investment from the Police Program

(a) **The Town has spent \$300,000 on the police program so far during the past 16 years.**

(b) The Town is spending approximately **\$715 a week on the police program, which has been deemed ineffective by the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee).**

(c) At the current rate of spending, if the Council were to continue the program, the Council would spend **an additional \$370,000 (at a minimum)** on the program over the next decade.⁶

The Council should apply a high standard when deciding how to spend these funds. That \$370,000 could be used for a number of worthy projects, such as pedestrian-scale lighting, infrastructure improvements to address pedestrian safety concerns, hiring crossing guards, hiring a part-time staffer to ease the burden on the Town Hall staff, or other projects for the public good (should the Council deem them appropriate), such as converting the pool house to a year-round facility.

⁶ Financial analyses of the expense and impact of government programs typically examine the program over a 10-year span. See, e.g., “About Congressional Budget Office: Baseline Budget and Economic Projections,” <https://www.cbo.gov/about/products#6>

(d) The data show that the police program has little to no impact on the Town's crime rate. Please see the data showing crime numbers and police expenditures for the past four years in the Executive Summary, item #1.

(e) For the price the Town is paying, the Town police do not even drive around; instead, they sit parked for up to 60 minutes at a time at 1 location.

(f) And for that price, we cannot even control the dates or the times of day/night that the Town officers work here.

(g) For the current budgeted amount, we only have 1 Town officer on duty for 1.8 hours a day on average. **This is less than 8% of the time.**

(h) Up until this fiscal year, the Town police were the highest paid of any of our Town employees, on an hourly basis.

(i) For the amount we are paying, we are not even getting a visible presence during all of the hours that the Town police work. One of our officers is sometimes here in an unmarked vehicle, thus defeating the goal of a visible presence.

At an April 2022 meeting with Council member Barr, Council member Rovak, and Chair Hurwit, the Town Manager stated that an unmarked vehicle would help the police make traffic stops. **But the proof is in the pudding: the Town police have hardly made any stops for the last 3 years.**

(j) As a side note, the Town has not conducted a legal review of its Town police program or assessed the Town's liability for operating its current police program.

(6) Lack of Patrols

According to the Town Attorney, the County's collective bargaining agreement **prohibits the Town officers from driving around and patrolling the Town, unless the Town pays the County for vehicle expenses – which the Town does not.**

Instead, the officers go from one location to another and **sit parked for up to 60 minutes at a time.**

(7) Lack of Control Over the Town Police Officers' Schedules

We have no control over the dates or times of day/night that the officers work. The officers set their own schedules, working around their County jobs and their personal schedules.

The Town sometimes goes 4 – 5 days without a Town officer on duty.

This might explain why the Town staff stated that they asked the regular County Second District police to monitor the pool after the break-ins there and to monitor the area around the recent water main break (at Warwick and Falstone).

(8) The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

The Traffic Committee has concluded that the program is ineffective for traffic law compliance. The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town's crime rate.

(9) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.

Montgomery County, Washington, D.C., and other progressive jurisdictions are looking at infrastructure solutions for traffic safety problems. **Infrastructure could induce traffic law compliance 24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.⁷

(10) The available evidence indicates that through no fault of their own, the Town staff lacks the time and resources to adequately monitor/supervise the police program and to communicate with and engage in a collaborative process with the police, residents, and committees.

(11) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.

Please see details further down in this memo.

(12) The police program is not an efficient use of resources.

In today's world (particularly in our low-crime, suburban-type community⁸), where much of policing is driven by 911 calls, rather than by the discovery of incidents by "the officer on the beat," it is inefficient for the Town to hire officers to sit parked waiting for a call.

For example, the Town police respond to only 1 emergency in Town per quarter on average. And two of the emergencies to which the Town police responded this year were outside of Town.

⁷ About 50% of Town police hours are worked during the daytime. The other 50% of the hours are worked at night, often from 7 pm to 1 am, when traffic is at a minimum.

⁸ No doubt, some will dispute the description of Somerset as a "suburban-type community." Some might describe the Town as "dense suburban" or "urban." Others might call it a "close-in suburb." Perhaps the best description would simply be its zoning classification: "R-60."

As another example, **our Town police are hardly giving any parking tickets.**

But residents are calling 911 (or the police nonemergency number) with parking complaints. The Second District is dispatching officers here to address those complaints. In one case a Second District officer responded just 45 minutes after our Town officer ended his shift.

The PSC is not necessarily advocating for more tickets. But if residents have to call 911 with parking complaints, and the Second District police are responding to do what we have been expecting our Town police officers to do, **then the Town is not getting good value for its money.**

(13) Racial Equity and Social Justice Considerations

There are racial equity and social justice considerations with hiring any type of security presence – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

Our Town police officers are well trained and professional. However, **in its Black Lives Matter resolution, the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with evolving public perceptions regarding law enforcement and many communities’ efforts to seek alternatives to the use of the police as part of a more holistic, effective approach to public safety.

(14) The purported direct connection to the Montgomery County Police Department (cited as a benefit of the Town’s police program) is already available for free from MCPD. It is not fiscally prudent to pay for this service. **In any case, the purported direct connection to the MCPD (via our Town police) isn’t working.** Please see details under Background, below.

BACKGROUND

(1) The data show that the Town police program has little to no impact on Somerset’s crime rate.

Decreasing our police hours has not resulted in a higher crime rate for our Town.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:

FY 20	\$36,000	13 crimes
FY 21	\$50,000	17 crimes

FY 22⁹ \$50,000 13 crimes

FY 23 \$33,000 7 crimes (calendar year to date)

Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.¹⁰

The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.

(2) The Town police have little opportunity to take police actions in Somerset.

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

We have a very low crime rate in Town; we are more likely to be felled by a heart attack, stroke, vehicle collision while driving to or from Somerset, or some other medical calamity, than to be the victim of a violent crime in Town.

We have almost no traffic collisions or pedestrians struck by vehicles. We do not have the pattern of criminal activity, such as shootings, muggings, or outdoor drug dealing, that exists in areas of D.C, Silver Spring, or Prince George's County.¹¹

The police tell us that **most of the crimes here are preventable.**

Following is a summary of Town police activity this year.

This year (to date) the Town police:

⁹ Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

¹⁰ We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

¹¹ Again, this is not to minimize the toll that these types of incidents can inflict on the victims. See Introduction, item #5.

Responded to 7 calls in Town this year (less than 1 call per month on average), according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

In previous years, based on the police activity log, our Town police responded to **1 Town emergency every 3 months on average.**

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

Made 0 arrests this year to date (and 0 arrests in the last 5 years), according to the police activity log. (The PSC has logs going back 5 years.)

Possibly issued 1 ticket this year to date, according to the police activity log. (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

Issued 5 warnings year to date, according to the police activity log. One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

Wrote 2 community notices that we can recall this year. (The Town Manager distributed these notices via Town Announcements.)

Note that the above incidents are only a fraction of the incidents that have occurred in Town this year. By examining a list of police dispatched calls in Data Montgomery for a 36-week period this year, the PSC found that the police respond to calls in Somerset an average of two times a week.

We compared this data with the Town’s police activity log and found that **almost all those calls (90%) were handled by the regular Montgomery County Second District police (not by our Town officers).**¹²

¹² Those calls run the gamut from activated burglar alarms (this type of call predominates, but most of them are accidental alarms or malfunctions—some Data Montgomery entries actually include the phrase “cry wolf”), fraud complaints, animal issues, welfare checks, persons needing a mental health evaluation, missing persons (for example, the dementia patient who wanders or drives away), runaways, “family trouble,” suspicious persons or vehicles (usually resulting in nothing found), aggressive solicitors, reports of a crime that occurred in the past, parking complaints (even though our Town police do not proactively issue parking tickets, residents are calling the police, and the Second District is dispatching its own officers to deal with parking complaints), noise complaints, and so on.

Many of these calls are non-emergencies or could be addressed by services other than law enforcement. But because we often rely on the police as the “go-to” response agency for any kind of trouble, the police end up getting dispatched.

Our Town police responded to only about 10% of incidents during that period -- which makes sense, given that our Town police are here only 8% of the time.

(3) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.

The Town already receives ample coverage by the County police, who respond quickly to any emergency in Town.

In fact, according to Data Montgomery, the police respond to calls in Town twice a week on average. **Montgomery County's Second District police officers (not our Town police) respond to 90% of police-dispatched incidents in Town.**

And as the Town Manager has remarked, the service provided by our public safety agencies is excellent.

It is not fiscally prudent for the Town to pay for these services.

(4) The Town police do not assist the school crossing guard.

Town officials have stated that the Town police have been deployed because drivers were harassing the crossing guard. The Town officers may have helped the crossing guard when the program was started in 2007, but they have not done so for at least five years.

This is an example of the confusion that surrounds the police program.

The police activity logs show that:

(a) The Town police have never assisted the school crossing guard in the last 5 years. (The PSC has logs going back 5 years.)

(b) The Town police have never been stationed at Dorset and Warwick during school hours during the last 5 years.

The Town officials might have seen the regular County Second District police assisting the crossing guard.

The crossing guard is a Montgomery County Police Department employee, so if she needs assistance, it would make sense that she would contact her supervisor, who would then send a Second District officer to assist her.

Another Town official had mistakenly believed that our Town police are spending time out of

their vehicles and interacting with kids at Dorset and Warwick. This has never happened in the last 5 years, according to the police activity logs. So this Town official also may have mistaken the Second District officers for our own Town police.

(5) Residents' Complaints About the Police Program

Although there have been positive comments about our Town police officers, **there have been hundreds of complaints and questions about the program over the years**, according to the Mayor.

(a) For example, residents have complained that the officers sit parked instead of driving around to patrol the Town.

(b) Residents have complained that it is unnecessary to have Town police here during broad daylight.

(c) Residents have complained that it is not a productive use of Town funds to hire police officers.

(d) Three Traffic Committee members have complained about our Town officers' inability to carry out the Town Manager's request that the officers issue traffic citations.

(e) A Council member has -- at least twice -- remarked upon our Town officers' inability to issue traffic citations.

(The most recent traffic stop was made at least 6 months ago.)

(f) The Town staff has not responded to any of these concerns. (Again, we realize that the Town staff is overworked and lacks the time to adequately supervise the police program.)

(6) Racial Equity and Social Justice Considerations

There are racial equity and social justice considerations regarding any type of security presence – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

As part of the national reckoning that has taken place since the police killings of George Floyd, Breonna Taylor, and others, the **Town Council declared in its December 6, 2021, Black Lives Matter resolution** that the Town was “saddened and angered by the disproportionate killing of Black people by police in our country” and that “in our own Montgomery County, County police stop Black drivers at disproportionate rates, and disproportionately arrest, and use force against Black people.”

As the Montgomery County Reimagining Public Safety Task Force has stated, “Montgomery County has its own uncomfortable truth regarding the lack of concern towards members of Black communities.” <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf> .

In 2000, as the Montgomery County Office of Legislative Oversight (OLO) noted, the County signed a Memorandum of Agreement with the U.S. Department of Justice to settle allegations that County police officers engaged in racially discriminatory conduct in violation of federal law. https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

The OLO also noted last year that “[W]hile overall numbers of Montgomery County Police Department traffic stops declined between FY18 and FY22, **racial disparities in traffic stops have persisted or worsened over the five-year period.**”

An examination of data related to disparities in policing in Montgomery County would consume more space than would be permitted in this memo, but various County boards, commissions, and task forces, as well as advocacy groups and MCPD itself, are examining these issues and have produced highly relevant reports that the Town should consider.

Our Town police officers are well trained and professional. However, **the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with many communities’ efforts to seek alternatives to the use of the police as part of a more holistic approach to public safety.¹³

In evaluating the police program, the Town should also ask: is the program simply providing a perception of safety that isn’t proven by the statistics and reality?

(7) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.

(a) This is the trend that Montgomery County, D.C., and other progressive jurisdictions are following. **The Traffic Committee has concluded that the police program is ineffective for traffic safety purposes.** The Traffic Committee is now looking at alternative methods to achieve stop sign compliance and improve traffic safety.

(b) Infrastructure could induce traffic law compliance **24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.

¹³ See also, “Town of Somerset Declarations of Inclusion & Sustainability,” on the Town’s home page.

(c) Despite some residents' concerns about speeding in Somerset, it is not an option for the Town police to pull over and ticket speeders. Town police officer Sgt. Cheoung told the PSC at least a year ago that the Town police officers cannot make stops for speeding because they lack the laser equipment and our Town lacks a stretch of road long enough for the police to "pace" a speeding vehicle.

The Town police have never made a stop for speeding, according to all of the available police activity logs.

Infrastructure, such as the speed display signs that the late Council member Alan Proctor set up, as well as public education, could provide some of the most practical solutions for speeding.

(d) The Town could reallocate police funds for:

(i) **Repair of sidewalk tripping hazards that have languished for decades**

These tripping hazards have already caused injury to residents. Residents have complained about the tripping hazards for years.

(ii) **Pedestrian scale lighting** to address pedestrian safety concerns and to allay some residents' fears about personal security.

(iii) **Raised crosswalks** to address pedestrian safety concerns.

(iv) **Pedestrian-activated stop lights** to address pedestrian safety concerns.

(8) The police program has little to no impact on traffic safety.

Somerset started the Town's police program in 2007 to address traffic safety concerns.

On September 22, 2023, the Traffic Committee sent the Council a letter stating:

We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program (doubled from \$25,000 in FY19 to \$50,000 for FY20, per the request of our Ad Hoc committee in March of 2019) have not effected the increase in traffic safety we expected. **Although the number of hours police officers work in Town did double from 8.75 per week to 17.5 per week, we have not seen an increase in stop sign compliance, which was our main goal.** [emphasis added]

###

At this point, the Traffic Committee has concluded that **the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as**

we had hoped. . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety. [emphasis added]

Attached is the Traffic Committee's letter to the Council.

(9) Infrequency and Brevity of Town Police Shifts

We only have 1 Town officer on duty for 1.8 hours a day on average. This is less than 8% of the time.

The Town sometimes goes for stretches of 4 – 5 days with no Town police officer on duty, because we do not control the officers' schedules.

One response to the infrequency and brevity of shifts might be to increase police hours. But this would be an extremely expensive proposition because of the high cost of the officers' salaries.

For example, it would cost more than \$240,000 annually to have a single Town police officer here just 50% of the time. This would require a 33% increase in the Town's property tax rate to raise the funds needed. And this tax increase would still not eliminate crimes. See Executive Summary item #3, and Background item #12.

(10) Lack of Control Over the Town Police Officers' Schedules

The Town has no control over the dates or times of day/night the Town police officers work. The officers set their own schedules, working around their County jobs and their personal schedules. This was apparently the arrangement when the Town hired the officers.

The Town sometimes goes for stretches of 4 – 5 days without a Town-hired police officer here.

Holiday weekends are when residents tend to go out-of-town. This year, July Fourth was essentially a four-day holiday weekend for people who could get Monday off. **However, no Town officer worked here during any of those four days – either day or night.**

For Labor Day weekend this year, a Town officer was in Town up until Friday night at 8 pm. The next time a Town officer worked here was on the following Tuesday starting at 7 pm. **So no Town officer was here during the entire three-day weekend – either day or night.**

When our Town residents go on vacation, our Town officers may also be going on vacation.

So if some residents are concerned about crime when they are out of town, their concerns will not be allayed; our Town police officers are less likely to be here when residents are out of town.

(11) Our Town has likely done more to reduce crime by encouraging residents to take basic precautions, rather than by hiring police as a crime deterrent.

In FY 21 and FY 22, the Town spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv about thefts from vehicles at night (in April and again in October 2021).

This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).

We have managed to lower the incidence of crime by encouraging residents to take basic precautions, even as Town police hours have decreased in the last year.

Obviously, it's too early to brag. And we have more work to do. Every year we have about two car thefts and one or two house break-ins. **But even in years of high police expenditures, the numbers of those crimes have held steady**, and it is not likely that higher police expenditures will completely eliminate these few break-ins and vehicle thefts.

Even Chevy Chase Village, with a full-time police force (that actually patrols the Village) and a police budget of \$2 million, still has scores of crimes each year.

In fact, every municipality cited by the Town staff as hiring the police (in some cases for significant numbers of hours) have crimes occurring in their jurisdiction.

(12) Response to the argument that it's beneficial for the Town police officers to sit where they are, so the officers can catch a suspect in case there is an incident.

(a) **The Town police have never caught a suspect in the last 5 years.** (The PSC has police activity logs going back 5 years.)

Even Town Officer Livingston, who responded to the carjacking on Essex in 2021 while she was on duty here in Town, did not catch the carjackers.

(b) We have 5 road entrances into the Town and at least 5 pedestrian entrances, so it is impossible for an officer to cover every exit route.

(c) The Town police are often sitting parked at locations other than Town entrances.

(d) Since we have only 1 officer in 1 location for less than 8% of the time, a criminal has less than an 8% chance of encountering one of our Town police officers.

According to Second District Cdr. Daum, criminals most likely do not "case" the Town--they are not scoping us out repeatedly for days in advance to see if the police are here. Criminals likely come through Town occasionally and commit crimes on the spot (opportunistically).

(13) Response to the Argument that the Police Program is Inexpensive on a Per-Household Basis

An assertion was made in a Council meeting that the police program is inexpensive (“\$3 a week per household”).

(a) One could advance this argument about any program. But this argument fails to address the real issue. Government spending is not evaluated solely by calculating the per-household cost.

(b) The relevant issues are:

Does the Town’s program provide a good return on our investment?

Is the program a good fit for the Town?

Are there more effective and more fiscally prudent alternatives?

Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?

(c) For example, one could say the Town should hire a short-order cook at \$3 a week per household to prepare meals for the Town Hall staff on demand. This program would be a bargain on a per-household basis.

But is hiring a short-order cook an effective use of tax money?

(d) **That \$3 a week per household is more than half a million dollars over the course of 10 years -- \$644,280, to be exact** (\$3 x 52 weeks x 413 houses x 10 years).

That \$644,280 could be used for a number of other purposes -- converting the pool house into a year-round facility, installing pedestrian scale lighting, etc.

(14) The Purported "Quick Availability" Benefit of the Police Program

A Town official has touted “quick availability” as a benefit of the police program.

(a) Granted, when the officers are here they provide a quick response. But the Town has only 1 officer on duty for less than 8% of the time, based upon the current year's \$37,180 budget.

In other words, the Town police likely miss about 90% of the calls residents make to 911.

This is confirmed by Data Montgomery, which indicates that **almost all incidents (90%) are handled by the regular Montgomery County Second District (not by our Town officers).**

(b) Two of the emergencies the Town police have responded to this year were outside of Town. When we pay for "quick availability," we are also paying for quick availability for adjacent neighborhoods.

(c) Even when there is a Town police officer here, residents still have to call 911. Residents have no way of contacting Town officers directly.

(d) The Town already enjoys quick availability for emergencies—at no cost—from the regular Second District police officers.¹⁴

(15) Response to the Argument That We Will Never Know How Many Criminals Have Been Deterred by a Police Officer Sitting in a Parked Car

A Town official has stated that we will never know how many criminals have been deterred by a police officer sitting in a parked car.

(a) We can't know specifically how many criminals have been deterred by the Town police. But **we can empirically study the crime rate in Town and compare it to the Town's expenditures on the police program.** (Expenditures are directly related to the number of hours the Town police work.)

The fact is that decreasing our police hours has not resulted in a higher crime rate for our Town. Please see the data in the Executive Summary (item #1) comparing Town police expenditures to numbers of reported crimes. **Our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.**

So the data show that our Town police program has little to no impact on the Town's crime rate.

(b) The issue is not whether the presence of a police officer will deter crime. (There is little doubt that an officer will deter crime -- in the immediate vicinity of the officer. But we can't park a police car every 100 feet in Town. That would cost millions of dollars.)

The issue regarding deterrence is: Is the program effective at deterring crime in Town as a whole?

On the traffic side, the Traffic Committee says no.

¹⁴ We use the term "at no cost" to mean that the service is already paid for. Of course, Town residents are paying a hefty County property tax to cover the cost.

As for other types of crime deterrence, the data show that the police program has little to no impact on the Town's crime rate.

The officers just aren't here often enough to make much impact. Based on the current year's budget of \$37,180, we have 1 officer on duty for less than 8% of the time.

(c) Even if the officers were here 24 hours a day, we would still have crime. **Chevy Chase Village, with a 24-hour police force and a police budget of \$2 million, still had 39 larcenies in 2022.** See page 5 of *The Crier*:
<https://www.chevychasevillagemd.gov/ArchiveCenter/ViewFile/Item/2000>

(d) Given how infrequently the Town police work here, the fact that one of our Town officers sometimes sits in an unmarked vehicle, the physical characteristics of our Town (hilly and curvy streets, which decrease the visibility of a parked police car), and our residents' socioeconomic status (criminals neither live nor hang out here), it's unlikely that the Town police have much effect on the crime rate.

(e) Our Town has likely done more to reduce crime (even as Town police hours have decreased) by encouraging residents to take precautions, rather than by hiring police.

In FY 21 and FY 22, we spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv during those years about thefts from vehicles at night (in April and October 2021).

This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).

Granted, we have had two cars stolen this calendar year (that's about par for every year) and two homes broken into. (In the case of a break-in in January, the resident said the house wasn't fully secured, and the car key "was on a table by the door.") So we still have some work to do.

The PSC is continuing the excellent work of Bruce Tully and Birdie Pieczenik in educating our residents about crime prevention measures.

(16) Response to the Argument That Town Police Can Arrest Suspects

In attempting to explain the benefits of the Town police program, a Town official has stated that the police can arrest suspects.

But the Town police have never arrested anyone in the last 5 years. (The PSC has police activity logs going back 5 years.)

(17) Residents' Perceptions of Crime in Somerset

(a) Some residents' fear of crime is real. But hiring the police is not a particularly effective solution for allaying residents' fears. The Town can enable residents to feel safer and empowered by helping them understand the nature of crime, common sense steps to prevent crime, and the excellent County services (law enforcement and otherwise) that prevent crime.

(b) Most individuals feel extremely safe in Somerset. Homes for sale in Somerset are almost always snapped up quickly. **Home buyers would not purchase \$3.5+ million homes in Somerset if crime were scaring home buyers away.**

(c) There is no doubt that the presence of a police officer can increase feelings of safety for some people.¹⁵ But our police program isn't exactly calculated to advertise a visible presence. On average we have 1 Town officer for 1.8 hours a day.

Moreover, a police officer sitting parked in an unmarked vehicle – sometimes in out-of-the-way locations – is not very visible.

(d) And if the police program is for our residents' psychological benefit, then there was likely little benefit from doubling the budget in FY 20, because the Council did not announce the increase. Most residents probably were not even aware that the budget was doubled. And some did not even know that we hire the police, given the fact that after creating the program in 2007, the Council never discussed the program until October of 2021.

(e) Moreover, if the police program is for our residents' psychological benefit, then why was the budget reduced from \$50,000 in FY23 to \$37,180 in FY24?

(f) The County already provides the Town with a police presence, because they respond here twice a week on average. So even without a police program, residents would still see the police on a regular basis. Residents likely can't distinguish between our Town officers and the regular Second District police. In fact, some residents commonly mistake the Second District officers for our own Town officers.

(18) The purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection is not working.

¹⁵ Conversely, the presence of a police officer may undermine some residents', visitors', and employees' feelings of safety. See the section on Racial Equity and Social Justice.

A Town official has asserted that the most valuable aspect of the police program is that the program gives us a direct connection to the Montgomery County Police Department, enabling us to get information and updates about incidents that occur in or around Somerset.

We don't need to hire officers to give us information that is already publicly available -- for free.

In other words, that direct connection to the Montgomery County Police Department could exist without a Town police program.

(a) The Town can always ask our Community Services Officer, Demond Johnson, for information about particular incidents.

The community services officer's role is to act as a liaison to the community and to facilitate information flow.¹⁶

(b) Incident information is also available at the County crime incident map (on the County Police's website); and Data Montgomery (where the PSC regularly obtains lists of crimes, police dispatched incidents, and collisions).

(c) Any time we request, representatives of the County Second District police will come to our Town or do a public forum on Zoom and update us on crime trends and recent incidents.

(d) Fortunately we do not have the level of crime that is present in some communities in the U.S. -- shootings, robberies, pedestrians struck, etc. We are fortunate in that some of the incidents that have occurred in Town are essentially isolated incidents, and there is likely no discernible pattern or trend.^{17 18} Again, this is not to minimize the impact of crime on victims. See Introduction, item #5.

The Town needs to continue to monitor incidents and ensure that they don't become trends; we need to continue to educate residents and urge them to take basic precautions; and we need to call upon Second District officials, if necessary, to address specific patterns that occur. But all of this is staff work—not work for Town police officers.

¹⁶ Officer Johnson's contact information is: **Officer Demond Johnson, Community Services Officer, 240-773-6728, Demond.Johnson@montgomerycountymd.gov**

¹⁷ (other than issues such as check forgery and identity theft, which the police program is not designed to address)

¹⁸ Mental health issues figure prominently in some incidents that have occurred in Town. But the police are not well-suited to dealing with people experiencing mental health crises. The County is attempting to de-couple the police from mental health responses and is expanding its mental health services, including spending millions of dollars to deploy mobile crisis outreach teams.

(e) In any case, the purported direct connection to the MCPD (via our Town police) isn't working:

Town officials have stated that the Town police provide us with updates. **But the police are not giving us updates.**

The Town police have never automatically informed us of incidents, trends, or the resolution of any incident unless we asked them first.

(f) The PSC routinely learns about incidents in and around Somerset by looking at Data Montgomery. The Town police do not inform us of these incidents.

The most recent incident that the Town police failed to notify us about occurred on October 5—just days ago, in the 5800 block of Warwick Place.

(g) As another example, the Town police never informed the Town of a break-in and auto theft that occurred in Town on January 10. We only learned about the incident because a resident posted information on a private listserv. And the police never followed up with the Town to tell us the outcome. Was the vehicle recovered? Were any suspects caught?

(h) The Town police never notified the Town about a collision that occurred at the corner of Trent and Uppingham on November 22, 2022 (Montgomery County Crash Database, report # MCP287700B9).

The PSC learned about the incident only by looking at Data Montgomery.

Given the fact that the very goal of the police program was to promote traffic safety and prevent collisions, it is startling that information has not flowed to the Town from the Second District via this purported direct connection.

(i) The Town police never notified the Town about any of the animal incidents that Second District officers have been responding to (according to Data Montgomery), including at least one case of an injured deer in the roadway (possibly struck by a vehicle).

If the Town police had been providing the Town with this “information and [these] updates about incidents that occur in or around Somerset,” the Town could have warned residents to be extra careful when driving and to keep an eye out for deer.

Instead, the Town is in the dark because the “direct connection” to the Montgomery County Police Department (a purported benefit of the Town police program) barely functions.

(j) Similarly, the Town police have never informed the Town of the nature of the several parking complaints that residents have called in to 911 (or the nonemergency number), to which Second District officers have responded, according to Data Montgomery.

If the Town staff had learned about these complaints, the staff could have reminded residents to refrain from committing these particular types of parking infractions. This could reduce the number of calls to 911 and even save our residents some money through fewer tickets.

Communication and information are the essence of public safety—yet the purported communication through a “direct connection” to the MCPD (via our town police program) is virtually nonexistent.

(k) Sgt. Cheoung used to give the Town staff **monthly incident reports** that the Town Manager would forward to the PSC.

Those reports stopped coming to the PSC a year ago.

(l) And the PSC has twice sent the Town staff a list of incidents that we requested the staff to ask the Town police to follow up on.

The PSC never received the requested information.

We are not casting blame; we understand that the Town staff is overworked.

But the fact is that the Town staff does not have time to adequately manage the police program and ensure that direct connection to the MCPD.

(m) The PSC chair also asked the Town staff to request Officer Olcott to brief the PSC on his investigation of the Zoom bombing of a Town Council meeting, given the horrific nature of the incident. Communities routinely request briefings from the police on horrific crimes, so this would seem to be a logical use of the purported direct connection.

On December 9, 2022, the Town Manager kindly replied, "I will check in with officer Olcott and get you a response."

The PSC never received any further response, until the PSC chair once again emailed the staff on September 28 of this year. At that time, instead of a briefing, the PSC received a one-sentence response stating that there was no way to identify the Zoom bomber.

In light of the nature of the crime and the strong condemnation by the Mayor, every Council member, and the Town Manager, the PSC had hoped to receive more than a one-

sentence response.¹⁹ This indicates the Town's inability to make use of its so-called direct connection to MCPD.

In short, the purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection to the MCPD (via our Town police) isn't working.

(19) Community policing -- a purported benefit of the police program -- is available from Montgomery County at no charge. In any event, Somerset does not practice community policing via its police program.

At various times, a Town official has touted community policing as either a goal or a benefit of the police program.

(a) The Town doesn't need to pay for community policing activities.

The County already provides community policing for free. Council members have stated that they have seen the County police interacting with residents (including children) in Town.

It has been established that these officers are not our Town police officers, so they must be the regular Second District officers. (The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.) **So the Town is already receiving community policing from the County for free.**

Moreover, the County police Second District will be happy to come here for a forum or a presentation any time the Council desires. By law, the police have to engage in these activities.²⁰

The County police also routinely attend community events, fire department open houses, forums, and festivals. If the Town wants to avail itself of community policing activities, the Town can simply arrange an event and invite the Second District (or any other police agency in whose jurisdiction we are located), and they will be happy to attend -- for free.

The County police would likely have been happy to come here for National Night Out, but the Town staff has not had time to arrange this event or other such events.

¹⁹ See, page 9 of the November 2021 Journal, <https://files.constantcontact.com/63a3d68b001/797776f2-d248-4901-9f4d-12d970209c73.pdf>

²⁰ Chapter 35 of the Montgomery County Code requires that "the Department must increase community outreach initiatives and officers must attend community events on behalf of the Department." County law also requires MCPD to report to the County Council the number of events they attend or arrange. So the County Police are always looking for events to attend.

Now that the Deputy Town Manager is on board, if the Council wishes, he can set up these events, and the County Police will attend and provide community policing activities at no charge to the Town.

(b) **In any event**, other than perhaps the annual Halloween event, **our Town government doesn't practice community policing** in the context of our police program.

The Town does not appear to have ever instructed our Town police officers to engage in much interaction with the public. The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.

(c) If the Council believes community policing activities would benefit the Town, it should direct the Town staff to create a community policing plan. (The Town doesn't need to employ police officers in order to have a community policing plan. The Town can simply create a plan, schedule events, and invite the Second District police.)

(d) In March, the PSC sent the Town Manager comments on his draft policing policy. The PSC included "community policing" in a list of critical elements to be added to the draft policy. The PSC never received a reworked draft thereafter.

(e) "Community policing" is more than just a phrase, and it is much more than public contact and events. For more information, please see Chapter 35 of the Montgomery County Code, which defines community policing. If the Town staff has a different definition or version of community policing, it would be beneficial if the staff would articulate it and explain how they intend for it to work in Somerset.

(f) Again, the issue is not the quality of the officers (and certainly not the quality of the Town staff). **The issue is the Town staff's lack of time and resources to manage the police program.**

(20) Town Staff's Lack of Time and Resources to Supervise the Police Program

This is not a commentary on the quality of the Town staff.

We are simply noting that the Town government lacks the structure – and, through no fault of their own, the Town staff lacks the time and resources -- to adequately monitor/supervise the police program, to learn about the program, and to **communicate with**, and engage in a collaborative process with, the police, residents, and committees.

In the same vein, the Town is not well positioned to replace the officer who is retiring this year.

Again, we are not casting blame. We realize that through no fault of their own, the staff:

(1) has not been afforded the opportunity to gain the required knowledge and training to manage and supervise the police program; and

(2) is challenged in terms of workload, resources, and training.

The Town needs to consider the above issues before continuing to operate a police program.

As the previous chair of the Budget Committee has noted, the Town's resources are limited. Operating a police program seems to be too challenging for our Town staff to manage, given the staff's limited time and resources. If the Town staff had the time to create the systems, policies, and procedures that even the Council has deemed necessary, the staff would have created them by now.

Please note that even if the Town staff had the time and resources to adequately manage the police program, this would not detract from the fact that the program provides a low return on investment and is not a good fit for the Town.

The PSC has numerous examples of the Town staff's lack of time and resources for managing the police program, as well as other Town programs. Because these examples implicate personnel management and accountability issues, the PSC will send these examples separately to the Council President.

(21) The Town staff has not been afforded the opportunity to receive training, knowledge, and experience (a) in how law enforcement in the County and state operate and (b) regarding the implications of operating a police program.

(a) The Town Manager "inherited" the police program from his predecessor. He was never briefed on the program and was never given any guidance on how to manage the program. This has resulted in an *ad hoc* method of management, which is not appropriate for a public safety program.

(b) Until the Town Attorney advised the Council in August 2022, **the Town Manager -- the officers' supervisor -- was unaware that under the Town's current arrangement, the County's collective bargaining agreement prohibits the Town police from generally patrolling (driving around).**

Through no fault of their own, the Town staff was unaware of this restriction, despite the fact that the collective bargaining agreement has been in place since 2017, according to the Town Attorney.

(c) The chair of the PSC asked for a legal review of the police program more than a year ago. This review would have revealed the limits on the officers' activities and helped the Town staff understand how the police operate.

Additionally, in August 2022, the Council approved the PSC's recommendation that the Town assess its legal liability for the police program, particularly after the Maryland General Assembly raised the statutory cap on damages in 2022 for certain police-related lawsuits.

Neither review was conducted. This demonstrates that the Town has not been able to devote adequate resources to support the staff and operate the program effectively.

Given the staff's heavy workload in the coming years (stormwater SIPs, LED light replacement, pool renovation, road resurfacing, solar panel installation, monitoring of storm water infrastructure that the Council mandates for specific new home construction projects, periodic trimming of trees, Youth Town Council, and the myriad of new projects that the Council is approving), **the PSC sees no evidence that the staff will be able to devote time to supervising, learning about, monitoring, and facilitating information flow regarding the police program.**

CONCLUSION

The Council started the police program with good intentions. However, the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

The program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

In addition to the above reasons, conditions have significantly changed since 2007, when the Council created the program. These changes render the police program even less relevant and lower the return on investment even further.

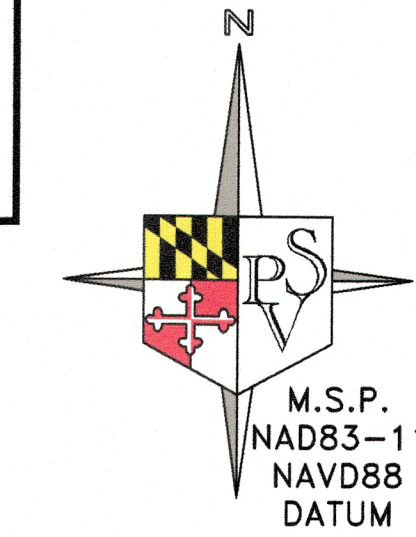
These changes include transformed lifestyles (**more Town residents are at home during the day, walking dogs, exercising outdoors, etc, thus keeping an eye on things and deterring unlawful behavior**); innovations in communication (wireless phones, social media, and other technology allow almost instantaneous alerts regarding hazards); expanded government services (such as mobile crisis outreach teams and assistance for the unhoused); increased use of holistic approaches to public safety (such as infrastructure improvements described in the County's Pedestrian Master Plan and policy changes described in the Safe Streets Act); innovations in police investigatory tools and techniques (cell phone trackers, drones—which the County police plan to acquire—license plate reader cameras, search warrants and subpoenas for geolocation

information²¹, and other tools we don't even know about); and evolving public perceptions and expectations regarding law enforcement. In the interests of time, this memo does not elaborate on these issues.

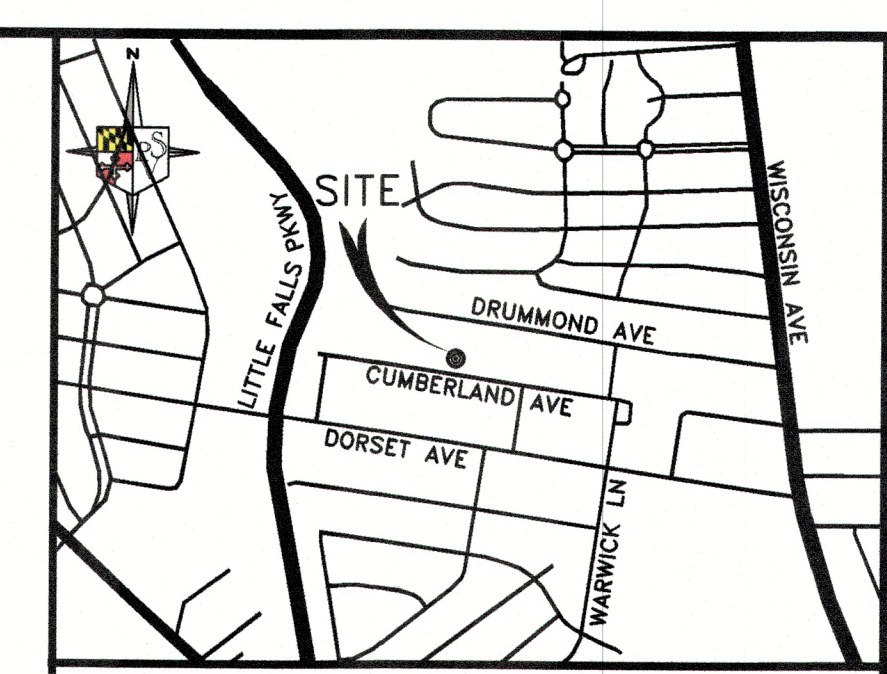
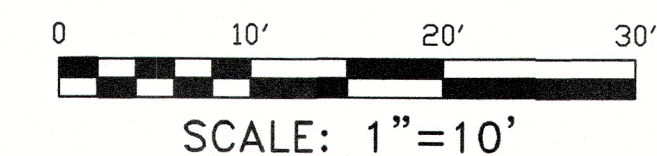
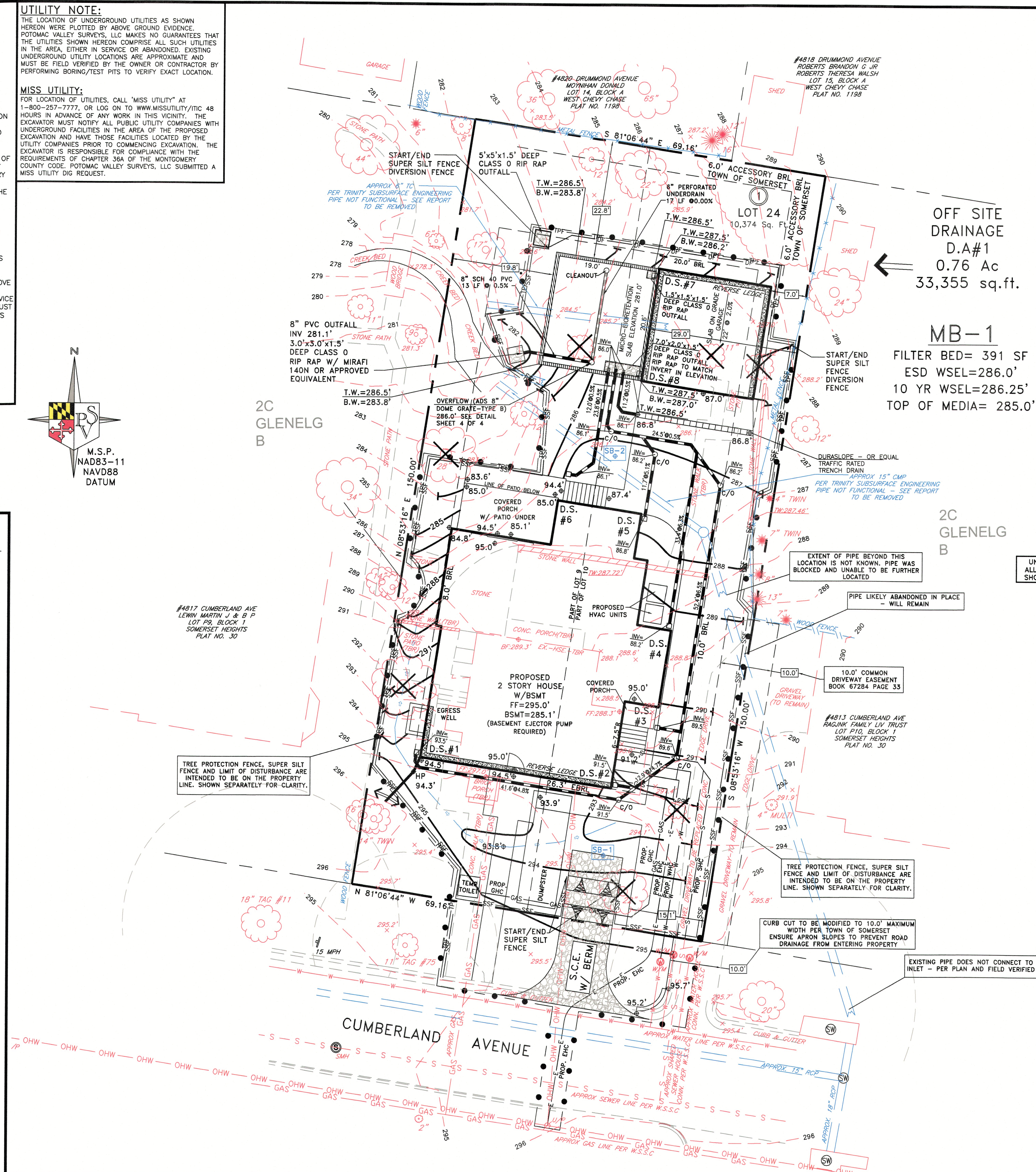
Thank you for considering these recommendations.

²¹ See, e.g., Justin Jouvenal, “‘Crime tourists’: An International Spree Targets D.C. Area’s Wealthy Asian Residents,” *Washington Post*, January 11, 2022, <https://www.washingtonpost.com/dc-md-va/2022/01/11/burglaries-crime-tourists-target-asians/> (“Song, the lead detective, had already turned to an investigative tool that has exploded in popularity in recent years. He filed a search warrant with Google for a list of all registered mobile devices that had been active in a zone around a handful of the Fairfax County homes that had been burglarized. Two of the cellphone numbers that were returned matched those of the two men who were arrested near Atlanta, according to a search warrant”).

MISS UTILITY:
FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.HTC 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF THE PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE. POTOMAC VALLEY SURVEYS, LLC SUBMITTED A MISS UTILITY DIG REQUEST.



Site plan of Lot 1, 1.822 S.F., showing building footprints, driveways, and various setbacks. The plan includes a north arrow and a scale bar. Building footprints are labeled with DA # and S.F. (e.g., DA #1 664 S.F., DA #2 595 S.F., DA #3 28 S.F., DA #4 315 S.F., DA #5 171 S.F., DA #6 803 S.F., DA #7 338 S.F., DA #8 338 S.F.). Setbacks are labeled with D.S. # and S.F. (e.g., D.S. #1 10 S.F., D.S. #2 31 S.F., D.S. #3 31 S.F., D.S. #4 18 S.F., D.S. #5 17 S.F., D.S. #6 17 S.F., D.S. #7 17 S.F., D.S. #8 17 S.F.). Other features include a WELL 10 S.F., SIDEWALK ON LOT 225 S.F., DRIVE IN ROW 88 S.F., and WALK IN ROW 58 S.F.




NOT TO SCALE

LEGEND

EXISTING CONTOURS	
EXISTING SPOT GRADE	
PROPOSED CONTOURS	
PROPOSED SPOT GRADE	
PROPOSED SILT FENCE	
PROPOSED SUPER SILT FENCE	
TREE PROTECTION FENCE	
ROOT PRUNING	
LIMIT OF DISTURBANCE	
ITEMS TO BE REMOVED	
DOWNSPOUTS	
CLEAN OUT	
DRAINAGE PATH	
STABILIZED CONSTRUCTION ENTRANCE	
PROPOSED 6" SCH 40 PVC UNDERGROUND DRAIN PIPE	
PROPOSED 6" SCH 40 PVC PERFORATED DRAIN PIPE	
SOIL TYPING TEST LOCATION	
RETAINING WALLS (DESIGN BY OTHERS)	
CRITICAL ROOT ZONE OF EX. TREE	
EX. TREE	
EX. TREE TO BE REMOVED	

I HEREBY CERTIFY THAT THE INFORMATION SHOWN
HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS
AND WAS OBTAINED BY ME OR OTHERS UNDER MY
SUPERVISION IN ACCORDANCE WITH COMAR
09-13-06-12 AND THAT THE INFORMATION IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF.

 SHAMER P. GREEN MARYLAND PROFESSIONAL LAND SURVEYOR #22085 EXPIRATION/RENEWAL DATE 10-15-25	11/2/24 DATE
---	-----------------

04/03/23	– ADDRESS SOMERSET AND DPS COMMENTS
04/13/23	– ADD RIGHT OF ENTRY RECORDING INFORMATION
08/02/23	– REMOVE LANDSCAPE INFILTRATION
	– ADD MICRO BIO RETENTION
09/08/23	– ADD BOOK AND PAGE FOR DRIVEWAY EASEMENT
10/25/23	– REVISED LOD AND PORCH
11/28/23	– ADDRESS 10–4–23 DPS COMMENTS AND MATCH APPROVED FOREST CONSERVATION EXEMPTION PLANS
01/02/24	– ADDRESS DPS AND TOWN COMMENTS

THIS PLAN PREPARED FOR: DAVID S. KELLY DEV. CO, INC 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 240-460-5947 ATTN: DAVID KELLY dskelly6@comcast.net	JOB No. 22-180 DATE: 01-31-23 DESIGNED BY: SG SHEET: SWM/SC 2 OF 4
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SITE GRADING— STORMWATER MANAGEMENT —SEDIMENT CONTROL PLAN

4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24, BLOCK 1
PLAT No. PENDING
PREVIOUSLY PARTS OF LOTS 9&10, PLAT 30
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND



To: Somerset Town Council

From: Matthew Trollinger, Town Manager

Date: February 5, 2024

Subject: Permit Approval Recommendation – 4815 Cumberland Ave.

I am writing to recommend the approval of the permit submitted by David Kelly, on behalf of David S. Kelly Development Co., Inc., for the construction of a new home at the property located at 4815 Cumberland Ave. The plans were submitted on January 5, ahead of the January 10 deadline, and have undergone a thorough review by both Town staff and contracted technical experts.

Administrative Requirements

The Town has confirmed compliance with the administrative requirements of the Code. Notably, a parking plan has been submitted, and house number certification completed. In addition, the Town delivered notice to neighbors ten days prior to the hearing via first-class US Mail and email, as required by the Town Code. Town staff also hand-delivered packages containing notice of the hearing and construction, as well as a site plan and drainage plan, and elevation drawings to abutting neighbors on Friday, January 26.

Building Requirements

The Town's Building Administrator has reviewed the plans and confirmed that it complies with the Town Code. Notably, setback requirements and accessory building restrictions have been measured and confirmed for compliance with the Town Code.

Of note, the Building Height that is proposed is greater than the maximum allowed per the Town's newly adopted building height restrictions. It is the staff's understanding that because the application was filed before the effective date of the new restriction, the Town requirements would not be in effect. The applicant first submitted documents to the Town in February of 2023; after considerable back-and-forth and revisions, the completed application was submitted on January 5, 2024. The Town's building height went into effect on January 9, 2024.

Tree Care

The Town Arborist has reviewed the plans, and offered Tree Protection and Tree Replacement plans for the project.

Notably, regarding tree protection, the Town Arborist has updated the protection plan after consultation with the abutting property owners at 4813 Cumberland to ensure the protection of the trees on the neighboring property. With regard to tree removal and replacement, the large cherry tree in the middle of the property is unable to be saved during construction.

Stormwater Management

The Town's stormwater consultant, Bayland Consultants & Designers, Inc. has reviewed the plans and confirmed compliance with the Town's stormwater management code requirements. Notably, the project requires a total of 812 CF of water to be managed, including all rooftop impervious surfaces, and the

proposed driveway. The project provides for 813 CF of water. The proposal utilizes micro-bio-retention facilities, which is a defined nonstructural stormwater management device in the Town Code.

With respect to the driveway, the applicant has agreed, after discussion between the neighbors and staff, to keep the gravel driveway and to replace any disturbance like for like, as stipulated in the shared driveway easement agreement. The entrance to the detached rear yard garage includes a portion of the driveway that is proposed to be concrete. In consultation with the Town's stormwater consultant, the applicant has included a trench drain to capture water from the driveway into the stormwater management devices.

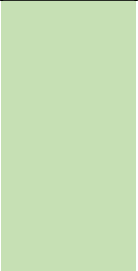
Conclusion & Recommendations

As laid out in the attached spreadsheet breaking down the various objective criteria in the Town Code, the staff evaluation of the project indicates that the project complies with the Town building requirements. Therefore, I recommend approval of the project. I have noted several conditions for the Council to consider including that a wall check and height check be provided, and that the construction must adhere to the Town's Tree Protection and Tree Replacement recommendations.

The Town Attorney may have additional advice as it pertains to the building height restrictions. As previously mentioned, the application was submitted on January 5, ahead of the effective date of January 9. The applicant first filed with the Town in February, 2023, and the final substantive changes were made to the application and filed on December 6, 2023. The applicant was originally scheduled for the January 8 Council meeting but was removed by the staff so that final Montgomery County stormwater permits would be obtained, to confirm County compliance and that no additional changes would be required. The application is unchanged from that time, with the exception of minor administrative changes, such as an updated tree protection plan.

<u>TOWN CODE REQUIREMENTS</u>	<u>Town Requirement</u>	<u>Application</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Town Code Language</u>
Main Building: Side Setback	8', 18' sum	8.3', 23.9' sum	✓	<i>I recommend that the Council add a condition to the permit that the applicant must submit a wall check within 24 hours of receipt by the contractor.</i> (See note on Town Code language)	Side: eight (8) feet one side; eighteen (18) feet sum for both sides. The Town Code also provides: <u>Wall check.</u> A copy of an engineer's wall check must be delivered to the Clerk-Treasurer within 24 hours of receipt by the contractor.
Main Building: Rear Setback	20'	70'	✓		Rear: twenty (20) feet.
Main Building: Front Setback	26.3' (EBL)	26.3'	✓		No building may be constructed nearer to any front lot line than the established building line or twenty-five (25) feet, whichever results in a greater setback.
Projections	n/a	n/a	✓		n/a
Accessory Building: Lot Coverage	1050 sq. ft.	484 sq. ft.	✓	The proposed house has a large rear yard.	Accessory Buildings must not occupy more than twenty-five percent (25%) of the rear yard
Accessory Building: Height	n/a	10.96'	✓		n/a
Accessory Building: Setbacks	6'	Side: 7.1' Rear: 22.8'	✓		Minimum setback: 5 [ft.] plus 1 [ft.] for each foot or fraction of a foot in excess of 10
Stormwater Drainage	812 CF	813 CF	✓	The plan utilizes micro-bio-retention planter boxes to capture over 100% of the water for a one-year storm. The micro-bio-retention is considered nonstructural per the Town Code. The applicant has also provided proposed vegetation to be used, which has been reviewed and approved by the stormwater consultant.	All new building construction must include a stormwater drainage plan. The plan must provide on-site infiltration for all runoff from all rooftop surfaces. On-site infiltration must be provided for a one-year storm event. 1) All reasonable opportunities for using nonstructural practices must be exhausted before structural practices are implemented. On-site infiltration must be accomplished, to the maximum extent practicable, in the following order of preference: a) Environmental site design (ESD); and b) Structural devices. 2) If the requisite amount of on-site infiltration is not possible, runoff may be treated by storage devices that temporarily store or detain stormwater. Such storage devices may be used only for that volume of runoff that cannot be infiltrated by ESD and structural practices. All ESD and structural practices shall be designed in accordance with the Design Manual, except as may be modified by the Town Council by resolution from time to time.
Driveway	n/a: existing driveway to remain	n/a: existing driveway to remain	✓	The applicant has agreed to keep the existing gravel driveway that is shared between the property and the neighboring property at 4813 Cumberland Ave. The applicant is adding trench drains at the base of the rear garage impervious surface area to channel water into the stormwater infiltration devices.	All new or replacement driveways must be constructed of permeable materials. This requirement shall not apply to the following: 1) An apron in front of a garage entrance, measuring no more than 5 feet in length and 15 feet in width; 2) An apron within a public right-of-way; or 3) A driveway having a slope of 5% or more.

<u>OTHER TOWN REQUIREMENTS</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Town Code Language</u>
Neighbor Notification	Neighbors notified via email and US mail.	Neighbors were notified via email, US mail, and hand-delviered notice, including plans.	✓	Final notice was delivered Friday, January 26, or ten days prior to the scheduled hearing.	A hearing shall be conducted after giving at least 10 days' notice of such hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by the Clerk-Treasurer by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.
House Number Certification	Signed certification form	Certification signed	✓		A certification by the applicant, on a form prepared by the Town, that the applicant will comply with the Montgomery County requirements for house numbers.
Parking Plan	Site plan indicating proposed parking location of vehicles	Site plan indicates room for up to 4 vehicles on site	✓		A parking plan, whenever it is likely that more than three vehicles of persons involved in construction sought to be authorized by a Town building permit (other than the owner of the property which is the subject of the permit) will be parked within the Town at any one time. Such plan shall identify the location of the parking areas to be used by such vehicles. Compliance with a parking plan approved by the Town Council shall be a condition of the issuance of the building permit and a violation of the parking plan may be grounds for revocation of such permit. The parking plan shall provide that: 1) To the maximum extent feasible, parking shall be located on the property which is the subject of the Town building permit; 2) To the maximum extent feasible, if additional parking is needed, parking shall be located on more than one street in the immediate area of the property which is the subject of the Town building permit; and 3) To the extent feasible, parking more than three vehicles in the same area of a Town street shall not be permitted.
Tree Replanting Plan	Town Arborist recommends tree replanting	Applicant has indicated that they do not object to, and will comply with Town Arborist replanting recommendations	✓	<i>I recommend that the Council add as a condition of the permit that the applicant must follow the Town Arborist's replanting recommendations.</i>	A statement whether the applicant intends to perform replanting after tree removal is completed. If the applicant does so intend, the applicant shall submit a replanting plan.



<u>MONTGOMERY COUNTY STANDARDS</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Other Notes</u>
Building Coverage	30% of the lot, minus 1% for each 1000 ft. over 6000 sq. ft. = 25.63% = 2659 sq. ft.	23.56% 2444 sq. ft.	✓	The Town does not currently regulate building lot coverage.	
Building Height	Either 35 ft. max OR 30 ft. mean	35.3 ft. max 25.3 ft. mean	✓	The applicant submitted the application prior to the effective date of the Town's height requirements. <i>I recommend that the Council add as a condition of the permit that the applicant must submit a height check survey when it is possible during construction.</i>	The Town Code provides that: If the structure or new construction will be more than two (2) stories high, the contractor must notify the Clerk- Treasurer after the frame and partitions have been erected, but before the installation of insulation and dry wall. A certified height survey shall be submitted to the Town by the applicant to allow the height to be confirmed.

MONTGOMERY CONSULTING

15111 Players Way - Glenwood, MD 21738 Tel: (301) 908-3220

SUBJECT: 4815 Cumberland Ave. – Building Permit
DATE: Jan. 29, 2024

The applicant has submitted an application to remove the existing house and construct a new house, with a covered porch at the rear of the house, at 4815 Cumberland Ave. A detached 2-car garage is planned at the right rear of the lot.

The MCDPS demo permit is pending and the MCDPS building permit was issued on Jan. 17, 2024.

The property contains 10,374 S. F. or 0.24 acres.

The Site Plan indicates the EBL is 26.3 feet behind the front property line.

The proposed house setbacks will be:

Front 26.4 feet
Left side 8.3 feet
Right side 15.6 feet
Rear approx. 70 feet

The covered porch will be setback 9.2 feet from the left side property line.

The proposed setbacks conform to the Town Code.

The proposed house roof peak will be 35.3 feet high and the mean will be 29.3 feet high.

The proposed detached garage setbacks will be:

Right side 7.0 feet
Rear 22.8 feet

The proposed setbacks conform to the Town Code.

The proposed garage height will be 10.9 feet high.

The existing shared gravel driveway will remain. At the northern end of the existing driveway a new gravel driveway will lead to the proposed detached garage. The applicant

and the owners at 4813 Cumberland Ave, have recorded an ingress/egress easement for the use and maintenance of the existing gravel driveway.

The existing driveway apron will be modified to conform to the Town's driveway apron detail.

According to the Site Plan, the proposed building lot coverage will be 2,444 S.F. or 23.55%.

A dumpster and temporary toilet are shown on the Site Plan.

Two HVAC units are proposed a the right rear of the proposed house.

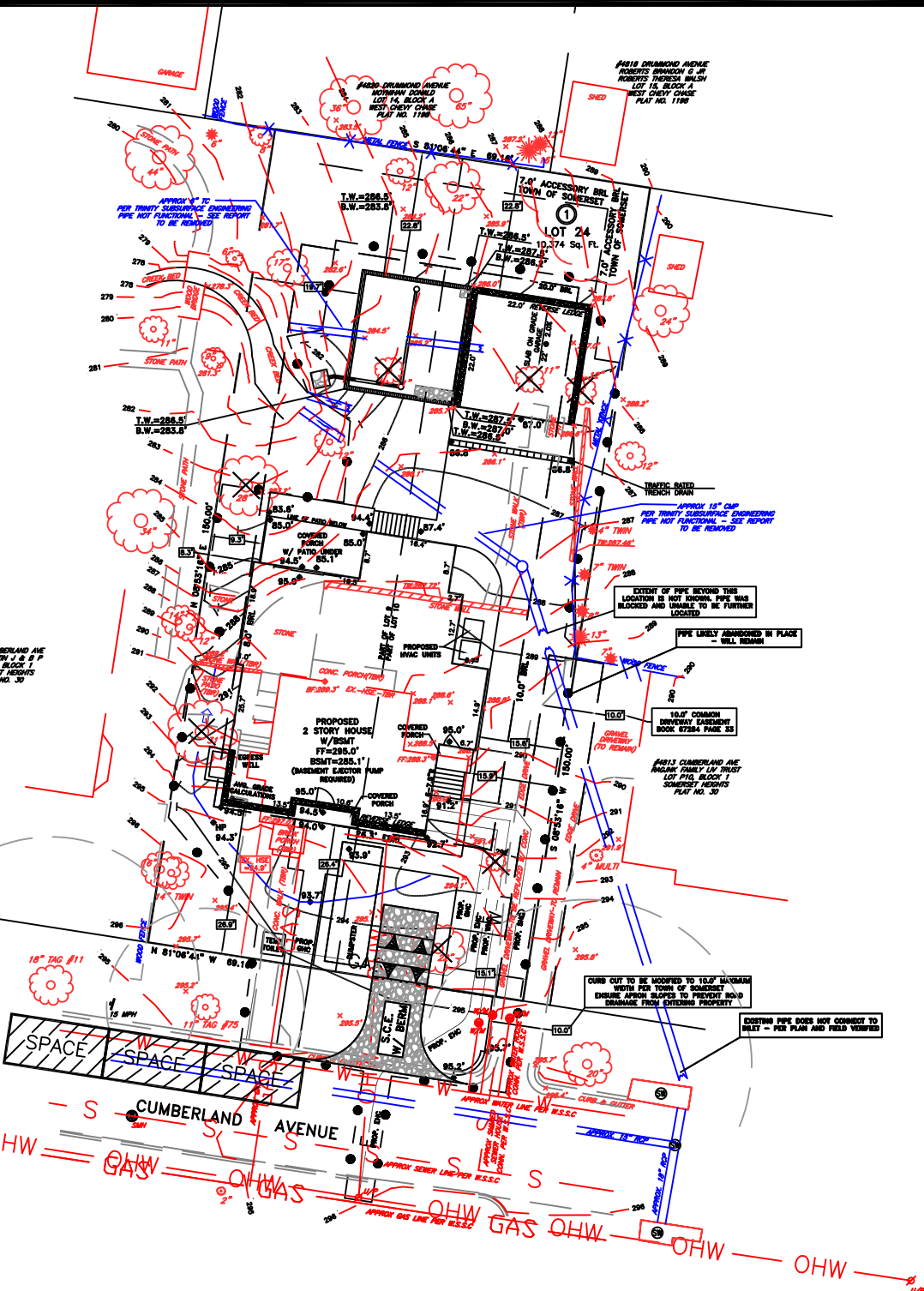
A Boundary Survey and a Parking Plan were included with the application.

I recommend the Council approve the applicant's request for a demo permit, a building permit, a driveway apron permit, a permit for 2 HVAC units, and a dumpster permit. The permits should be held until the MCDPS issues their building permit.



P817 CUMBERLAND AVE
LENN MARTY & D P
LOT 14, BLOCK 1
SOMERSET HEIGHTS
PLAT NO. 30

P818 DRUMMOND AVENUE
ROBERTS BRADSHAW G & R
ROBERTS THOMAS WALSH
LOT 15, BLOCK A
WEST CHERRY CHASE
PLAT NO. 1189



JOB No. 22-180

DATE: 02-01-24

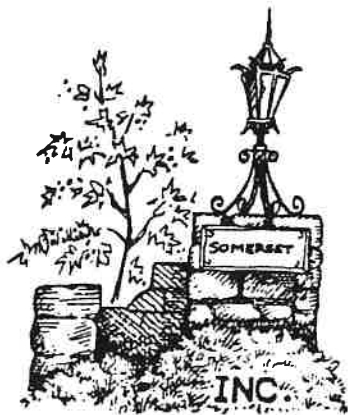
DRAWN BY: SG

SCALE: 1"=30'



POTOMAC VALLEY
SURVEYS
20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090

PARKING PLAN
4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24 BLOCK 1
PLAT No. 26032
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND



Jeffrey Z. Slavin
Mayor



4510 Cumberland Avenue
Chevy Chase, MD 20815
(301) 657-3211
Town@townofsomerset.com



Matthew Trollinger
Town Manager

12/14/2023

Dear Resident,

This letter is to inform you that David Kelly, the property owner at 4815 Cumberland Ave., has filed a permit application with the Town of Somerset. The applicant is proposing the demolition of the existing house and the construction of a new house and detached garage on the property.

The plans are currently under review by the town staff and technical contractors, but no variances are requested as part of the application. Thus, the applicant is asserting that the proposed plans conform with the Town's Building requirements, Sec. 112-14 of the Town Code. Pending review and confirmation from the Town staff, the application will be presented to the Council for consideration at the January 8, 2024 Council meeting.

The Council meeting is scheduled for Monday, January 8, 2024 at 7:00 p.m. both in person at the Somerset Town Hall and via Zoom. All residents are invited to attend, and you will have the opportunity to make comments at the hearing. Log-in information can be found below:

<https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZz09>

Meeting ID: 860 9193 9743

Passcode: 491819

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

"Where People and Trees Have Deep Roots and Grow Strong"

The Town Hall is located at 4510 Cumberland Ave., Chevy Chase, MD 20815.

Comments can also be submitted to the Town Manager, to be entered into the record, by emailing manager@townofsomerset.com with the Email Subject Line, "4815 Cumberland Building Permit Comment" no later than 4:30 p.m. on Monday, January 8, 2024.

A copy of the proposed site plan and elevation drawings are included for your review. Electronic copies of the submitted plans can be requested from the Somerset Town Hall at the email above, or by calling the Somerset Town Hall at 301-657-3211.

Thank you,

Matt Trollinger, Town Manager
Town of Somerset
manager@townofsomerset.com
301-657-3211

CC: Mayor Jeffrey Slavin
Somerset Town Council
Council President Stephen Surko
Councilmember Robin Barr
Councilmember Debbie Heller
Councilmember Kabir Kumar
Councilmember Shannon Rovak
4813, 4816, 4817, 4818, 4820 Cumberland Ave.

1/26/2023

Dear Resident,

This letter is to inform you that David Kelly, the property owner at 4815 Cumberland Ave., completed and filed a permit application with the Town of Somerset on January 5, 2024. The applicant is proposing the demolition of the existing house and the construction of a new house and detached garage on the property.

The plans have been reviewed by the town staff and technical contractors, and no variances are requested as part of the application. Thus, the applicant is asserting that the proposed plans conform with the Town's Building requirements, Sec. 112-14 of the Town Code. The application will be presented to the Council for consideration at the February 5, 2024 Council meeting.

The Council meeting is scheduled for Monday, February 5, 2024 at 7:00 p.m. both in person and via Zoom. All residents are invited to attend, and you will have the opportunity to make comments at the hearing. Log-in information can be found below:

<https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZz09>

Meeting ID: 860 9193 9743

Passcode: 491819

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

Alternatively, comments can be submitted to the Town Manager, to be entered into the record, by emailing manager@townofsomerset.com with the Email Subject Line, "4815 Cumberland Building Permit Comment" no later than 4:30 p.m. on Monday, February 5, 2024.

A copy of the proposed site plan, including stormwater management, and elevation drawings are included for your review. Electronic copies of the submitted plans can be requested from the Somerset Town Hall at the email above, or by calling the Somerset Town Hall at 301-657-3211.

Thank you,

Matt Trollinger, Town Manager
Town of Somerset
manager@townofsomerset.com
301-657-3211

CC: 4813, 4816, 4817, 4818, 4820 Cumberland



TOWN OF SOMERSET

4510 Cumberland Avenue
Chevy Chase, MD 20815
(301) 657-3211
Town@townofsomerset.com



2/23/2024

Dear Resident,

This letter is to inform you that the Council will continue its hearing of the building permit application submitted by David Kelly, for the demolition of the existing house and construction of a new house and detached garage at the property located at 4815 Cumberland.

A hearing was held at the February 4, 2024 Council meeting, and the Council requested that the applicant investigate ways to save trees on the property before a final vote is taken. The site plans are unchanged from those that were submitted ahead of the previous meeting.

The Council meeting is scheduled for Monday, March 4, 2024 at 7:00 p.m. Residents and other interested parties may attend the meeting in person, or via Zoom using the log-in information below.

<https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZz09>

Meeting ID: 860 9193 9743

Passcode: 491819

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US
- +1 646 558 8656 US

In addition to a public comment opportunity at the meeting, residents can submit comments to the Town Manager, to be entered into the record, by emailing manager@townofsomerset.com with the Email Subject Line, "4815 Cumberland Building Permit Comment" no later than 4:30 p.m. on Monday, March 4, 2024.

Additional copies of the plans can be requested from the Somerset Town Hall at the email above, or by calling the Somerset Town Hall at 301-657-3211.

Thank you,

Matt Trollinger
Town Manager, Town of Somerset

Town of Somerset

House Number Certification

The undersigned building permit applicant hereby certifies, in accordance with Town Code Section 116-6.M, that the house number for the subject property will be displayed in accordance with Montgomery County Code Sec. 22-97, as amended or replaced.

The undersigned acknowledges that the proper display of the house number is critical for the identification of the property by emergency responders.

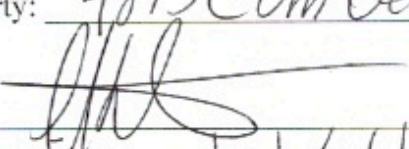
The undersigned acknowledges and understands that Montgomery County Code Sec. 22-97 (2022 edition) provides, in pertinent part, as follows:

"Sec. 22-97. Address numbers.

(a) The owner of any structure presently existing or constructed in the future must display Arabic numbers designating the address assigned to the structure by the Maryland-National Capital Park and Planning Commission, or by the municipality in which the structure is located. Numbers must be at least five (5) inches high for single-family detached and attached residences and at least six (6) inches high for commercial, industrial or multifamily structures. However, if the numbers designating the address of a single-family residence on April 5, 1988, were at least three (3) inches high, those numbers comply with the size requirement of this section as long as they remain in place. Address displays must be posted on a contrasting background displayed in a conspicuous place that is unobstructed and clearly readable from the street named in the official address of the structure."

(1982 L.M.C., ch. 30, § 1; 1988 L.M.C., ch. 33, § 1.)

Subject property: 4815 Cumberland Ave

Applicant: 
David Kelly

2/8/23

Town of Somerset Permit and Waiver Application

If your home is in the Historic District, please refer to the Historic District instructions in addition to completing applicable permit below.

Street address for which permit applies: 4815 Cumberland Ave,
February 7, 2023 Date

Applicant Information:

Name: David Kelly Phone: 240.460.5947 cell

Address: 4620 Drummond Ave Cell Phone: _____

City, State and Zip: Cherry Chase MD Email: dskelly6@comcast.net

Property Owner Information or Co-Owner Information (if other than applicant)

Name: SAME AS ABOVE Phone: _____

Address: _____ Cell Phone: _____

City State and Zip: _____ Email: _____

Contractor Information:

Name: Kelly Co Phone: 240 460 5947 cell

Address: 4620 Drummond Ave Cell Phone: _____

City, State and Zip: Ch. Ch. MD Email: dskelly6@comcast.net

Contractor License Number:

Maryland Home Improvement (for additions) BC 228864

Montgomery County Office of Consumer Protection (for new homes) BC 227028

For Building Permits Only:

Legal description (lot and block) LOT 99 Block 1

Date of subdivision plat recordation of lot: Pending

Disclaimer:

The Town of Somerset makes no warranties or representations as to the currency or accuracy of the content on this site or any other site to which reference is made herein by linking or otherwise. The Town of Somerset assumes no liability or responsibility for any errors or omissions in the content or operation of this or other sites referenced herein. Information on this website may be changed, deleted, added to, or otherwise modified or amended without notice. Your use of and browsing in this site, and any other site to which you may be linked or directed by this site, is at your own risk.

Town documents, including but not limited to the Town of Somerset Charter and Code, appearing on this site may not be the current official version adopted or maintained by the Town. The current official version of all Town documents, including the Town Charter and Code, are available for inspection at the Town Hall and should be consulted prior to any action being taken.

For further information regarding the official version of any Town document, please contact the Town directly at:

4510 Cumberland Avenue Chevy Chase, MD 20815 301-657-3211

town@townofsomerset.com

Property in Somerset's Historic District

If your property is in the Somerset Historic District, please visit the website for Montgomery County's Historic Preservation Commission at

http://www.montgomeryplanning.org/historic/instructions/historic_area_work_permits.shm

and become familiar with the process. Town of Somerset strongly suggests that you set up a pre-permit meeting with the Town of Somerset before beginning the permit process with HPC and the County in order to avoid the possibility of having to return to them to apply for a revision. There may be a fee charged for this meeting. Contact the Town Manager to arrange such a meeting. Following your pre-permit meeting with Somerset, take your plans to the County Historic Preservation Office for further instructions. Once you are in their system, they will send your plans to the Local Advisory Panel (LAP). In Somerset, members of the town's council are acting as the LAP. As such, council members will not be making a decision on the building permit. Once the Historic Commission approves the plans and issues the Historic Area Work Permit, they will forward the plans to the Montgomery County permitting office for their permit approval. Once you have both of the county permits, you apply for a Town of Somerset permit and put yourself on the schedule for a Town Council meeting where a decision will be made.

Please ensure that you submit a complete application; incomplete applications will not be reviewed. Refer to the Permit Instruction Sheets for details on how to apply for your particular permit(s). In addition, it is strongly suggested that you consult with the Town Manager about the need for a pre-construction meeting.

Please check the appropriate boxes to indicate the permit(s) for which you are applying. See the Fee Schedule for associated fees and deposits.

Check Box	Town of Somerset Permit	Town Fee	Town Deposit	Neighbor Review Sheet	County Permit	Council or Mayor Approval
<input checked="" type="checkbox"/>	Install or replace exterior components for HVAC systems. <u>HVAC Permit Instructions</u> <i>2 condensing units</i>	Yes for Replacement. No if part of bldg permit	Yes*	Yes	Yes	Council (Mayor can approve in an emergency for eventual council approval)
<input checked="" type="checkbox"/>	Building Permit (new homes, additions, porch, stoop, garage, accessory bldg.) <u>Building Permit Instructions</u>	Yes	Yes	Yes	Yes	Council
<input checked="" type="checkbox"/>	Curb Cut, Driveway Apron, Sidewalk <u>Right-of-Way curb cut, driveway apron and curb cut instructions</u>	Yes	Yes*	Yes	No	Mayor**
<input checked="" type="checkbox"/>	Demolition Demolition Permit Instructions	Yes	Yes*	Yes	Yes	Council
<input checked="" type="checkbox"/>	Dumpster or Portable Storage Units <u>Dumpster or Portable Storage Unit Permit Instructions</u>	Yes	Yes*	No	No	Mayor**
<input type="checkbox"/>	Fences <u>Fence Permit Instructions</u>	Yes	No	Yes Inside and outside of Somerset	Yes if new; No if replacement in kind.	Mayor**
<input type="checkbox"/>	Walls: Permits required for walls more than 12" high <u>Wall Permit Instructions</u>	Yes	Yes	Yes* Inside and outside of Somerset	Yes if wall is more than 30" high	Mayor**

Check Box	Town of Somerset Permit	Town Fee	Town Deposit	Neighbor Review Sheet	County Permit	Council or Mayor Approval
<input type="checkbox"/>	Generator <u>Generator Permit Instructions</u>	Yes	Yes*	Yes	Yes	Council
<input checked="" type="checkbox"/>	Tree Removal <u>Tree Removal Instructions</u>	No	Depends* on number of trees and whether or not there is a reforestation plan.	Yes Inside and outside of Somerset	No	Mayor for 1-2 trees; Council for 3 or more trees;
<input type="checkbox"/>	Waivers <u>Waiver Instructions</u>	Yes	N/A	Town notifies neighbors	Possibly	Council
<input type="checkbox"/>	Application to extend permit	Yes	No	No	Possibly	Depends on type of permit

* If you are applying for a building permit and these items are part of the project, the cumulative deposit will not exceed \$2,000, with the exception of the Tree Reforestation deposit.

**Any item approved by the mayor that is also part of a building project will also require council approval.

Description of work to be done:

Demolish existing structure and
Replace with New Home

Anticipated date for work to commence: Spring 2023

Anticipated date for completion: DECEMBER 2023

I certify that I am the owner(s) of the property for which I am applying for a permit, that the application is correct and that construction will comply with the plans submitted. I acknowledge this to be a condition of the issuance of this permit.

Owner Signature

Date

2/7/23

Printed Name

David Kelly

Co-Owner Signature

Date

Printed Name

Co-Owner Signature

Date

Printed Name

NEIGHBOR SIGNATURE SHEET

Note to neighbors: Please be aware that your signature on this document does not signify concurrence. It only confirms that you have seen the respective plans. You are welcome to comment on the plans by writing the Mayor or by attending the Council meeting on (applicant to fill in date) _____ when the Council will consider these plans.

Street address of project site: 4815 Cumberland Ave

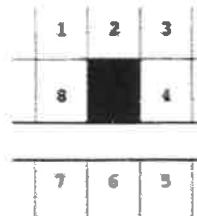
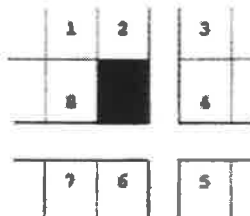
For the neighbor: Please check the box below for the plans that you have seen:


- ☐ Tree removal (include residents inside and outside of Somerset where applicable);
- ☐ External HVAC components, new location or replacement;
- ☐ New Construction (additions and new homes); Review drainage and storm water management plans as well as parking plan if applicable;
- ☐ New curb cut or driveway apron and sidewalk;
- ☐ Demolition
- ☐ Location of Dumpster or Portable Storage Device;
- ☐ Fence: new, relocated or replaced (includes residents inside and outside of Somerset where applicable);
- ☐ Walls (includes residents inside and outside of Somerset where applicable);
- ☐ Generator

Applicant: Using the following map as a key, list the names and addresses of the neighbors who adjoin or confront the property where project is to take place. "Adjoining or confronting" is defined as land that touches the boundary line of another property on at least one point, or which would do so except for an intervening road, street or right-of-way. Then ask neighbor to sign in the appropriate box.

☐ Corner Site




☐ Mid-block Site



1	Printed Name David J. Brown	Address 4814 Cumberland Ave Chevy Chase, MD 20815	Signature 	Date 02/22/23
2	Printed Name	Address	Signature	Date
3	Printed Name	Address	Signature	Date

Neighbor Signature Sheet

3

4	Printed Name Russell Green	Address 4813 Cumberland	Signature 	Date 2-11-23
5	Printed Name Mary Stuart McCamy	Address 4818 Cumberland	Signature 	Date 2/17/23
6	Printed Name Phyllis Wiesenfelder	Address 4812 Cumberland	Signature 	Date 2/17/23
7	Printed Name MARTY LEWIN	Address 4817 Cumberland	Signature TRIED ON MULTIPLE OCCASIONS TO REACH OUT TO HIM???	Date 2/17/23
8	Printed Name	Address	Signature	Date

Applicant:

I certify that I have shown all the required neighbors the identical full-size plans (unless the cost of proposed work is less than \$25,000 in which case smaller plans can be used) that I have filed or will file with the Town of Somerset and, if applicable, Montgomery County Maryland. I further certify that I have notified the same neighbors of the anticipated date (noted above) that the Town Council, if applicable, will consider my permit application.

APPLICANT SIGNATURE

DATE

3-2-23

PRINTED NAME

David Kelly



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

Town Manager
Somerset

Email To: clerk@townofsomerset.com

The Department of Permitting Services (DPS) is pleased to keep you informed of the applications submitted to DPS for permits, and certificates in your jurisdiction. Review the information below and if you have questions or need additional information, call us at 240 777-6210 or visit our web site at <http://permittingservices.montgomerycountymd.gov>.

Listing of Permits Applied on 2/7/2023

<u>Add Date/Time</u>	<u>Type</u>	<u>Permit#</u>	<u>Location</u>
02/07/2023	BUILDING RESIDENTIAL PEI	1020946	4815 CUMBERLAND AVE CHEVY CHASE, MD 20815
02/07/2023	DEMOLITION OR MOVE PER	1020956	4815 CUMBERLAND AVE CHEVY CHASE, MD 20815

Sincerely,

Director, Department of Permitting Services

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Tree Protection Plan
Town of Somerset
4815 Cumberland Avenue


December 29, 2023
Revised 1-12-24
1-26-24, 2-12-24,
2-28-24, 2-29-24

Attached is a map of the tree protection plan for the residence at 4815 Cumberland Avenue.
On the condition that the Owner complies with the tree protection plan, The Town of Somerset may issue the building permit.

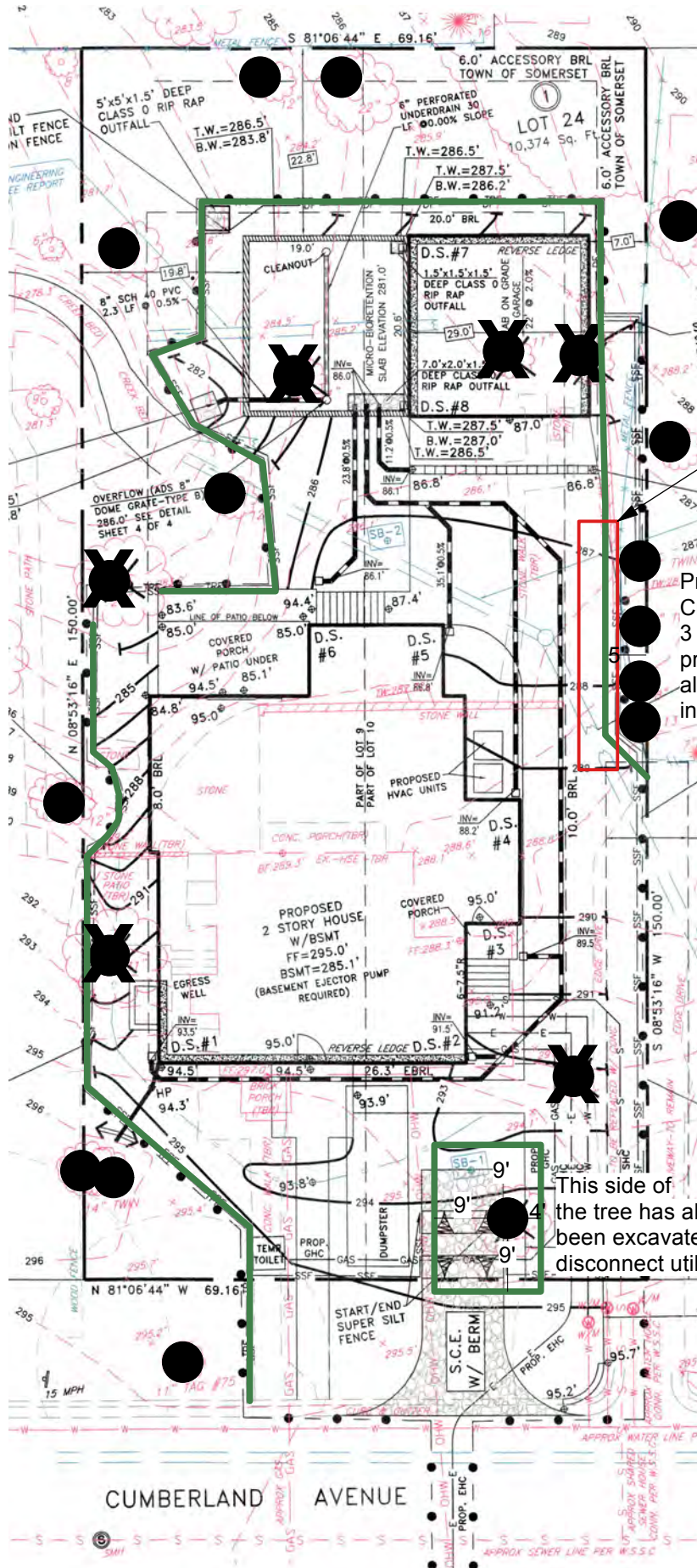
Tree protection shall include:

1. Tree protection fencing shall be installed in the locations shown on the plan. Tree protection fencing shall delineate the tree protection zones. Tree protection fencing shall be 4' tall, continuous, easily visible, and supported with 4"x4" hardwood stakes or steel poles. The fencing shall be clearly and obviously marked with signs in English and Spanish as tree protection zones.
2. The Owner/Contractor shall inform all on-site workers that the tree protection zones shall not be entered. Neither materials nor equipment shall be stored within the tree protection zones. No grading shall be done within the tree protection zones. The grading outside the tree protection zones shall not be changed to divert and collect water within tree protection zones.
3. Before the silt fence and tree protection fence are installed, evaluate the field layout of the driveway to allow for more tree protection space for the Cryptomeria and 3 hemlock trees on the east property line.
4. Properly elevate, remove lower branches, on Cryptomeria and 3 hemlock trees on the east property line to install the driveway.
5. To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for accepting and storing materials.
6. The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.
7. The Town of Somerset office shall be notified if any change in the construction plans would impact the protected trees.
8. If excavation (outside of the tree protection zone) exposes roots on protected trees, the damaged roots shall be cleanly cut before backfilling the excavation.
9. The Owner/Contractor shall maintain the fencing until the house and hardscape construction is completed. The fencing may be removed for the preparation and installation of new landscaping.

7826 Spout Spring Rd., Frederick, MD 21702, tfeather@xecu.net, 240 271 6749, Fax (301) 662-9315
MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

- Tree Protection Fencing
- Silt fence shall follow tree protection fencing
-  Trees requested for removal

Feather and Associates
December 29, 2023
revised 1-12-24
2-6-24, 2-28-24,
2-29-24
Scale 1" = 20'



Before silt fence and tree protection fence are installed, evaluate field layout of driveway to allow for more tree protection space. No super silt fence here.

Properly elevate Cryptomeria and 3 Hemlocks on property side to allow for driveway installation

To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for staging and materials.

The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.

This side of the tree has already been excavated to disconnect utilities

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

December 21, 2023
revised 2-12-24
12-28-24

Tree Removal Permit – 4815 Cumberland Avenue

The trees requested for removal and the reason for removal are given below. Photos and a plan are attached. Sizes in diameter at 4.5' above ground level.

Tree 5 – Boxelder 12" – in the footprint or the proposed driveway.

Tree 6 – Tulip Poplar 30" – hazardous, unstable, large girdling root at the base.

Tree 12 – Red Maple 27" – hazardous, hollow trunk.

Tree 15 – Ash 10" – in the footprint of the bioretention structure; removal would be recommended if requested and not associated with a building permit.

Tree 16 – Ash 10" – in decline, in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.

Tree 17 – Holly 7" – in decline in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.


The following trees are proposed as a reforestation plan.

4 canopy trees (red maple, sugar maple, black gum, oaks), one ornamental tree (flowering cherry, dogwood, redbud), and 1 evergreen tree (holly, white pine, spruce).

Bonding requirements:

6 trees removed x \$500.00 = \$3,000.00

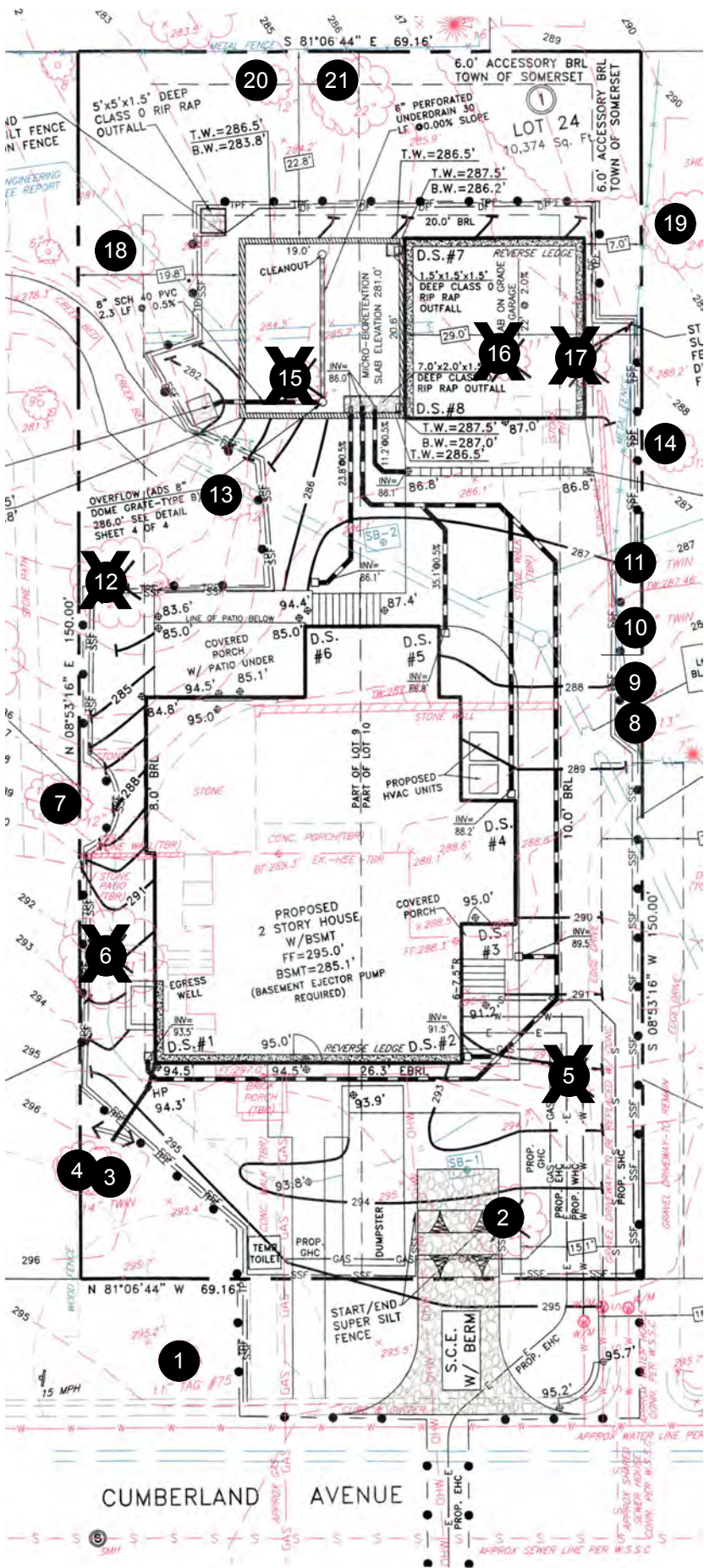
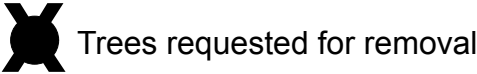
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Tolbert V. Feather

Tree Inventory, size, conditions for street trees and trees 4" and over in diameter

Item	Tree	dbh "	Condition	Comments	Item	Tree	dbh "	Condition	Comments
1	Willow Oak	11		street tree	12	Red Maple	27	poor	Request Removal
2	Flowering Cherry	14			13	Horsechestnut	10		
3	Hickory	17			14	Carpinus	12		neighbor's tree
4	Ash	19		shared with neighbor	15	Ash	10	poor	Request Removal
5	Boxelder	12		Request Removal	16	Ash	10	poor	Request Removal
6	Tulip Poplar	30	poor	Request Removal	17	Holly	7	poor	Request Removal
7	Leyland Cypress	12		neighbor's tree	18	Ash	17		
8	Cryptomeria	13			19	Boxelder	24		neighbor's tree
9	Hemlock	10			20	Unidentified	12	poor	broken top
10	Hemlock	13			21	Elm	21		
11	Hemlock	11			dbh - diameter at 4.5' above ground				





Tree 5 Boxelder



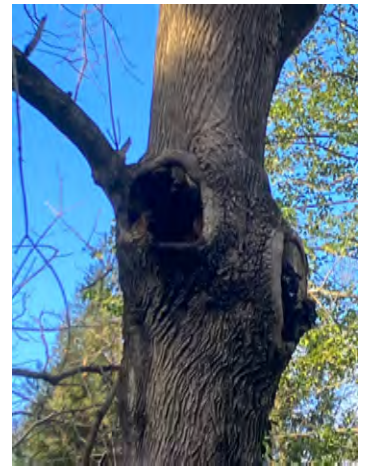
Tree 6 Tulip Poplar



Tree 6_Gridling Root Tulip Poplar



Tree 12 Red Maple



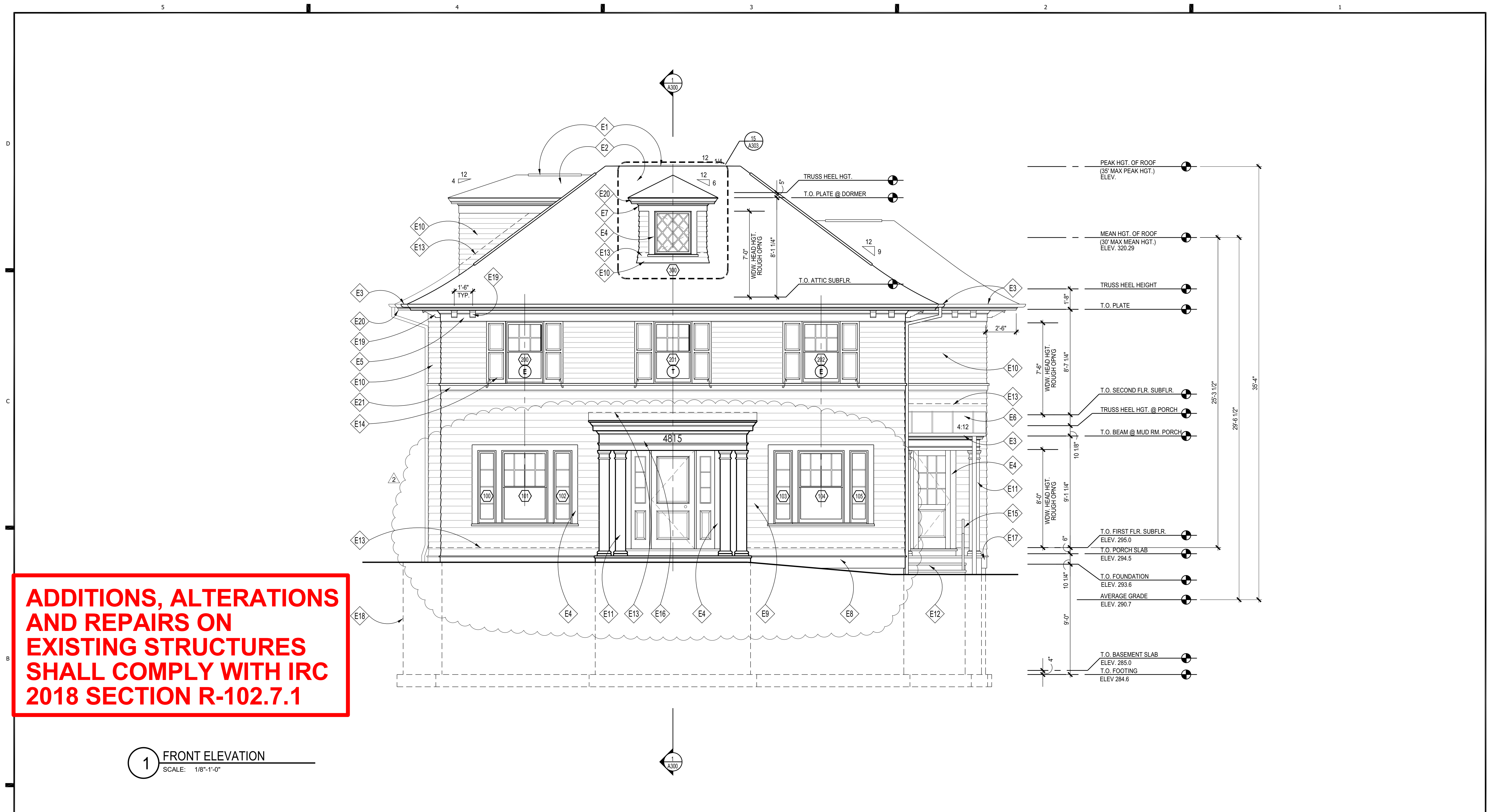
Tree 12 Hollow trunk



Tree 15 Ash



Trees 16,17 Ash, Holly



ELEVATION NOTES

- | | | | |
|-----|--|-----|--|
| E1 | RIDGE/HIP VENTS BY COR-A-VENT OR APPD EQUAL ELIMINATE WITH THE USE OF FOAM INSULATION | E19 | PTD. FYPON BRACKET DTLB 8X7X18 |
| E2 | ROOF SHINGLES, TYP.; SEE ROOF PLAN | E20 | PTD. 1x6 AZEK FASCIA WITH AZM-47 CROWN; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '15/A302' |
| E3 | HALF ROUND GUTTER & ROUND DOWNSPOUT T.B.S., TYP. | E21 | PTD. 5/4x6 AZEK TRIM BAND ON 1/2\" BLKG WITH CONT. AZM-6930 HISTORIC SILL; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '18/A302' |
| E4 | PTD. 5/4x6 AZEK WINDOW/DOOR TRIM ON 1/2\" BLKG, TYP.; SEE GENERAL AZEK TRIM NOTES, THIS SHEET | | |
| E5 | PTD. 5/4x12 AZEK TRIM BAND ON 1/2\" BLKG; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '17/A302' | | |
| E6 | STANDING SEAM METAL ROOF, T.B.S. | | |
| E7 | PTD. 5/4x8 AZEK TRIM BAND ON 1/2\" BLKG WITH AZM-52 CROWN; SEE GENERAL AZEK TRIM NOTES THIS SHEET | | |
| E8 | STUCCO BASE W/ STONE CAP, HOLD CAP 6\" BELOW SUBFLR, SEE DETAILS FOR ADDL INFORMATION | | |
| E9 | SMOOTH LAP SIDING W/ MITERED CORNERS, 7\" EXPOSURE, PTD., INSTALL PER MANUFACTURER | | |
| E10 | SMOOTH LAP SIDING W/ MITERED CORNERS, 5\" EXPOSURE, PTD., INSTALL PER MANUFACTURER | | |
| E11 | PTD. 10\" SQUARE HB&G PERMACAST COLUMN CUT FROM 9'-0\" STOCK W/ TUSCAN BASE AND CAPITAL | | |
| E12 | STUCCO RISERS W/ STONE TREADS, STEP TO GRADE; FIELD VERIFY RISE & RUN | | |
| E13 | CONCEALED FLASHING, TYP. | | |
| E14 | OPERABLE SOLID-CORE COMPOSITE SHUTTERS & HARDWARE T.B.S., TYP. SEE DETAIL '8/A303' | | |
| E15 | RAIL SYSTEM, T.B.S. | | |
| E16 | PTD. 5/4x AZEK TRIM BAND WITH AZM 49 CROWN & AZM-287 BAND MOULD; ALIGN W/ TOP OF WINDOWS AND PORCH COLUMNS; SEE GENERAL AZEK TRIM NOTES THIS SHEET | | |
| E17 | PTD. 5/4x12 AZEK TRIM BD. ON 1/2\" BLKG. W/ AZM-6930 WATERTABLE; SEE GENERAL AZEK TRIM NOTES ON THIS SHEET | | |
| E18 | EGRESS WINDOW WELL; SEE DETAIL '1A/A304' | | |

NOTE:
1. VERIFY ALL EXTERIOR RISER & TREAD DIMENSIONS IN FIELD

GENERAL AZEK TRIM NOTES

GLUE ALL AZEK TO AZEK JOINTS SUCH AS WINDOW SURROUNDS, LONG FASCIA RUNS, ETC., WITH AZEK ADHESIVE TO PREVENT JOINT SEPARATION.

THE GLUE JOINT SHOULD BE SECURED WITH A FASTENER AND/OR FASTENED ON EACH SIDE OF THE JOINT TO ALLOW ADEQUATE BONDING TIME.

AZEK ADHESIVE HAS A WORKING TIME OF 10 MINUTES AND WILL BE FULLY CURED IN 24 HOURS.

IF STANDARD PVC CEMENTS ARE USED, KEEP IN MIND THESE PRODUCTS TYPICALLY CURE QUICKLY WHICH WILL RESULT IN LIMITED WORKING TIME AND MAY REDUCE ADHESIVE STRENGTH. AS SUCH THEY ARE NOT ACCEPTABLE.

FOR BEST RESULTS, SURFACES TO BE GLUED SHOULD BE SMOOTH, CLEAN AND IN COMPLETE CONTACT WITH EACH OTHER.

TO BOND AZEK TO OTHER SUBSTRATES, VARIOUS ADHESIVES MAY BE USED. CONSULT ADHESIVE MANUFACTURER TO DETERMINE SUITABILITY. AZEK PRODUCTS EXPAND AND CONTRACT WITH CHANGES IN TEMPERATURE.

APROPERLY FASTENING AZEK MATERIAL ALONG ITS ENTIRE LENGTH WILL MINIMIZE EXPANSION AND CONTRACTION.

WHEN PROPERLY FASTENED, ALLOW 1/8\" PER 18 FOOT OF AZEK PRODUCT FOR EXPANSION AND CONTRACTION. JOINTS BETWEEN PIECES OF AZEK SHOULD BE GLUED TO ELIMINATE JOINT SEPARATION. SEE 'GLUING' DIAGRAM BELOW.



WHEN GAPS ARE GLUED ON A LONG RUN OF AZEK, ALLOW EXPANSION AND CONTRACTION SPACE AT ENDS OF THE RUN.

INSTALL PER AZEK.

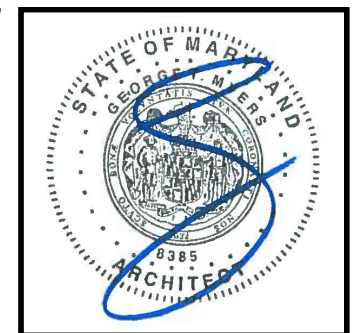
FOR ADDITIONAL INFORMATION: VISIT WWW.AZEK.COM OR CALL 877-ASK-AZEK.

GTM ARCHITECTS

7735 OLD GEORGETOWN ROAD
SUITE 700
BETHESDA, MD 20814
(240)333-2000
(240)333-2001 FAX
WWW.GTMARCHITECTS.COM

GTM

Seal



Consultant

Project
KELLY DEVELOPMENT
4815 CUMBERLAND AVE, CHEVY CHASE, MD 20815

Owner

Developer

PERMIT SET	01/13/2023
1 SOMERSET REVIEW	02/13/2023
2 FRONT PORCH REV.	11/03/2023

Issue Description	Date
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GTM Project No.	22.0663
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Checked By	GTM
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Scale	AS NOTED
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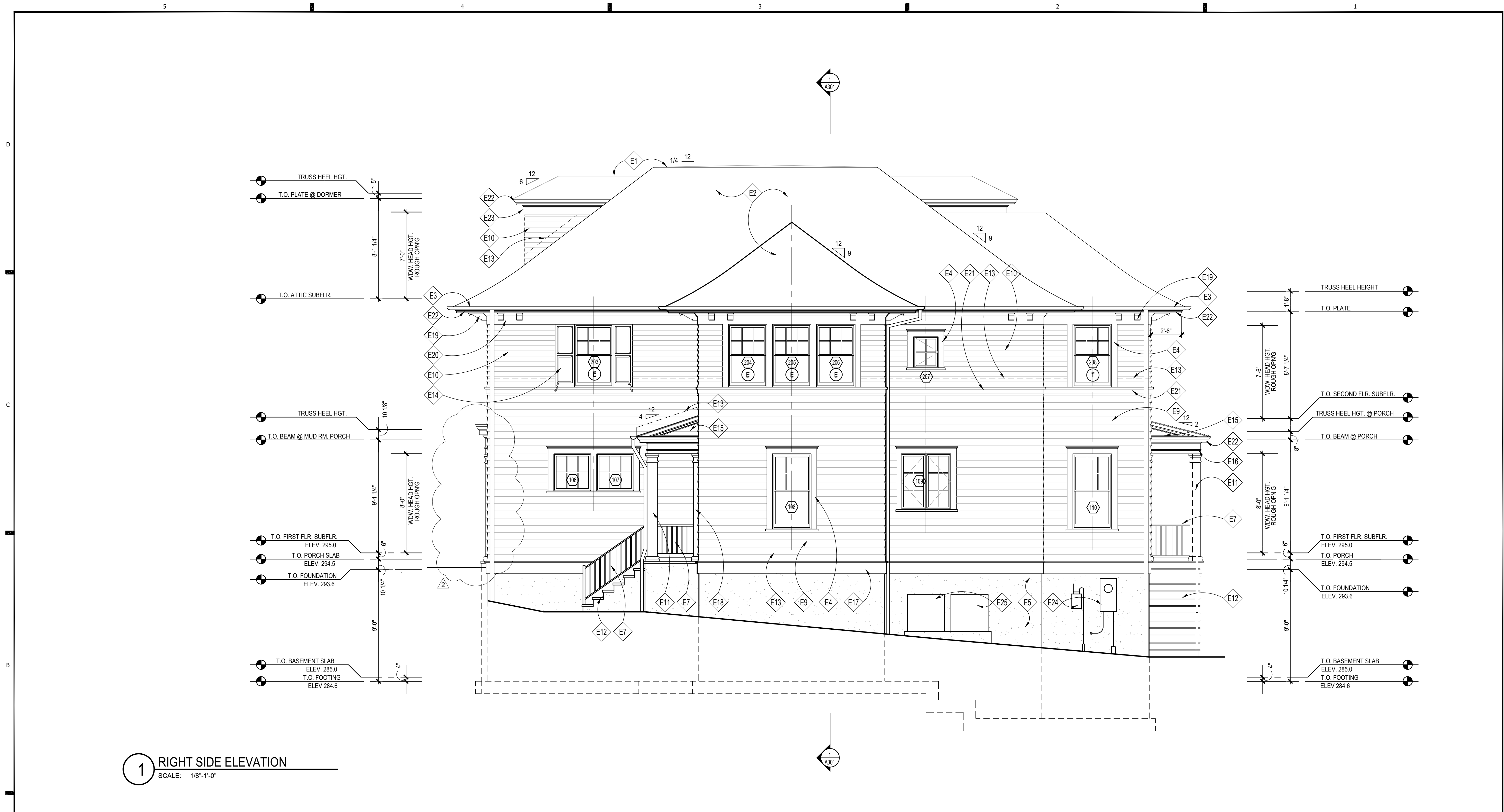
Sheet Title

FRONT
ELEVATION

Sheet No.

A200

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ELEVATION NOTES

- E1 RIDGE/HIP VENTS BY COR-A-VENT OR APP'D EQUAL ELIMINATE WITH THE USE OF FOAM INSULATION
- E2 ROOF SHINGLES, TYP.; SEE ROOF PLAN
- E3 HALF ROUND GUTTER & ROUND DOWNSPOUT T.B.S., TYP.
- E4 PTD. AZEK 5/4x6 WINDOW/DOOR TRIM ON 1/2\" BLKG, TYP.; SEE GENERAL AZEK TRIM NOTES, THIS SHEET
- E5 PAINTED STUCCO FOUNDATION
- E6 STANDING SEAM METAL ROOF, T.B.S.
- E7 RAIL SYSTEM, T.B.S.
- E8 STUCCO BASE W/ STONE CAP, HOLD CAP 6\" BELOW SUBFLR, SEE DETAILS FOR ADD'L INFORMATION
- E9 SMOOTH LAP SIDING W/ MITERED CORNERS, 7\" EXPOSURE, PTD., INSTALL PER MANUFACTURER

- E10 SMOOTH LAP SIDING W/ MITERED CORNERS, 5\" EXPOSURE, PTD., INSTALL PER MANUFACTURER
- E11 PTD. 10\" SQUARE HB&G PERMACAST COLUMN CUT FROM 9'-0\" STOCK W/ TUSCAN BASE AND CAPITAL
- E12 STUCCO RISERS W/ STONE TREADS, STEP TO GRADE; FIELD VERIFY RISE & RUN
- E13 CONCEALED FLASHING, TYP.
- E14 OPERABLE SOLID-CORE COMPOSITE SHUTTERS & HARDWARE T.B.S., TYP. SEE DETAIL '8/A303'
- E15 PTD. AZEK TRIM, CUT TO FIT
- E16 PTD. 5/4x12 AZEK TRIM BAND WITH AZM 49 CROWN & AZM-287 BAND MOULD; ALIGN W/ TOP OF WINDOWS AND PORCH COLUMNS; SEE GENERAL AZEK TRIM NOTES THIS SHEET
- E17 PTD. 5/4x10 AZEK TRIM BD. ON 1/2\" BLKG. W/ AZM-6935 WATERTABLE; SEE GENERAL AZEK TRIM NOTES ON THIS SHEET
- E18 PTD. SQ PLASTER TO MATCH COLUMNS; SEE ELEVATIONS

- E19 PTD. FYPON BRACKET DTLB 8X7X18
- E20 PTD. 5/4x8 AZEK TRIM BAND ON 1/2\" BLKG WITH AZM-164 BASE CAP UPSIDE DOWN UNDER PTD. 1X10 AZEK TRIM BAND; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '17/A302'
- E21 PTD. 5/4x6 AZEK TRIM BAND ON 1/2\" BLKG WITH CONT. AZM-6930 HISTORIC SILL; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '18/A302'
- E22 PTD. 1x6 AZEK FASCIA WITH AZM-47 CROWN; SEE GENERAL AZEK TRIM NOTES THIS SHEET AND DETAIL '15/A302'
- E23 PTD. 5/4x8 AZEK TRIM BAND ON 1/2\" BLKG WITH AZM-52 CROWN; SEE GENERAL AZEK TRIM NOTES THIS SHEET
- E24 NEW/RELOCATED ELECTRIC METER LOCATION, GC TO FIELD VERIFY
- E25 PROPOSED CONDENSOR LOCATION, SEE CIVIL SITE PLAN & COORDINATE W/ OWNER

NOTE:
1. VERIFY ALL EXTERIOR RISER & TREAD DIMENSIONS IN FIELD

GENERAL AZEK TRIM NOTES

GLUE ALL AZEK TO AZEK JOINTS SUCH AS WINDOW SURROUNDS, LONG FASCIA RUNS, ETC., WITH AZEK ADHESIVE TO PREVENT JOINT SEPARATION.

THE GLUE JOINT SHOULD BE SECURED WITH A FASTENER AND/OR FASTENED ON EACH SIDE OF THE JOINT TO ALLOW ADEQUATE BONDING TIME.

AZEK ADHESIVE HAS A WORKING TIME OF 10 MINUTES AND WILL BE FULLY CURED IN 24 HOURS.

IF STANDARD PVC CEMENTS ARE USED, KEEP IN MIND THESE PRODUCTS TYPICALLY CURE QUICKLY WHICH WILL RESULT IN LIMITED WORKING TIME AND MAY REDUCE ADHESIVE STRENGTH. AS SUCH THEY ARE **NOT ACCEPTABLE**.

FOR BEST RESULTS, SURFACES TO BE GLUED SHOULD BE SMOOTH, CLEAN AND IN COMPLETE CONTACT WITH EACH OTHER.

TO BOND AZEK TO OTHER SUBSTRATES, VARIOUS ADHESIVES MAY BE USED. CONSULT ADHESIVE MANUFACTURER TO DETERMINE SUITABILITY.

AZEK PRODUCTS EXPAND AND CONTRACT WITH CHANGES IN TEMPERATURE.

APPROPERLY FASTENING AZEK MATERIAL ALONG ITS ENTIRE LENGTH WILL MINIMIZE EXPANSION AND CONTRACTION.

WHEN PROPERLY FASTENED, ALLOW 1/8\" PER 18\" FOOT OF AZEK PRODUCT FOR EXPANSION AND CONTRACTION. JOINTS BETWEEN PIECES OF AZEK SHOULD BE GLUED TO ELIMINATE JOINT SEPARATION. SEE \"GLUING\" DIAGRAM BELOW.



WHEN GAPS ARE GLUED ON A LONG RUN OF AZEK, ALLOW EXPANSION AND CONTRACTION SPACE AT ENDS OF THE RUN.

INSTALL PER AZEK.

FOR ADDITIONAL INFORMATION, VISIT WWW.AZEK.COM OR CALL 877-ASK-AZEK.

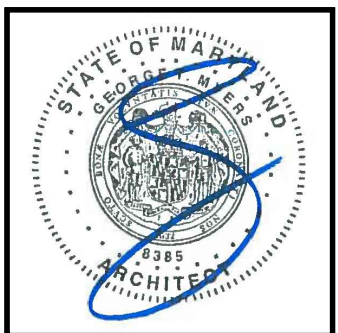
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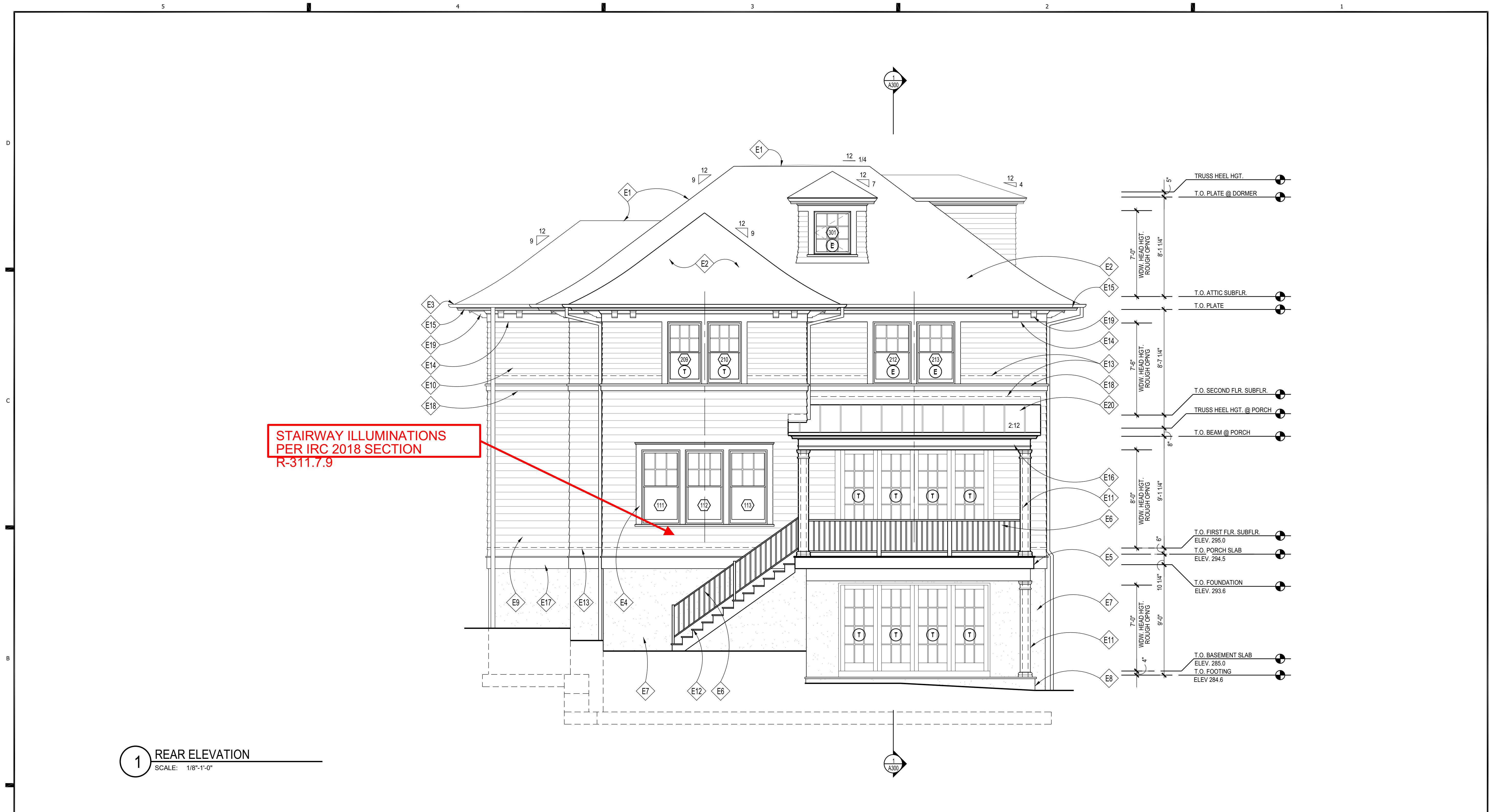
Sheet Title

**RIGHT
ELEVATION**

Sheet No.

A201

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ELEVATION NOTES

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- E5 COMPOSITE DECKING, T.B.S.
- E6 RAIL SYSTEM, T.B.S.
- E7 PAINTED STUCCO FOUNDATION
- E8 STUCCO BASE W/ STONE CAP, HOLD CAP 6\" BELOW SUBFLR, SEE DETAILS FOR ADD'L INFORMATION
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- E17 PTD. 5/4x12 AZEK TRIM BD. ON 1/2\" BLKG. W/ AZM-6935 WATERTABLE; SEE GENERAL AZEK TRIM NOTES ON THIS SHEET
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NOTE:
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- E19 PTD. FYPON BRACKET DTLB 8X7X18
- E20 STANDING SEAM METAL ROOF

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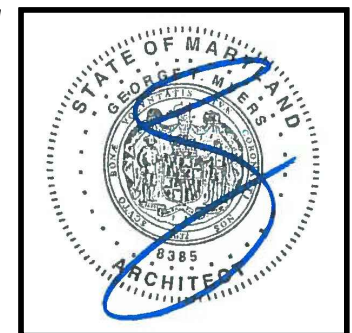
FOR ADDITIONAL INFORMATION: VISIT WWW.AZEK.COM OR CALL 877-ASK-AZEK.

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Consultant

Project
KELLY DEVELOPMENT
4815 CUMBERLAND AVE, CHEVY CHASE, MD 20815

Owner

Developer

PERMIT SET 01/13/2023

Issue Description Date

GTM Project No. 22.0663

Checked By GTM

Drawn By DER

Scale AS NOTED

Sheet Title

REAR
ELEVATION

Sheet No.

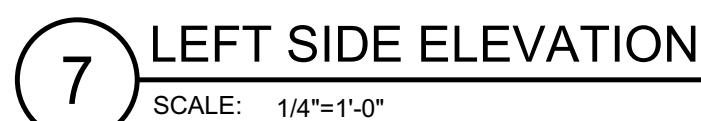
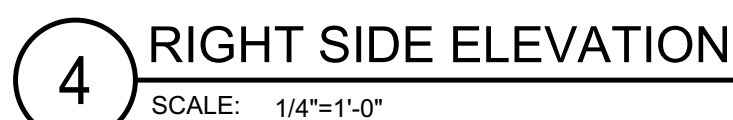
A202

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FOR ADDITIONAL INFORMATION: VISIT WWW.AZEK.COM OR CALL 877-ASK-AZEK.



PLANS REVIEWED AS PERFORMANCE COMPLIANCE WITH IRC 2018 SECTION R-301.1.3. ARCHITECT-OF-RECORD TO VERIFY CONSTRUCTION PROCESSES AND COMPLIANCE WITH CONSTRUCTION STANDARDS.



CONSTRUCTION NOTES

- | | |
|-----|--|
| C1 | REINF. CONC. SLAB; SEE FOUNDATION PLAN |
| C2 | ROOF SHINGLES TO MATCH MAIN HOUSE;
SEE GENERAL ROOFING NOTES, THIS SHEET |
| C3 | HALF ROUND GUTTER TO MATCH HOUSE |
| C4 | ROUND DOWNSPOUT TO MATCH HOUSE, TERMINATED IN PERFORATED
PIPE; EXTEND BELOW GRADE, DRAIN TO DAYLIGHT OR SUMP PUMP |
| C5 | GARAGE DOOR TRACKS ABOVE |
| C6 | CONC. CURB BELOW |
| C7 | CONCRETE FOUNDATION WALL; SEE FOUNDATION PLAN |
| C8 | DASHED LINE INDICATES FACE OF STUD WALL BELOW, TYP. |
| C9 | BEAM/HEADER; SEE FRAMING PLANS |
| C10 | FOOTING; SEE FOUNDATION PLAN |
| C11 | PTD. AZEK 5/4x4 WINDOW/DOOR TRIM, TYP. |
| C12 | APPROX. LINE OF FOOTING BELOW; FIELD VERIFY |
| C13 | SIDING TO MATCH HOUSE, PTD. |
| C14 | ROOF TRUSSES BY TRUSS MANUFACTURER; SEE FRAMING PLANS |

ROOFING NOTES

1. PROVIDE SELF-ADHERING, 40 MIL ICE AND WATER GUARD UNDERLAYMENT UNDER SHINGLES AT ALL VALLEYS AND FROM LOWEST EDGE OF ROOF SURFACES TO A POINT AT LEAST 24" INSIDE THE EXTERIOR WALL LINE, AND ON ALL AREAS WITH A SLOPE LESS THAN 4:12.
2. PROVIDE FLASHING FOR MIN. 8" EACH SIDE OF ALL VALLEYS & PITCH CHANGES

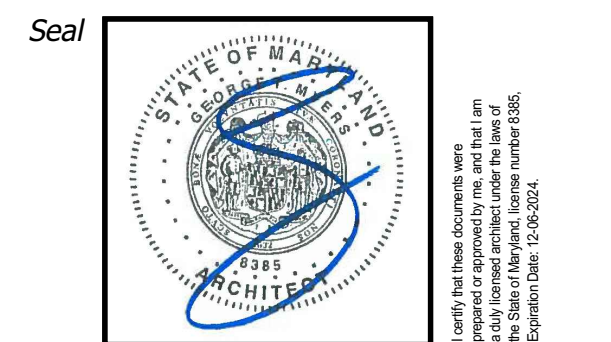
WALL TYPES

TYPICAL EXTERIOR WALL: 2x4 WOOD STUDS 16" O.C. W/ VAPOR BARRIER,
1/2" OSB SHEATHING, TYVEK STUCCO WRAP, & CEDAR SHINGLES TO
MATCH MAIN HOUSE; SEE ELEVATIONS.

1

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**KELLY
DEVELOPMENT**
4815 CUMBERLAND AVE, CHEVY CHASE, MD 20815
Owner

Developer

PERMIT SET	01/13/2023
Issue Description	Date

GTM Project No.	22.0663
Checked By	GTM
Drawn By	DER
Scale	AS NOTED

To: Somerset Town Council
From: Matthew Trollinger, Town Manager
Date: February 5, 2024
Subject: Permit Approval Recommendation – 4815 Cumberland Ave.

I am writing to recommend the approval of the permit submitted by David Kelly, on behalf of David S. Kelly Development Co., Inc., for the construction of a new home at the property located at 4815 Cumberland Ave. The plans were submitted on January 5, ahead of the January 10 deadline, and have undergone a thorough review by both Town staff and contracted technical experts.

Administrative Requirements

The Town has confirmed compliance with the administrative requirements of the Code. Notably, a parking plan has been submitted, and house number certification completed. In addition, the Town delivered notice to neighbors ten days prior to the hearing via first-class US Mail and email, as required by the Town Code. Town staff also hand-delivered packages containing notice of the hearing and construction, as well as a site plan and drainage plan, and elevation drawings to abutting neighbors on Friday, January 26.

Building Requirements

The Town's Building Administrator has reviewed the plans and confirmed that it complies with the Town Code. Notably, setback requirements and accessory building restrictions have been measured and confirmed for compliance with the Town Code.

Of note, the Building Height that is proposed is greater than the maximum allowed per the Town's newly adopted building height restrictions. It is the staff's understanding that because the application was filed before the effective date of the new restriction, the Town requirements would not be in effect. The applicant first submitted documents to the Town in February of 2023; after considerable back-and-forth and revisions, the completed application was submitted on January 5, 2024. The Town's building height went into effect on January 9, 2024.

Tree Care

The Town Arborist has reviewed the plans, and offered Tree Protection and Tree Replacement plans for the project.

Notably, regarding tree protection, the Town Arborist has updated the protection plan after consultation with the abutting property owners at 4813 Cumberland to ensure the protection of the trees on the neighboring property. With regard to tree removal and replacement, the large cherry tree in the middle of the property is unable to be saved during construction.

Stormwater Management

The Town's stormwater consultant, Bayland Consultants & Designers, Inc. has reviewed the plans and confirmed compliance with the Town's stormwater management code requirements. Notably, the project requires a total of 812 CF of water to be managed, including all rooftop impervious surfaces, and the

proposed driveway. The project provides for 813 CF of water. The proposal utilizes micro-bio-retention facilities, which is a defined nonstructural stormwater management device in the Town Code.

With respect to the driveway, the applicant has agreed, after discussion between the neighbors and staff, to keep the gravel driveway and to replace any disturbance like for like, as stipulated in the shared driveway easement agreement. The entrance to the detached rear yard garage includes a portion of the driveway that is proposed to be concrete. In consultation with the Town's stormwater consultant, the applicant has included a trench drain to capture water from the driveway into the stormwater management devices.

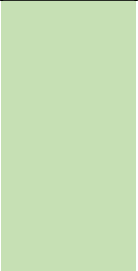
Conclusion & Recommendations

As laid out in the attached spreadsheet breaking down the various objective criteria in the Town Code, the staff evaluation of the project indicates that the project complies with the Town building requirements. Therefore, I recommend approval of the project. I have noted several conditions for the Council to consider including that a wall check and height check be provided, and that the construction must adhere to the Town's Tree Protection and Tree Replacement recommendations.

The Town Attorney may have additional advice as it pertains to the building height restrictions. As previously mentioned, the application was submitted on January 5, ahead of the effective date of January 9. The applicant first filed with the Town in February, 2023, and the final substantive changes were made to the application and filed on December 6, 2023. The applicant was originally scheduled for the January 8 Council meeting but was removed by the staff so that final Montgomery County stormwater permits would be obtained, to confirm County compliance and that no additional changes would be required. The application is unchanged from that time, with the exception of minor administrative changes, such as an updated tree protection plan.

<u>TOWN CODE REQUIREMENTS</u>	<u>Town Requirement</u>	<u>Application</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Town Code Language</u>
Main Building: Side Setback	8', 18' sum	8.3', 23.9' sum	✓	<i>I recommend that the Council add a condition to the permit that the applicant must submit a wall check within 24 hours of receipt by the contractor.</i> (See note on Town Code language)	Side: eight (8) feet one side; eighteen (18) feet sum for both sides. The Town Code also provides: <u>Wall check.</u> A copy of an engineer's wall check must be delivered to the Clerk-Treasurer within 24 hours of receipt by the contractor.
Main Building: Rear Setback	20'	70'	✓		Rear: twenty (20) feet.
Main Building: Front Setback	26.3' (EBL)	26.3'	✓		No building may be constructed nearer to any front lot line than the established building line or twenty-five (25) feet, whichever results in a greater setback.
Projections	n/a	n/a	✓		n/a
Accessory Building: Lot Coverage	1050 sq. ft.	484 sq. ft.	✓	The proposed house has a large rear yard.	Accessory Buildings must not occupy more than twenty-five percent (25%) of the rear yard
Accessory Building: Height	n/a	10.96'	✓		n/a
Accessory Building: Setbacks	6'	Side: 7.1' Rear: 22.8'	✓		Minimum setback: 5 [ft.] plus 1 [ft.] for each foot or fraction of a foot in excess of 10
Stormwater Drainage	812 CF	813 CF	✓	The plan utilizes micro-bio-retention planter boxes to capture over 100% of the water for a one-year storm. The micro-bio-retention is considered nonstructural per the Town Code. The applicant has also provided proposed vegetation to be used, which has been reviewed and approved by the stormwater consultant.	All new building construction must include a stormwater drainage plan. The plan must provide on-site infiltration for all runoff from all rooftop surfaces. On-site infiltration must be provided for a one-year storm event. 1) All reasonable opportunities for using nonstructural practices must be exhausted before structural practices are implemented. On-site infiltration must be accomplished, to the maximum extent practicable, in the following order of preference: a) Environmental site design (ESD); and b) Structural devices. 2) If the requisite amount of on-site infiltration is not possible, runoff may be treated by storage devices that temporarily store or detain stormwater. Such storage devices may be used only for that volume of runoff that cannot be infiltrated by ESD and structural practices. All ESD and structural practices shall be designed in accordance with the Design Manual, except as may be modified by the Town Council by resolution from time to time.
Driveway	n/a: existing driveway to remain	n/a: existing driveway to remain	✓	The applicant has agreed to keep the existing gravel driveway that is shared between the property and the neighboring property at 4813 Cumberland Ave. The applicant is adding trench drains at the base of the rear garage impervious surface area to channel water into the stormwater infiltration devices.	All new or replacement driveways must be constructed of permeable materials. This requirement shall not apply to the following: 1) An apron in front of a garage entrance, measuring no more than 5 feet in length and 15 feet in width; 2) An apron within a public right-of-way; or 3) A driveway having a slope of 5% or more.

<u>OTHER TOWN REQUIREMENTS</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Town Code Language</u>
Neighbor Notification	Neighbors notified via email and US mail.	Neighbors were notified via email, US mail, and hand-delviered notice, including plans.	✓	Final notice was delivered Friday, January 26, or ten days prior to the scheduled hearing.	A hearing shall be conducted after giving at least 10 days' notice of such hearing to the applicant and the adjoining and confronting neighbors. Notice shall be sent by the Clerk-Treasurer by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known.
House Number Certification	Signed certification form	Certification signed	✓		A certification by the applicant, on a form prepared by the Town, that the applicant will comply with the Montgomery County requirements for house numbers.
Parking Plan	Site plan indicating proposed parking location of vehicles	Site plan indicates room for up to 4 vehicles on site	✓		A parking plan, whenever it is likely that more than three vehicles of persons involved in construction sought to be authorized by a Town building permit (other than the owner of the property which is the subject of the permit) will be parked within the Town at any one time. Such plan shall identify the location of the parking areas to be used by such vehicles. Compliance with a parking plan approved by the Town Council shall be a condition of the issuance of the building permit and a violation of the parking plan may be grounds for revocation of such permit. The parking plan shall provide that: 1) To the maximum extent feasible, parking shall be located on the property which is the subject of the Town building permit; 2) To the maximum extent feasible, if additional parking is needed, parking shall be located on more than one street in the immediate area of the property which is the subject of the Town building permit; and 3) To the extent feasible, parking more than three vehicles in the same area of a Town street shall not be permitted.
Tree Replanting Plan	Town Arborist recommends tree replanting	Applicant has indicated that they do not object to, and will comply with Town Arborist replanting recommendations	✓	<i>I recommend that the Council add as a condition of the permit that the applicant must follow the Town Arborist's replanting recommendations.</i>	A statement whether the applicant intends to perform replanting after tree removal is completed. If the applicant does so intend, the applicant shall submit a replanting plan.



<u>MONTGOMERY COUNTY STANDARDS</u>	<u>Requirement</u>	<u>Proposed</u>	<u>Check</u>	<u>Notes/Recommendations</u>	<u>Other Notes</u>
Building Coverage	30% of the lot, minus 1% for each 1000 ft. over 6000 sq. ft. = 25.63% = 2659 sq. ft.	23.56% 2444 sq. ft.	✓	The Town does not currently regulate building lot coverage.	
Building Height	Either 35 ft. max OR 30 ft. mean	35.3 ft. max 25.3 ft. mean	✓	The applicant submitted the application prior to the effective date of the Town's height requirements. <i>I recommend that the Council add as a condition of the permit that the applicant must submit a height check survey when it is possible during construction.</i>	The Town Code provides that: If the structure or new construction will be more than two (2) stories high, the contractor must notify the Clerk- Treasurer after the frame and partitions have been erected, but before the installation of insulation and dry wall. A certified height survey shall be submitted to the Town by the applicant to allow the height to be confirmed.

MONTGOMERY CONSULTING

15111 Players Way - Glenwood, MD 21738 Tel: (301) 908-3220

SUBJECT: 4815 Cumberland Ave. – Building Permit
DATE: Jan. 29, 2024

The applicant has submitted an application to remove the existing house and construct a new house, with a covered porch at the rear of the house, at 4815 Cumberland Ave. A detached 2-car garage is planned at the right rear of the lot.

The MCDPS demo permit is pending and the MCDPS building permit was issued on Jan. 17, 2024.

The property contains 10,374 S. F. or 0.24 acres.

The Site Plan indicates the EBL is 26.3 feet behind the front property line.

The proposed house setbacks will be:

Front 26.4 feet
Left side 8.3 feet
Right side 15.6 feet
Rear approx. 70 feet

The covered porch will be setback 9.2 feet from the left side property line.

The proposed setbacks conform to the Town Code.

The proposed house roof peak will be 35.3 feet high and the mean will be 29.3 feet high.

The proposed detached garage setbacks will be:

Right side 7.0 feet
Rear 22.8 feet

The proposed setbacks conform to the Town Code.

The proposed garage height will be 10.9 feet high.

The existing shared gravel driveway will remain. At the northern end of the existing driveway a new gravel driveway will lead to the proposed detached garage. The applicant

and the owners at 4813 Cumberland Ave, have recorded an ingress/egress easement for the use and maintenance of the existing gravel driveway.

The existing driveway apron will be modified to conform to the Town's driveway apron detail.

According to the Site Plan, the proposed building lot coverage will be 2,444 S.F. or 23.55%.

A dumpster and temporary toilet are shown on the Site Plan.

Two HVAC units are proposed a the right rear of the proposed house.

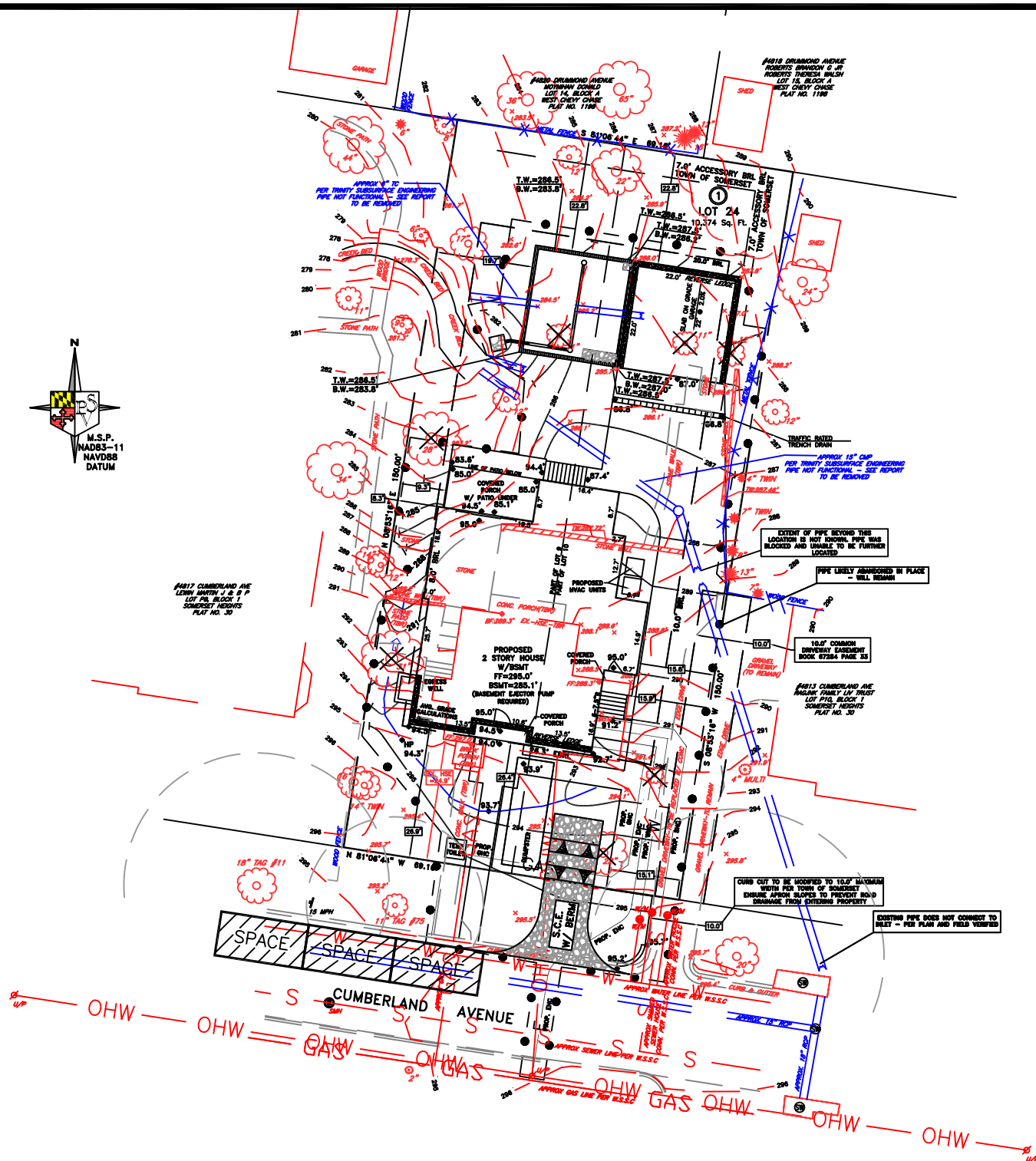
A Boundary Survey and a Parking Plan were included with the application.

I recommend the Council approve the applicant's request for a demo permit, a building permit, a driveway apron permit, a permit for 2 HVAC units, and a dumpster permit. The permits should be held until the MCDPS issues their building permit.



PAR17 CUMBERLAND AVE
LENN MARTIN & D P
LOT 14, BLOCK 1
SOMERSET HEIGHTS
PLAT NO. 30

PAR18 DRUMMOND AVENUE
ROBERTS BRADSHAW G & J
ROBERTS THOMAS WALSH
LOT 15, BLOCK A
WEST CHERRY CHASE
PLAT NO. 1189



JOB No. 22-180

DATE: 02-01-24

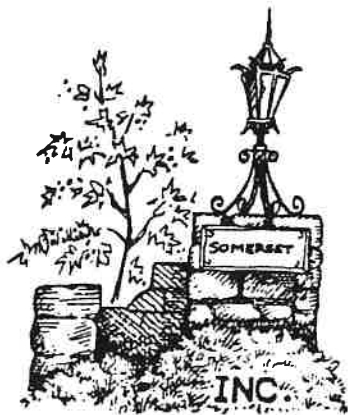
DRAWN BY: SG

SCALE: 1"=30'



POTOMAC VALLEY
SURVEYS
20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090

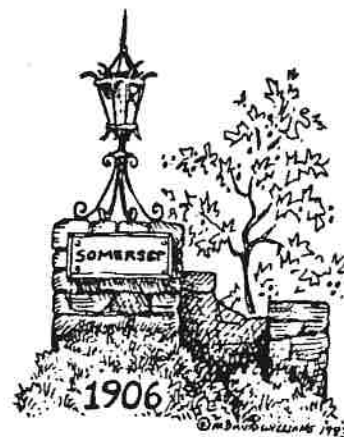
PARKING PLAN
4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24 BLOCK 1
PLAT No. 26032
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND



Jeffrey Z. Slavin
Mayor



4510 Cumberland Avenue
Chevy Chase, MD 20815
(301) 657-3211
Town@townofsomerset.com



Matthew Trollinger
Town Manager

12/14/2023

Dear Resident,

This letter is to inform you that David Kelly, the property owner at 4815 Cumberland Ave., has filed a permit application with the Town of Somerset. The applicant is proposing the demolition of the existing house and the construction of a new house and detached garage on the property.

The plans are currently under review by the town staff and technical contractors, but no variances are requested as part of the application. Thus, the applicant is asserting that the proposed plans conform with the Town's Building requirements, Sec. 112-14 of the Town Code. Pending review and confirmation from the Town staff, the application will be presented to the Council for consideration at the January 8, 2024 Council meeting.

The Council meeting is scheduled for Monday, January 8, 2024 at 7:00 p.m. both in person at the Somerset Town Hall and via Zoom. All residents are invited to attend, and you will have the opportunity to make comments at the hearing. Log-in information can be found below:

<https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZz09>

Meeting ID: 860 9193 9743

Passcode: 491819

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

"Where People and Trees Have Deep Roots and Grow Strong"

The Town Hall is located at 4510 Cumberland Ave., Chevy Chase, MD 20815.

Comments can also be submitted to the Town Manager, to be entered into the record, by emailing manager@townofsomerset.com with the Email Subject Line, "4815 Cumberland Building Permit Comment" no later than 4:30 p.m. on Monday, January 8, 2024.

A copy of the proposed site plan and elevation drawings are included for your review. Electronic copies of the submitted plans can be requested from the Somerset Town Hall at the email above, or by calling the Somerset Town Hall at 301-657-3211.

Thank you,

Matt Trollinger, Town Manager
Town of Somerset
manager@townofsomerset.com
301-657-3211

CC: Mayor Jeffrey Slavin
Somerset Town Council
Council President Stephen Surko
Councilmember Robin Barr
Councilmember Debbie Heller
Councilmember Kabir Kumar
Councilmember Shannon Rovak
4813, 4816, 4817, 4818, 4820 Cumberland Ave.

1/26/2023

Dear Resident,

This letter is to inform you that David Kelly, the property owner at 4815 Cumberland Ave., completed and filed a permit application with the Town of Somerset on January 5, 2024. The applicant is proposing the demolition of the existing house and the construction of a new house and detached garage on the property.

The plans have been reviewed by the town staff and technical contractors, and no variances are requested as part of the application. Thus, the applicant is asserting that the proposed plans conform with the Town's Building requirements, Sec. 112-14 of the Town Code. The application will be presented to the Council for consideration at the February 5, 2024 Council meeting.

The Council meeting is scheduled for Monday, February 5, 2024 at 7:00 p.m. both in person and via Zoom. All residents are invited to attend, and you will have the opportunity to make comments at the hearing. Log-in information can be found below:

<https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZz09>

Meeting ID: 860 9193 9743

Passcode: 491819

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)

Alternatively, comments can be submitted to the Town Manager, to be entered into the record, by emailing manager@townofsomerset.com with the Email Subject Line, "4815 Cumberland Building Permit Comment" no later than 4:30 p.m. on Monday, February 5, 2024.

A copy of the proposed site plan, including stormwater management, and elevation drawings are included for your review. Electronic copies of the submitted plans can be requested from the Somerset Town Hall at the email above, or by calling the Somerset Town Hall at 301-657-3211.

Thank you,

Matt Trollinger, Town Manager
Town of Somerset
manager@townofsomerset.com
301-657-3211

CC: 4813, 4816, 4817, 4818, 4820 Cumberland

Town of Somerset

House Number Certification

The undersigned building permit applicant hereby certifies, in accordance with Town Code Section 116-6.M, that the house number for the subject property will be displayed in accordance with Montgomery County Code Sec. 22-97, as amended or replaced.

The undersigned acknowledges that the proper display of the house number is critical for the identification of the property by emergency responders.

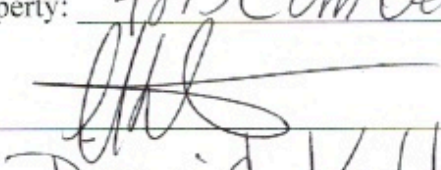
The undersigned acknowledges and understands that Montgomery County Code Sec. 22-97 (2022 edition) provides, in pertinent part, as follows:

"Sec. 22-97. Address numbers.

(a) The owner of any structure presently existing or constructed in the future must display Arabic numbers designating the address assigned to the structure by the Maryland-National Capital Park and Planning Commission, or by the municipality in which the structure is located. Numbers must be at least five (5) inches high for single-family detached and attached residences and at least six (6) inches high for commercial, industrial or multifamily structures. However, if the numbers designating the address of a single-family residence on April 5, 1988, were at least three (3) inches high, those numbers comply with the size requirement of this section as long as they remain in place. Address displays must be posted on a contrasting background displayed in a conspicuous place that is unobstructed and clearly readable from the street named in the official address of the structure."

(1982 L.M.C., ch. 30, § 1; 1988 L.M.C., ch. 33, § 1.)

Subject property: 4815 Cumberland Ave

Applicant: 
David Kelly

2/8/23

Town of Somerset Permit and Waiver Application

If your home is in the Historic District, please refer to the Historic District instructions in addition to completing applicable permit below.

Street address for which permit applies: 4815 Cumberland Ave,
February 7, 2023 Date

Applicant Information:

Name: David Kelly Phone: 240.460.5947 cell

Address: 4620 Drummond Ave Cell Phone: _____

City, State and Zip: Cherry Chase MD Email: dskelly6@comcast.net

Property Owner Information or Co-Owner Information (if other than applicant)

Name: SAME AS ABOVE Phone: _____

Address: _____ Cell Phone: _____

City State and Zip: _____ Email: _____

Contractor Information:

Name: Kelly Co Phone: 240 460 5947 cell

Address: 4620 Drummond Ave Cell Phone: _____

City, State and Zip: Ch. Ch. MD Email: dskelly6@comcast.net

Contractor License Number:

Maryland Home Improvement (for additions) BC 228864

Montgomery County Office of Consumer Protection (for new homes) BC 227028

For Building Permits Only:

Legal description (lot and block) LOT 99 Block 1

Date of subdivision plat recordation of lot: Pending

Disclaimer:

The Town of Somerset makes no warranties or representations as to the currency or accuracy of the content on this site or any other site to which reference is made herein by linking or otherwise. The Town of Somerset assumes no liability or responsibility for any errors or omissions in the content or operation of this or other sites referenced herein. Information on this website may be changed, deleted, added to, or otherwise modified or amended without notice. Your use of and browsing in this site, and any other site to which you may be linked or directed by this site, is at your own risk.

Town documents, including but not limited to the Town of Somerset Charter and Code, appearing on this site may not be the current official version adopted or maintained by the Town. The current official version of all Town documents, including the Town Charter and Code, are available for inspection at the Town Hall and should be consulted prior to any action being taken.

For further information regarding the official version of any Town document, please contact the Town directly at:

4510 Cumberland Avenue Chevy Chase, MD 20815 301-657-3211

town@townofsomerset.com

Property in Somerset's Historic District

If your property is in the Somerset Historic District, please visit the website for Montgomery County's Historic Preservation Commission at

http://www.montgomeryplanning.org/historic/instructions/historic_area_work_permits.shm

and become familiar with the process. Town of Somerset strongly suggests that you set up a pre-permit meeting with the Town of Somerset before beginning the permit process with HPC and the County in order to avoid the possibility of having to return to them to apply for a revision. There may be a fee charged for this meeting. Contact the Town Manager to arrange such a meeting. Following your pre-permit meeting with Somerset, take your plans to the County Historic Preservation Office for further instructions. Once you are in their system, they will send your plans to the Local Advisory Panel (LAP). In Somerset, members of the town's council are acting as the LAP. As such, council members will not be making a decision on the building permit. Once the Historic Commission approves the plans and issues the Historic Area Work Permit, they will forward the plans to the Montgomery County permitting office for their permit approval. Once you have both of the county permits, you apply for a Town of Somerset permit and put yourself on the schedule for a Town Council meeting where a decision will be made.

Please ensure that you submit a complete application; incomplete applications will not be reviewed. Refer to the Permit Instruction Sheets for details on how to apply for your particular permit(s). In addition, it is strongly suggested that you consult with the Town Manager about the need for a pre-construction meeting.

Please check the appropriate boxes to indicate the permit(s) for which you are applying. See the Fee Schedule for associated fees and deposits.

Check Box	Town of Somerset Permit	Town Fee	Town Deposit	Neighbor Review Sheet	County Permit	Council or Mayor Approval
<input checked="" type="checkbox"/>	Install or replace exterior components for HVAC systems. <u>HVAC Permit Instructions</u> 2 condensing units	Yes for Replacement. No if part of bldg permit	Yes*	Yes	Yes	Council (Mayor can approve in an emergency for eventual council approval)
<input checked="" type="checkbox"/>	Building Permit (new homes, additions, porch, stoop, garage, accessory bldg.) <u>Building Permit Instructions</u>	Yes	Yes	Yes	Yes	Council
<input checked="" type="checkbox"/>	Curb Cut, Driveway Apron, Sidewalk <u>Right-of-Way curb cut, driveway apron and curb cut instructions</u>	Yes	Yes*	Yes	No	Mayor**
<input checked="" type="checkbox"/>	Demolition Demolition Permit Instructions	Yes	Yes*	Yes	Yes	Council
<input checked="" type="checkbox"/>	Dumpster or Portable Storage Units <u>Dumpster or Portable Storage Unit Permit Instructions</u>	Yes	Yes*	No	No	Mayor**
<input type="checkbox"/>	Fences <u>Fence Permit Instructions</u>	Yes	No	Yes Inside and outside of Somerset	Yes if new; No if replacement in kind.	Mayor**
<input type="checkbox"/>	Walls: Permits required for walls more than 12" high <u>Wall Permit Instructions</u>	Yes	Yes	Yes* Inside and outside of Somerset	Yes if wall is more than 30" high	Mayor**

Check Box	Town of Somerset Permit	Town Fee	Town Deposit	Neighbor Review Sheet	County Permit	Council or Mayor Approval
<input type="checkbox"/>	Generator <u>Generator Permit Instructions</u>	Yes	Yes*	Yes	Yes	Council
<input checked="" type="checkbox"/>	Tree Removal <u>Tree Removal Instructions</u>	No	Depends* on number of trees and whether or not there is a reforestation plan.	Yes Inside and outside of Somerset	No	Mayor for 1-2 trees; Council for 3 or more trees;
<input type="checkbox"/>	Waivers <u>Waiver Instructions</u>	Yes	N/A	Town notifies neighbors	Possibly	Council
<input type="checkbox"/>	Application to extend permit	Yes	No	No	Possibly	Depends on type of permit

* If you are applying for a building permit and these items are part of the project, the cumulative deposit will not exceed \$2,000, with the exception of the Tree Reforestation deposit.

**Any item approved by the mayor that is also part of a building project will also require council approval.

Description of work to be done:

Demolish existing structure and
Replace with New Home

Anticipated date for work to commence: Spring 2023

Anticipated date for completion: DECEMBER 2023

I certify that I am the owner(s) of the property for which I am applying for a permit, that the application is correct and that construction will comply with the plans submitted. I acknowledge this to be a condition of the issuance of this permit.

Owner Signature

Date

2/7/23

Printed Name

David Kelly

Co-Owner Signature

Date

Printed Name

Co-Owner Signature

Date

Printed Name

NEIGHBOR SIGNATURE SHEET

Note to neighbors: Please be aware that your signature on this document does not signify concurrence. It only confirms that you have seen the respective plans. You are welcome to comment on the plans by writing the Mayor or by attending the Council meeting on (applicant to fill in date) _____ when the Council will consider these plans.

Street address of project site: 4815 Cumberland Ave

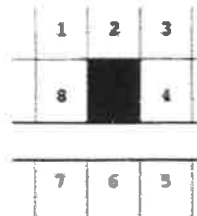
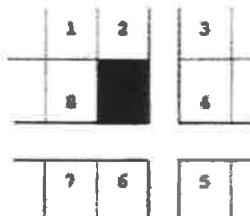
For the neighbor: Please check the box below for the plans that you have seen:


- ☐ Tree removal (include residents inside and outside of Somerset where applicable);
- ☐ External HVAC components, new location or replacement;
- ☐ New Construction (additions and new homes); Review drainage and storm water management plans as well as parking plan if applicable;
- ☐ New curb cut or driveway apron and sidewalk;
- ☐ Demolition
- ☐ Location of Dumpster or Portable Storage Device;
- ☐ Fence: new, relocated or replaced (includes residents inside and outside of Somerset where applicable);
- ☐ Walls (includes residents inside and outside of Somerset where applicable);
- ☐ Generator




Applicant: Using the following map as a key, list the names and addresses of the neighbors who adjoin or confront the property where project is to take place. "Adjoining or confronting" is defined as land that touches the boundary line of another property on at least one point, or which would do so except for an intervening road, street or right-of-way. Then ask neighbor to sign in the appropriate box.

☐ Corner Site

☐ Mid-block Site



1	Printed Name David J. Brown	Address 4814 Cumberland Ave Chevy Chase, MD 20815	Signature 	Date 02/22/23
2	Printed Name	Address	Signature	Date
3	Printed Name	Address	Signature	Date

4	Printed Name Russell Green	Address 4813 Cumberland	Signature 	Date 2-11-23
5	Printed Name Mary Stuart McCamy	Address 4818 Cumberland	Signature 	Date 2/17/23
6	Printed Name Phyllis Wiesenfelder	Address 4812 Cumberland	Signature 	Date 2/17/23
7	Printed Name MARTY LEWIN	Address 4817 Cumberland	Signature TRIED ON MULTIPLE OCCASIONS TO REACH OUT TO HIM???	Date 2/17/23
8	Printed Name	Address	Signature	Date

Applicant:

I certify that I have shown all the required neighbors the identical full-size plans (unless the cost of proposed work is less than \$25,000 in which case smaller plans can be used) that I have filed or will file with the Town of Somerset and, if applicable, Montgomery County Maryland. I further certify that I have notified the same neighbors of the anticipated date (noted above) that the Town Council, if applicable, will consider my permit application.

APPLICANT SIGNATURE

DATE

3-2-23

PRINTED NAME

David Kelly



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

Town Manager
Somerset

Email To: clerk@townofsomerset.com

The Department of Permitting Services (DPS) is pleased to keep you informed of the applications submitted to DPS for permits, and certificates in your jurisdiction. Review the information below and if you have questions or need additional information, call us at 240 777-6210 or visit our web site at <http://permittingservices.montgomerycountymd.gov>.

Listing of Permits Applied on 2/7/2023

<u>Add Date/Time</u>	<u>Type</u>	<u>Permit#</u>	<u>Location</u>
02/07/2023	BUILDING RESIDENTIAL PEI	1020946	4815 CUMBERLAND AVE CHEVY CHASE, MD 20815
02/07/2023	DEMOLITION OR MOVE PER	1020956	4815 CUMBERLAND AVE CHEVY CHASE, MD 20815

Sincerely,

Director, Department of Permitting Services

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Tree Protection Plan
Town of Somerset
4815 Cumberland Avenue


December 29, 2023
Revised 1-12-24
1-26-24, 2-12-24,
2-28-24, 2-29-24

Attached is a map of the tree protection plan for the residence at 4815 Cumberland Avenue.
On the condition that the Owner complies with the tree protection plan, The Town of Somerset may issue the building permit.

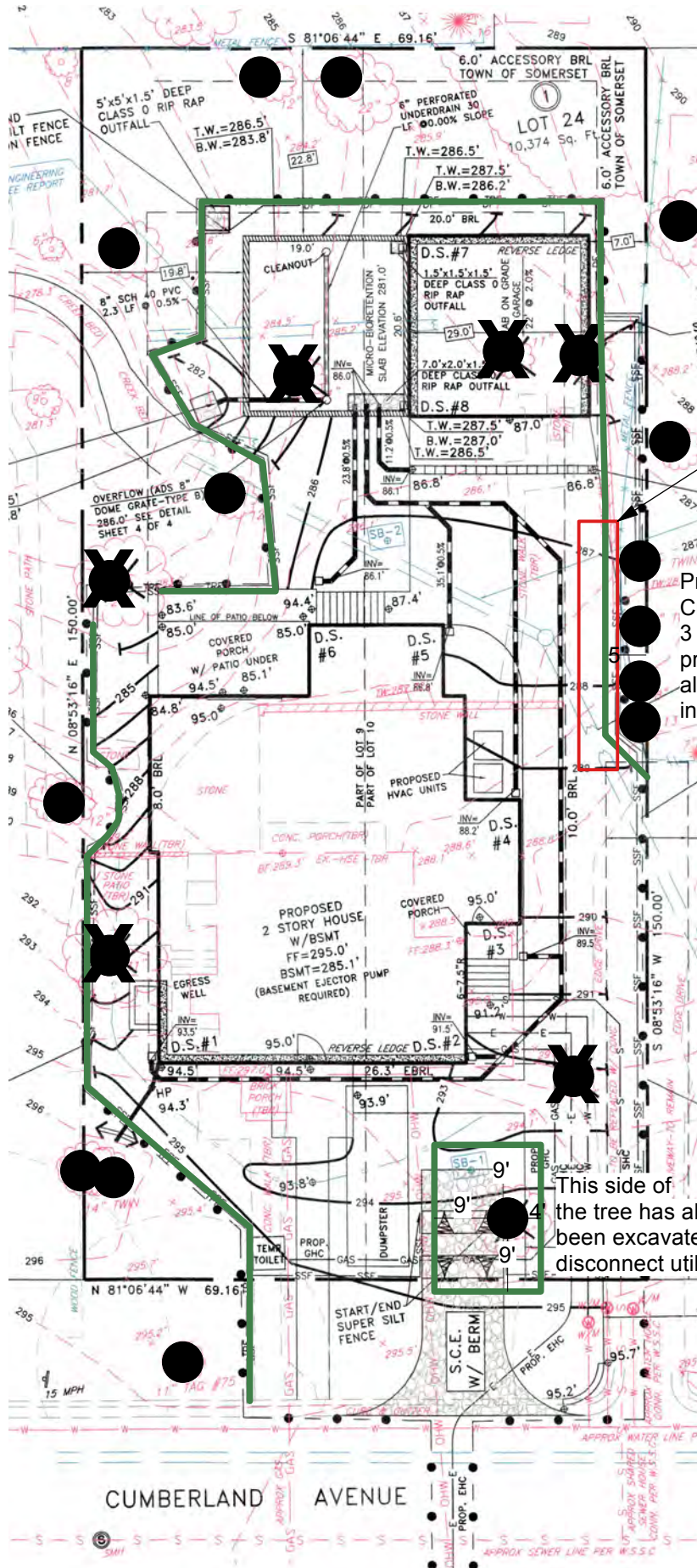
Tree protection shall include:

1. Tree protection fencing shall be installed in the locations shown on the plan. Tree protection fencing shall delineate the tree protection zones. Tree protection fencing shall be 4' tall, continuous, easily visible, and supported with 4"x4" hardwood stakes or steel poles. The fencing shall be clearly and obviously marked with signs in English and Spanish as tree protection zones.
2. The Owner/Contractor shall inform all on-site workers that the tree protection zones shall not be entered. Neither materials nor equipment shall be stored within the tree protection zones. No grading shall be done within the tree protection zones. The grading outside the tree protection zones shall not be changed to divert and collect water within tree protection zones.
3. Before the silt fence and tree protection fence are installed, evaluate the field layout of the driveway to allow for more tree protection space for the Cryptomeria and 3 hemlock trees on the east property line.
4. Properly elevate, remove lower branches, on Cryptomeria and 3 hemlock trees on the east property line to install the driveway.
5. To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for accepting and storing materials.
6. The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.
7. The Town of Somerset office shall be notified if any change in the construction plans would impact the protected trees.
8. If excavation (outside of the tree protection zone) exposes roots on protected trees, the damaged roots shall be cleanly cut before backfilling the excavation.
9. The Owner/Contractor shall maintain the fencing until the house and hardscape construction is completed. The fencing may be removed for the preparation and installation of new landscaping.

7826 Spout Spring Rd., Frederick, MD 21702, tfeather@xecu.net, 240 271 6749, Fax (301) 662-9315
MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

- Tree Protection Fencing
- Silt fence shall follow tree protection fencing
-  Trees requested for removal

Feather and Associates
December 29, 2023
revised 1-12-24
2-6-24, 2-28-24,
2-29-24
Scale 1" = 20'



Before silt fence and tree protection fence are installed, evaluate field layout of driveway to allow for more tree protection space. No super silt fence here.

Properly elevate Cryptomeria and 3 Hemlocks on property side to allow for driveway installation

To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for staging and materials.

The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.

This side of the tree has already been excavated to disconnect utilities

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

December 21, 2023
revised 2-12-24
12-28-24

Tree Removal Permit – 4815 Cumberland Avenue

The trees requested for removal and the reason for removal are given below. Photos and a plan are attached. Sizes in diameter at 4.5' above ground level.

Tree 5 – Boxelder 12" – in the footprint or the proposed driveway.

Tree 6 – Tulip Poplar 30" – hazardous, unstable, large girdling root at the base.

Tree 12 – Red Maple 27" – hazardous, hollow trunk.

Tree 15 – Ash 10" – in the footprint of the bioretention structure; removal would be recommended if requested and not associated with a building permit.

Tree 16 – Ash 10" – in decline, in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.

Tree 17 – Holly 7" – in decline in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.


The following trees are proposed as a reforestation plan.

4 canopy trees (red maple, sugar maple, black gum, oaks), one ornamental tree (flowering cherry, dogwood, redbud), and 1 evergreen tree (holly, white pine, spruce).

Bonding requirements:

6 trees removed x \$500.00 = \$3,000.00

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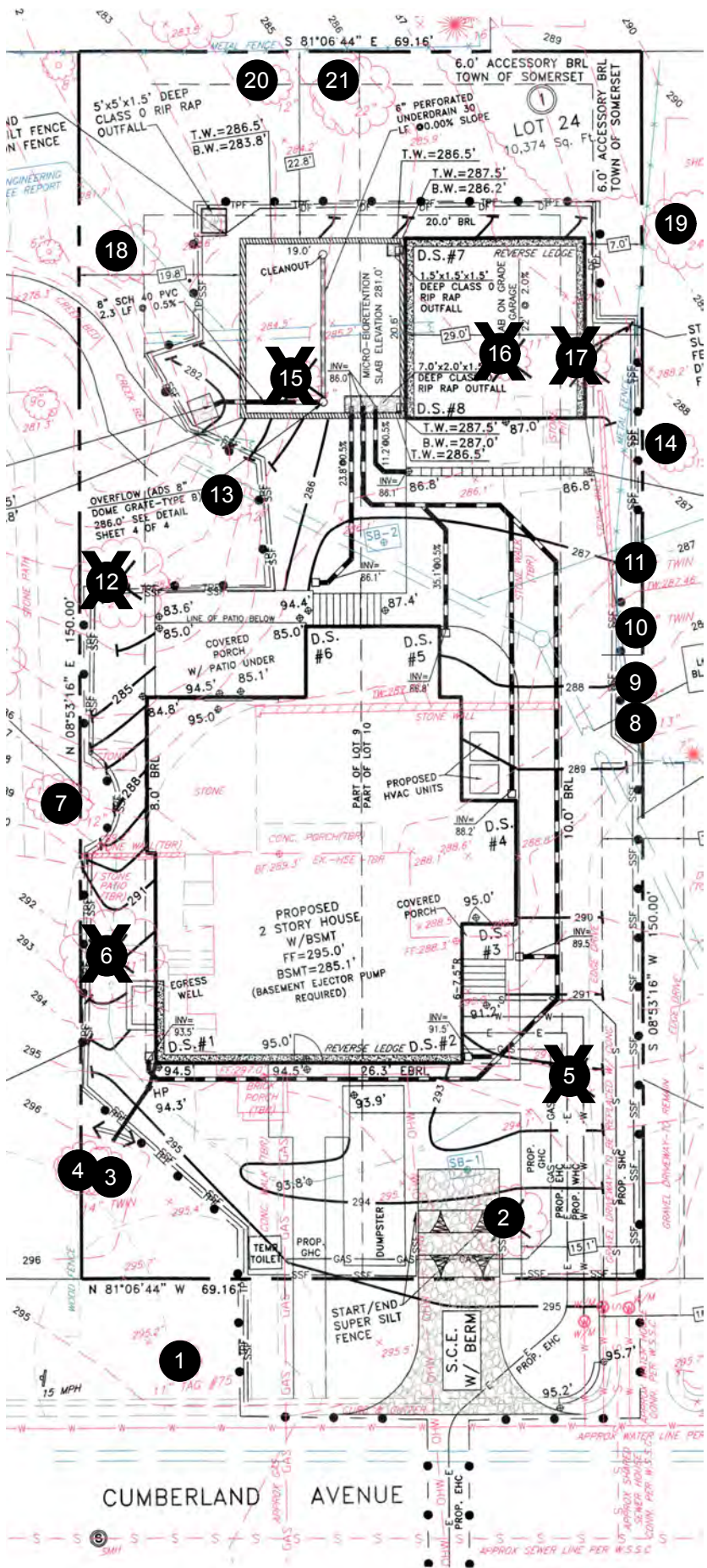


Tolbert V. Feather

Tree Inventory, size, conditions for street trees and trees 4" and over in diameter

Item	Tree	dbh "	Condition	Comments	Item	Tree	dbh "	Condition	Comments
1	Willow Oak	11		street tree	12	Red Maple	27	poor	Request Removal
2	Flowering Cherry	14			13	Horsechestnut	10		
3	Hickory	17			14	Carpinus	12		neighbor's tree
4	Ash	19		shared with neighbor	15	Ash	10	poor	Request Removal
5	Boxelder	12		Request Removal	16	Ash	10	poor	Request Removal
6	Tulip Poplar	30	poor	Request Removal	17	Holly	7	poor	Request Removal
7	Leyland Cypress	12		neighbor's tree	18	Ash	17		
8	Cryptomeria	13			19	Boxelder	24		neighbor's tree
9	Hemlock	10			20	Unidentified	12	poor	broken top
10	Hemlock	13			21	Elm	21		
11	Hemlock	11			dbh - diameter at 4.5' above ground				

 Trees requested for removal





Tree 5 Boxelder



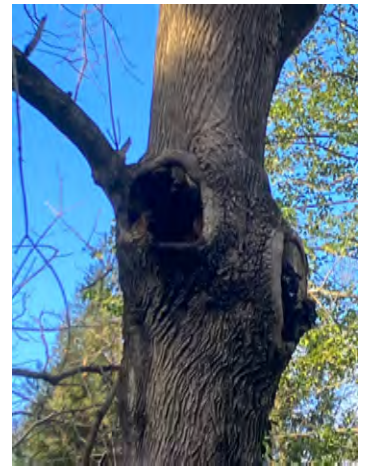
Tree 6 Tulip Poplar



Tree 6_Gridling Root Tulip Poplar



Tree 12 Red Maple



Tree 12 Hollow trunk



Tree 15 Ash



Trees 16,17 Ash, Holly

RIVERBEND

LANDSCAPES & TREE SERVICE

February 13, 2024

Dear Jamie Kaplan,

I am writing to you as a certified arborist with 10 years of experience in tree health assessment and urban forestry management. Upon your request, I conducted an examination of 4 smaller eastern Hemlock trees, one 15" DBH Cryptomeria tree located on the property at 4813 Cumberland Ave. As well as one 10" DBH Holly tree in the neighboring backyard at 4815.

Based on the information provided to me here are some recommendations. Holly trees do serve multiple positive ecological functions. While the Holly tree doesn't display any physical defects, it lacks some vigor and foliage. This is most likely due to competing trees close by whose canopy stretches over the Holly. There is no recommendation for this tree to be removed.

If excavating within close proximity of the 4 Hemlock and 1 Cryptomeria trees in question, I recommend no trenching or excavating within 7.5 feet from the trunk. Prune exposed roots as cleanly as possible under the supervision of an ISA Arborist or MLTE professional. With enough damage to root zones, trees can lose a significant amount of their structural integrity and become a serious hazard.

If building over root zones, there are aeration root mats that could be considered that are a permanent part of the underlayment of asphalt/concrete and helps to bring oxygen to the root zone while also distributing weight.

Sincerely,

Ryan Pirault

Ryan Pirault
571-563-8980
ISA # MA-6138A
Citizen Urban Forester



Matthew Trollinger <trollingersomerset@gmail.com>

Fwd: 4815 Cumberland Ave.

Matthew Trollinger <manager@townofsomerset.com>
To: Matt Trollinger <trollingersomerset@gmail.com>

Fri, Mar 1, 2024 at 3:41 PM

Matthew Trollinger
Town Manager
Town of Somerset
301-657-3211
manager@townofsomerset.com

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From: Jamie Kaplan <jamie.kaplan@gmail.com>
Sent: Sunday, February 25, 2024 3:12:07 PM
To: Shannon Rovak <shannonrovak@gmail.com>; E.J. Hardwick <Deputy@townofsomerset.com>; Debbie Heller <debbielheller@gmail.com>; Robin <robmattles@gmail.com>; Kabir Kumar <daskumar@gmail.com>; President Stephen Surko <Stephen.Surko@bep.gov>; Matthew Trollinger <manager@townofsomerset.com>; VENDOR - Tolbert Feather <tfeather@xecu.net>; Jeffrey Z Slavin <jzslavin@aol.com>; Mayor Jeffrey Slavin <mayor@townofsomerset.com>
Cc: Russell Green <russell.india@gmail.com>
Subject: 4815 Cumberland Ave.

Dear Town Council,

I first want to thank you for everything you do and the hours you contribute to being on the council. While everyone may not agree with how 4815 Cumberland should be developed, I am grateful that we live in a place where we can have a dialogue.

As a follow-up to the February town council meeting we have had two arborists evaluate the five trees along the property line of 4813/4815 Cumberland and the Holly tree that is being proposed to be torn down to build a garage. Attached please find recommendations on how to best protect the five trees along the property line.

My main concern, which we raised at the previous meeting, is with the limits of no disturbance near the property line. The arborist recommends no trenching or excavating within 7.5 feet from the trunk of the 4 Hemlock and 1 Cryptomeria trees. I cannot tell whether the plans accommodate that distance for all the trees, but it looks close for a couple. I would appreciate if the next meeting the town engineer could verify a safe distance and, if needed, the Council could request the plans to adjust to provide that distance. Those trees will provide critical privacy for us when a much larger house is built. And I would reiterate what Russell noted, that the drawing of the trees on the plans does not seem accurate. The tree widths would not allow a line to be drawn with some entirely on the 4815 property and some entirely on 4813. We would be happy to show anyone curious to investigate in person.

Secondarily, both arborists were in agreement that the Holly tree is healthy and should not be removed. The current plans have 8 trees flagged for removal. This is excessive and in no way necessary even if one desires a large home. Our town code says, "*interests of promoting the general health and public welfare of the citizens of the Town, to protect and preserve trees within the Town.*" I see the removal of such a large number of trees as inconsistent with the town code that aims to protect healthy trees above a certain size. Also, on the town website and signage when entering Somerset says, "Somerset has been a Tree City for over thirty-five years." It feels like false advertising if we are unwilling to preserve what has existed for 35 plus years.

Finally, following up on conversations from over a year ago, we have asked Mr. Kelly to provide samples of pavers for the shared driveway. He had indicated in the Council meeting that the motivation for the massive concrete pad in the

backyard area of the plans is that the gravel on the driveway requires a large concrete turnaround space. It may be worth asking him whether that is necessary if the driveway is made with pavers. I should also note that, even with gravel we turn our cars around in the driveway all the time with no problems. Mr. Kelly has a very aggressive driving style on the driveway--I notice because we sometimes have a loose dog in the yard with an invisible fence, so I check on her every time he zooms in or zooms out. I would hope that his experience of flying gravel is not representative of typical driveway use.

I welcome your thoughts and hope to have your support at the next town council meeting.

Jamie and Russell
4813 Cumberland



Arborist Letter.pdf

84K



Matthew Trollinger <trollingersomerset@gmail.com>

4815 Cumberland Avenue

Lucy Freeman <dorset4708@yahoo.com>

Sun, Feb 4, 2024 at 7:44 PM

To: Jeffrey Slavin <mayor@townofsomerset.com>, Council Town of Somerset <council@townofsomerset.com>, Matthew Trollinger <trollingersomerset@gmail.com>

Monday, February 5th, the Council is taking up the building plans for 4815 Cumberland Avenue. In the plans, Mr. Kelly proposes removing the cherry tree in front of the house by the driveway. This is an early blooming cherry and a favorite among many residents. Years ago Somerset was featured in a Washington Post article and this tree was pictured. Over the years, many admirers of the tree would pose in front of it. This tree needs some care, but I and many town residents look forward to enjoying it for years to come. I urge the Council to ask Mr. Kelly to retain this tree.

Lucy Freeman 4719 Falstone Ave



March 1, 2024

Mayor Slavin and Council Members
Town of Somerset
4510 Cumberland Avenue
Chevy Chase MD 20815

RE: 4815 Cumberland Avenue
March 4, 2024 Mayor and Council Hearing

Dear Mayor Slavin and Council Members:

On behalf of my client Kelly Development Co. and its owner Mr. David Kelly (together referenced as "Mr. Kelly"), please accept this letter and supporting exhibits into the record of the above-referenced hearing for your consideration during the continued hearing now scheduled for March 4, a continuation of a hearing held on February 5, 2024.

I. Background

During the February 5 public hearing, the Mayor and Council considered a demolition and building permit application filed by Mr. Kelly. At the close of the hearing, the Mayor and Council continued the hearing for the purpose of allowing Mr. Kelly to "re-evaluate" the design of the garage and construction of the house to reduce impacts on Trees 16 and 17 in the back yard and to Tree 2 at the front of the site. This letter presents Mr. Kelly's subsequent re-evaluation of site design, construction techniques and his inquiries with appropriate regulatory representatives in an effort to preserve one or more of the three identified trees.

II. Summary

Since the last hearing, as requested by the Mayor and Council, Mr. Kelly has carefully reviewed the pending plan; has consulted further with the Town arborist and his civil engineer; and has followed up with WSSC and others about with potential alternative sewer installation methods, all in support of his re-evaluation of the site design to determine if preservation of these three trees is feasible.

For context, it is important to know that Mr. Kelly's original plan submission was materially different from the plan under current review. The original plans included a stormwater management pond that extended across a significant portion of the back yard (with associated clearing and grading), and an 8-foot deep covered front porch that extended the width of the proposed home. Exhibit A "Original Submission."

Subsequently, the Original Submission went through exhaustive staff review, including three on-site meetings with the Town Arborist. As a result of multiple staff reviews of the original plans, the Original Submission was materially modified as shown on Exhibit B ("Revised Plans"). These changes include the following building and site changes:

1. Mr. Kelly removed the planned front porch and pushed the remaining footprint forward by 8 feet. These changes (a) reduced impervious coverage; (b) increased the size of the back yard; and (c) allowed the preservation of Tree 13 (a 10" Horsechestnut tree), originally slated for removal. Exhibit A; Exhibit C (Feather and Assoc. Tree Protection Plan updated February 29, 2024).

2. Mr. Kelly converted a proposed stormwater pond to a structured stormwater management facility. This change (a) materially enlarged the undisturbed portion of the back yard by establishing a smaller limit of disturbance; (b) pulled a mapped stream bed out of the limits of disturbance; and (c) preserved three additional trees originally slated for removal, *i.e.*, Tree 18 (a 17" Ash), Tree 20 (at 12" unidentified tree") and Tree 21 (a 21" Elm).
3. The structured SWM facility fully captures all runoff that from the new home,¹ and as a result properties to the west of the site (towards Drummond Avenue) will receive less stormwater runoff post-construction than they now receive.

Even if the garage were removed from the plans, the grading required to build the structured stormwater facility still would require removal of Trees 16 and 17. Additionally, it has become clear that there is no practical way to save Tree 2 (the cherry tree located at the front of the site) that will still allow reasonable construction access and staging within the site.

The proposed single-family home and detached garage are reasonable and customary improvements, and Mr. Kelly does not seek any kind of variance in connection with this application. We ask that the Mayor and Council approve the Revised Plans as submitted.

III. Tree-By Tree Analysis

A. Tree 16 (10" Ash – Poor Condition) and Tree 17 (7" Holly – Poor Condition)

Mr. Kelly has looked into whether Trees 16 and 17 can be saved. As noted in the Summary, he modified his original plans so that the limit of disturbance (LOD) was moved further from the property lines. He was able to do so by converting an original planned stormwater pond to a structured facility.

This design change retains a 10" Horsechestnut, a 17" Ash, an unidentified 20" tree and a 21" Elm - all meaningful in size and slated for removal under the Original Submission. At the same time, Mr. Kelly also eliminated a proposed 8' deep front porch and moved the entire footprint of the proposed home closer to the front property line by 8'. This both reduced the amount of impervious coverage (and the amount of required associated stormwater runoff controls) and preserved Tree 13, a 10" Horsechestnut tree. See Exhibit C for the location of Trees 13, 18, 20 and 21; see Exhibit A (Original Submission designating Trees 13, 18, 20 and 21 for removal).

Trees 16 and 17, in contrast to the larger four trees preserved with the plan changes, are a 10" Ash and a 7" Holly, both in "poor condition." Tree 16 is located at the center of the proposed garage, and Tree 17 is located along the eastern wall of the proposed garage. *Even if the garage were removed in its entirety, the grading necessary to build the stormwater facility would require removal of Tree 16, and likely Tree 17 as well (a small 7" tree in poor condition).*

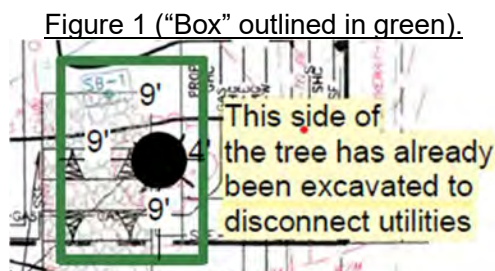
The site is too constrained for relocation of the SWM facility to a place that would not impact more mature, significantly larger trees. At the same time, the redesigned size and location of the SWM facility maximizes preservation of the environmental features prioritized by staff and at the same time allows for reasonable redevelopment of the site.

¹ Supplemental stormwater management treatment will capture runoff from the driveway area and the garage)

B. Tree 2 (14" Flowering Cherry Tree – Condition Unknown)

Following the last public hearing, Mr. Kelly also explored the following options in connection with saving Tree 2, a cherry tree in the front yard:

1. Boring under the tree to install a sewer line. WSSC has definitively ruled out this approach based on its installation standards, which require open trench to allow the pipe to be fully encased in gravel. See Exhibit D-1 and D-2 (WSSC representative email confirming "There needs to be an aggregate base surrounding the pipe which would go against spec if the sewer line was installed by boring" and design detail sent along with email). This is not a viable option.
2. Lining the existing sewer pipe. At the previous hearing participant David Brown suggested that the existing sewer pipe might be re-lined, rather than replaced, using a technique known as "pipe bursting." Mr. Kelly followed up with the plumbing specialist recommended by Mr. Brown. The specialist advised Mr. Kelly that because the existing pipe had previously been severed in two places relining was inadvisable, recommending instead that Mr. Kelly replace the existing pipe as per WSSC specifications.
3. Relocating the tree. According to the Town Arborist, in addition to the fact that there is no alternative place on the property to replant the tree, moving it "would cost a fortune because of its size, and success is 50:50." Exhibit E. This simply is not a viable option.
4. Additional Tree Protection. Subsequent to the last hearing, the Town arborist suggested supplemental tree protections for Tree 2, including a 9'x9'x9'x4' "Box" around the tree. See Figure 1, excerpted from Exhibit C.



This approach poses several significant concerns:

- a. As confirmed by the Town Arborist the tree roots have already been excavated on one side (see note in Figure 1), and remaining roots will be subject to additional root damage as a result of the need to install the sewer line as per the open trenching and installation of aggregate around the sewer pipe as required by WSSC design standards.
- b. The Town Arborist has confirmed that "the cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site." The tree has multiple shoots off the main stem of the tree (see Figure 2, next page), and the extent of pruning is unknown at this time. Assuming the tree survives construction it will not retain its current form. See also Exhibit C.

Figure 2.

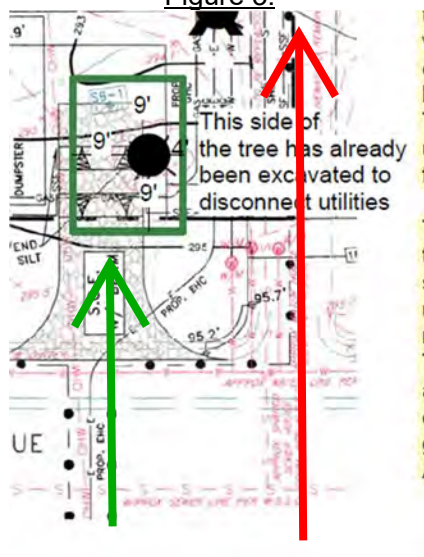


Tree 2 Flowering Cherry

- c. The size of the “Box” makes the proposed construction entrance unusable. Relocating the construction entrance to the West would leave the entire frontage within the property boundary unavailable for use – as now planned -- as a staging area for construction equipment staging, materials delivery and storage (e.g., large roof trusses) storage and staging needs. Mr. Kelly would need the Town’s permission to carry out most of the construction staging within the public right-of-way between the property boundary and the street.

Additionally, Mr. Kelly will need to use the existing driveway that straddles his property and the property to the east for all construction traffic, as that is the only other access into the site. This will impose a considerable amount of construction-related traffic along the property line, a result Mr. Kelly would like to avoid. See Figure 3.

Figure 3.



Green Arrow: Current proposed construction entrance unusable if Box restrictions applied.

Red Arrow: Relocated construction entrance if Box restrictions applied.

IV. Town Code Factors for Consideration

In considering the Town Criteria for Permit Decisions (Town Code § 182-7), the following factors must be weighed in connection with whether the three trees under consideration may be removed.

A. No Aggravating Town Code Factors Weigh Against Removal:

- 1) None of the three trees are specimen trees, none serve as a landmark, and none are of a unique species or size, or carry any particularly outstanding qualities. In fact, Tree 17 (a 7" Holly) is the smallest identified tree on the entire site and is in "poor" condition, and Tree 16 (a 10" Ash in "poor" condition) is among the next smallest set of trees, *i.e.*, one of four 10" trees. At the last hearing Mr. Kelly testified that Tree 2, the flowering cherry, already has suffered root damage associated with previous drainage line removal (required by Montgomery County) and will suffer serious additional root damage as a result of installation of the sewer line, calling into serious question whether it would survive construction even under ideal mitigation techniques.
- 2) The immediate area will not suffer environmental degradation as a result of removal, as all stormwater runoff is fully managed by the existing plans, and additionally Mr. Kelly has agreed to satisfy the Town Arborist's recommended re-planting plan. See Exhibit F (Town Arborist Replanting Plan).

B. Several Town Code Factors Weigh Heavily In Favor Of Removal.

- 1) Mr. Kelly has significantly re-designed the project and site to enhance environmental protections and to ensure that stormwater management is fully addressed on site, including construction of a structured SWM facility to reduce clearing and grading on the property, preserving four additional sizeable trees. Removal of the three trees under consideration is necessary to achieve the proposed redevelopment, to allow utility construction and there is no reasonable alternative.
- 2) Removal of the proposed garage will not preserve Trees 16 and 17 because of the grading necessary to build the SWM facility.
- 3) Denial of the garage will create a hardship for the applicant. The project meets all zoning requirements, and a garage is a typical feature associated with single-family homes in the area, and its removal will not preserve Tree 16 and Tree 17 is a very small tree in poor health of marginal benefit to the site, particularly when compared with the size and value of the four trees preserved with the earlier redesign of the site (Trees 13, 18, 20 and 21) which have a combined dbh of 60".
- 4) Tree 2, already subject root damage, will be further impacted by (a) construction of a sewer line - utility construction necessary to support the project; and (b) the temporary construction access driveway, which is the only feasible access point to allow development of the property. Even if the driveway were relocated to the west, the area now proposed for the construction driveway would necessarily become the staging area for materials and equipment storage (*e.g.*, roof trusses and other very large construction items). Mr. Kelly has consulted with the appropriate authorities and learned that alternative considerations such as relocating the tree or underground installation of the sewer line are infeasible.

IV. Conclusion

Mr. Kelly, in consultation with staff following the Original Submission, carried out significant site and structural redesign to ensure a plan that maximized the preservation of environmental features including sizeable trees, ensured full stormwater management protection on site, and has agreed to carry out replacement plantings as recommended by the Town Arborist. Mr. Kelly also has been sensitive about preserving Trees 8 – 11 (inclusive) along the shared eastern property line, preserving an existing treed buffer.

Mr. Kelly has exhaustively re-examined his plans, including the suggestions presented during the last hearing and additional alternatives.

Based on this additional analysis, the trees proposed for removal (including Trees 16, 17 and 2) are the minimum necessary to allow for reasonable redevelopment of a project allowed by right under the zoning code, which meets all zoning standards, and does not rely on any variance requests.

Taking into consideration both the aggravating and mitigating factors to be considered, removal of Trees 16, 17 and 2 qualify under the standards set by the Town Code and we ask that the Mayor and Council grant approval.

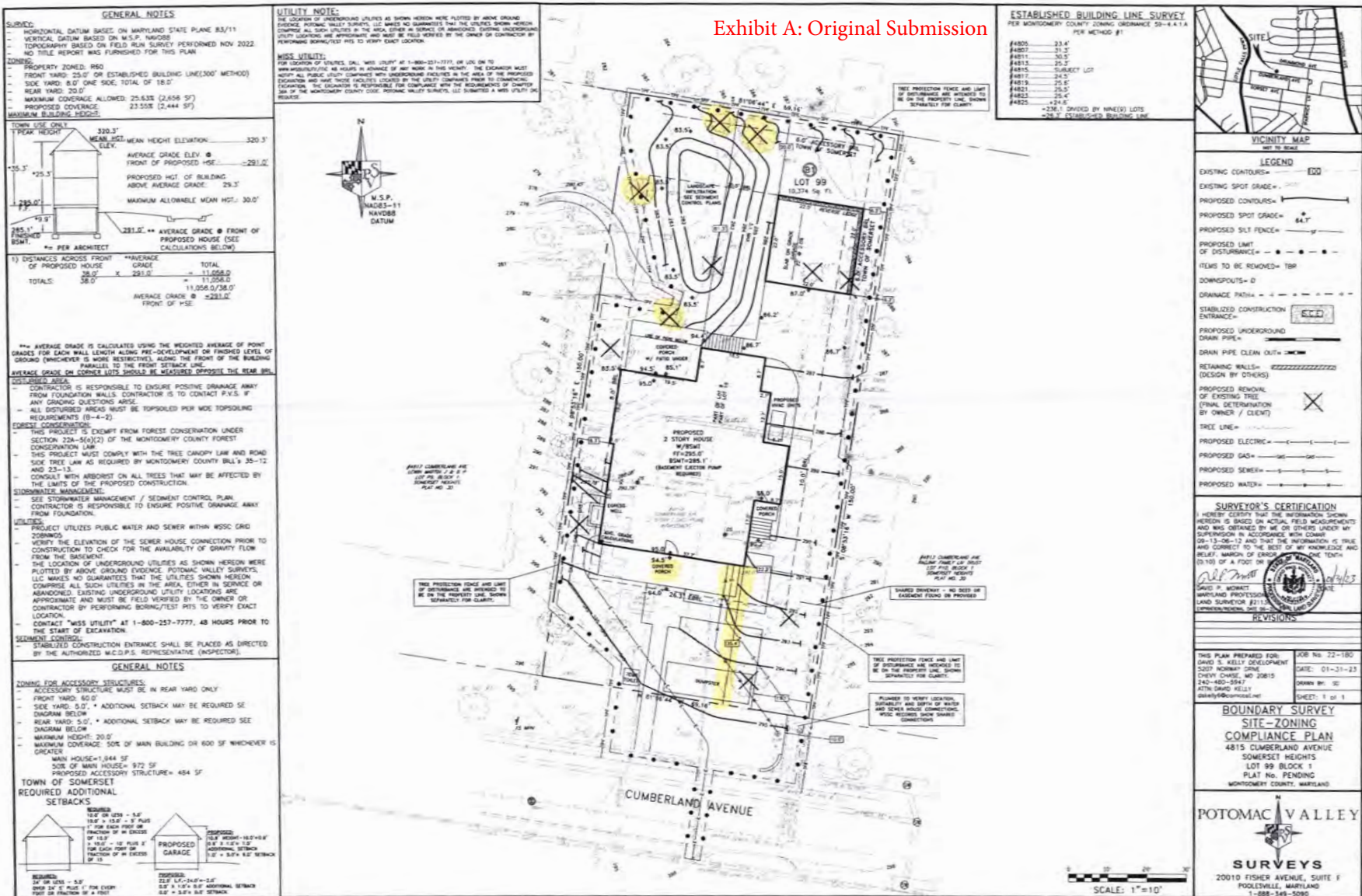
Respectfully Submitted,

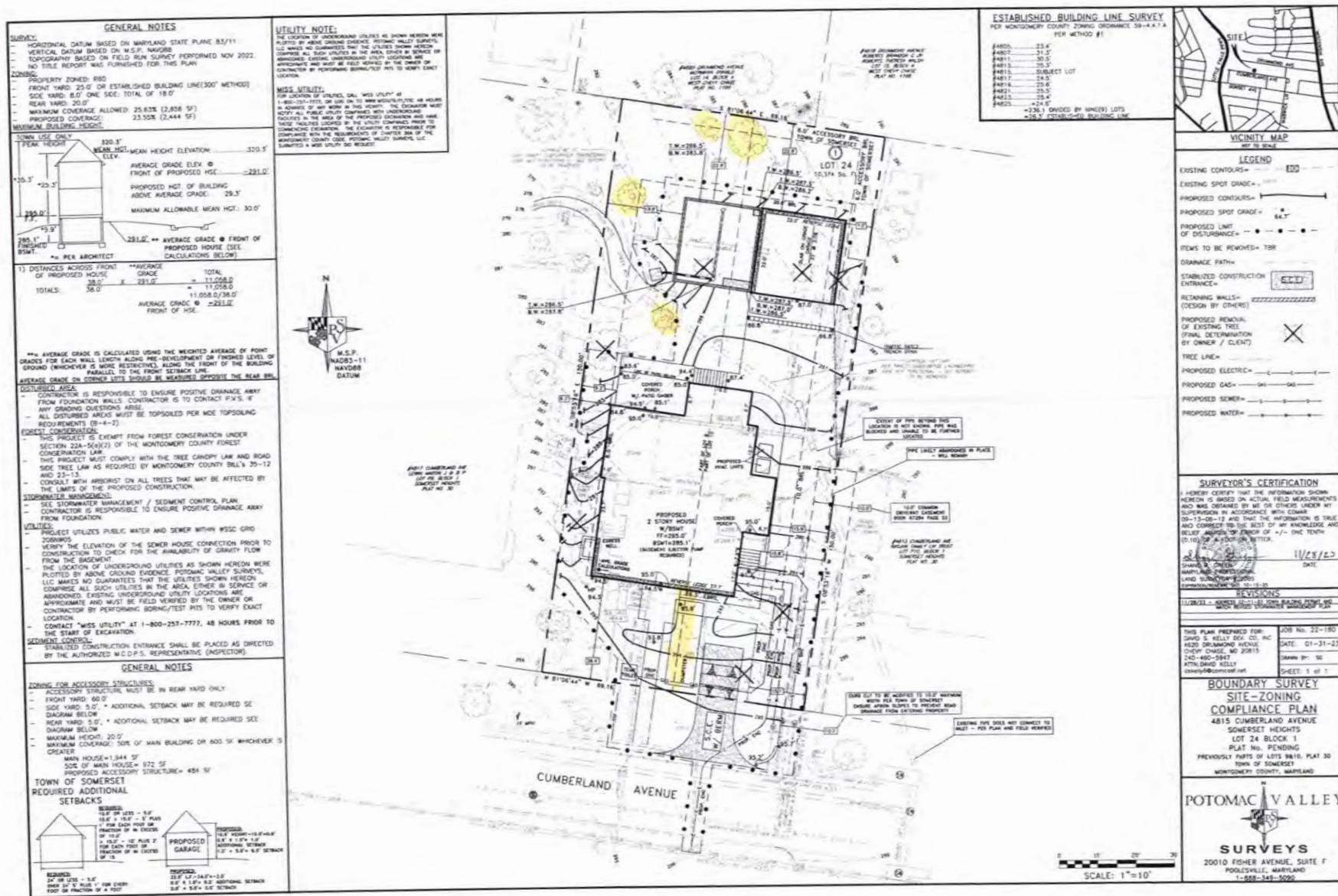
Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Exhibit A: Original Submission
Exhibit B: Revised Plans
Exhibit C: Tree Protection Plan updated February 29, 2024
Exhibit C-1: Town Arborist Tree Inventory
Exhibit D: WSSC Technical Standards and Assessment
Exhibit E: Town Arborist Analysis: Relocating Tree 2
Exhibit F: Town Arborist Replanting Plan

Exhibit A: Original Submission





Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Tree Protection Plan
Town of Somerset
4815 Cumberland Avenue




December 29, 2023
Revised 1-12-24
1-26-24, 2-12-24,
2-28-24, 2-29-24

Attached is a map of the tree protection plan for the residence at 4815 Cumberland Avenue.
On the condition that the Owner complies with the tree protection plan, The Town of Somerset may issue the building permit.

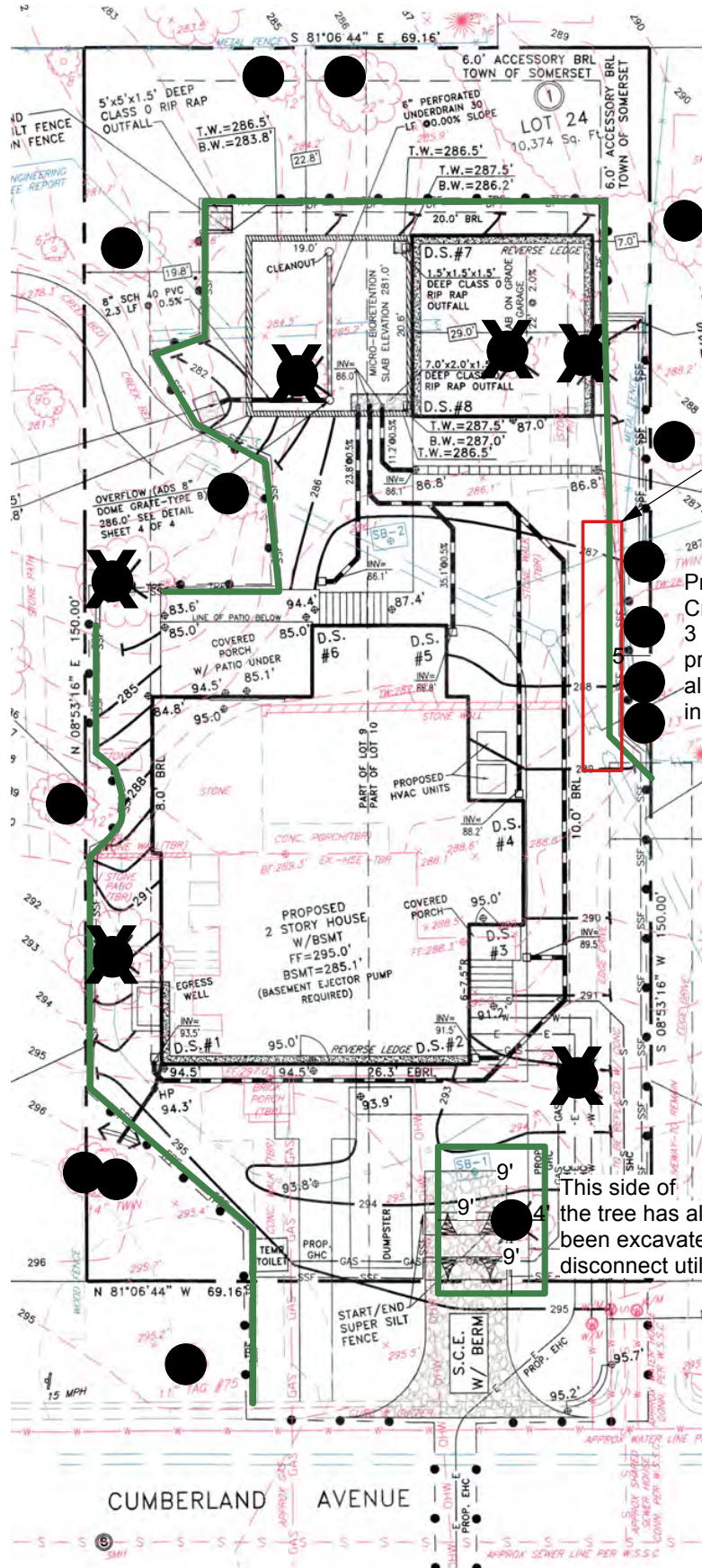
Tree protection shall include:

1. Tree protection fencing shall be installed in the locations shown on the plan. Tree protection fencing shall delineate the tree protection zones. Tree protection fencing shall be 4' tall, continuous, easily visible, and supported with 4"x4" hardwood stakes or steel poles. The fencing shall be clearly and obviously marked with signs in English and Spanish as tree protection zones.
2. The Owner/Contractor shall inform all on-site workers that the tree protection zones shall not be entered. Neither materials nor equipment shall be stored within the tree protection zones. No grading shall be done within the tree protection zones. The grading outside the tree protection zones shall not be changed to divert and collect water within tree protection zones.
3. Before the silt fence and tree protection fence are installed, evaluate the field layout of the driveway to allow for more tree protection space for the Cryptomeria and 3 hemlock trees on the east property line.
4. Properly elevate, remove lower branches, on Cryptomeria and 3 hemlock trees on the east property line to install the driveway.
5. To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for accepting and storing materials.
6. The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.
7. The Town of Somerset office shall be notified if any change in the construction plans would impact the protected trees.
8. If excavation (outside of the tree protection zone) exposes roots on protected trees, the damaged roots shall be cleanly cut before backfilling the excavation.
9. The Owner/Contractor shall maintain the fencing until the house and hardscape construction is completed. The fencing may be removed for the preparation and installation of new landscaping.

7826 Spout Spring Rd., Frederick, MD 21702, tfeather@xecu.net, 240 271 6749, Fax (301) 662-9315
MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

-  Tree Protection Fencing
-  Silt fence shall follow tree protection fencing
-  Trees requested for removal

Feather and Associates
December 29, 2023
revised 1-12-24
2-6-24, 2-28-24,
2-29-24
Scale 1" = 20'



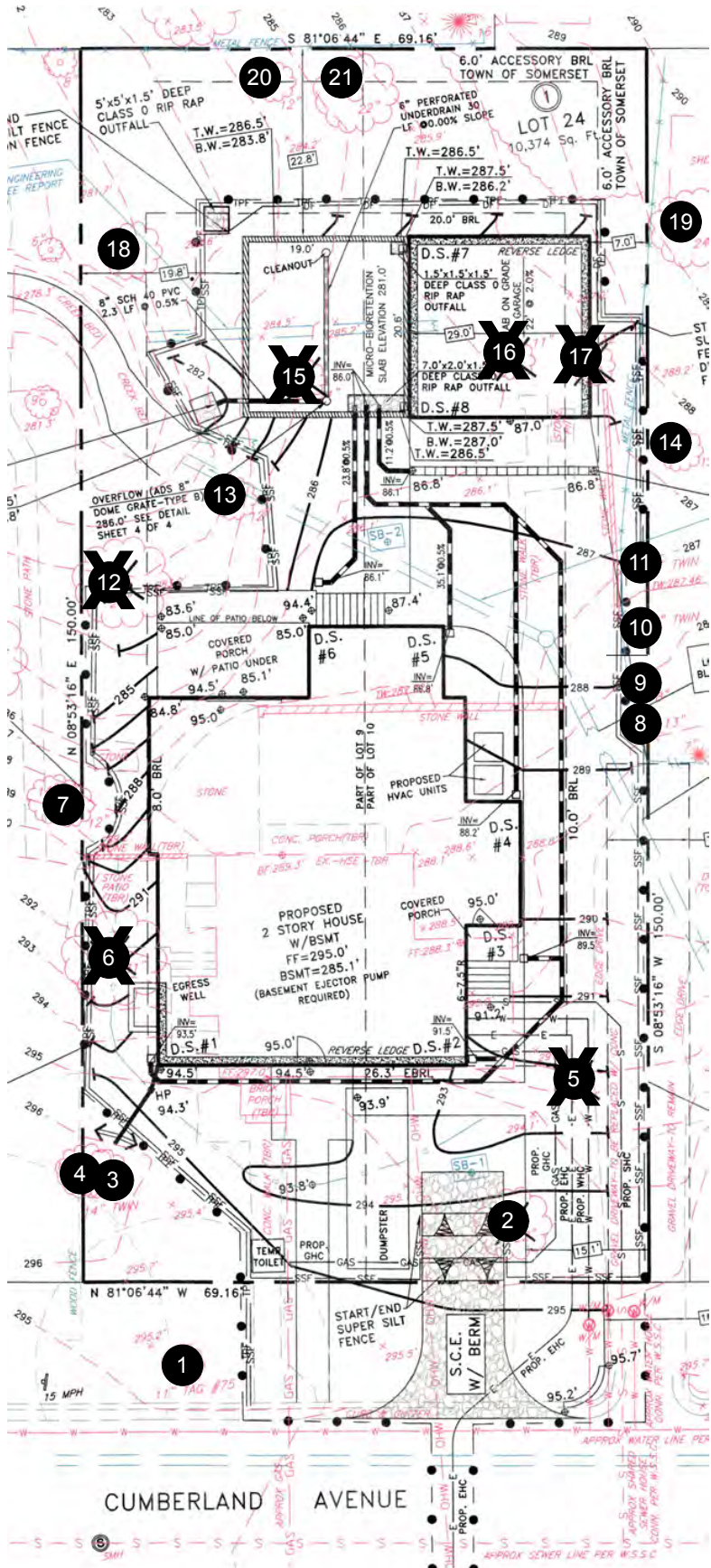
Before silt fence and tree protection fence are installed, evaluate field layout of driveway to allow for more tree protection space. No super silt fence here.

Properly elevate Cryptomeria and 3 Hemlocks on property side to allow for driveway installation

To protect the cherry tree. Space on the lot will be restricted for construction. There will be no off-site parking. The owner may have to use the Town right of way for staging and materials.

The cherry tree will need to be pruned to allow for space to install underground utilities and to move materials on site. The tree shall be pruned by a qualified licensed tree expert and under the guidance of the Town Arborist.

Tree Inventory, size, conditions for street trees and trees 4" and over in diameter





Tree 5 Boxelder



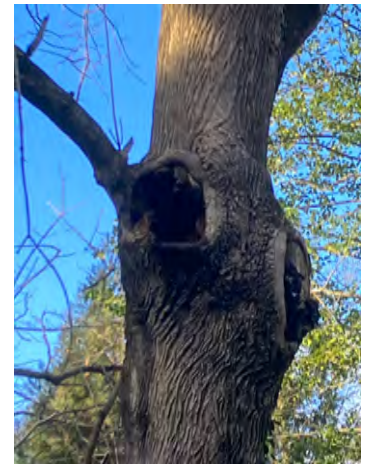
Tree 6 Tulip Poplar



Tree 6_Gridling Root Tulip Poplar



Tree 12 Red Maple



Tree 12 Hollow trunk



Tree 15 Ash



Trees 16,17 Ash, Holly

From: "Wilhite, Nicholas A" <Nicholas.Wilhite@wsscwater.com>

Subject: Sewer spec

Date: February 8, 2024 at 11:30:10 AM EST

To: David Kelly <dkelly6@comcast.net>

Good morning,

Attached is the spec for sewer installation. There needs to be an aggregate base surrounding the pipe which would go against spec if the sewer line was installed by boring.

Hope this helps,

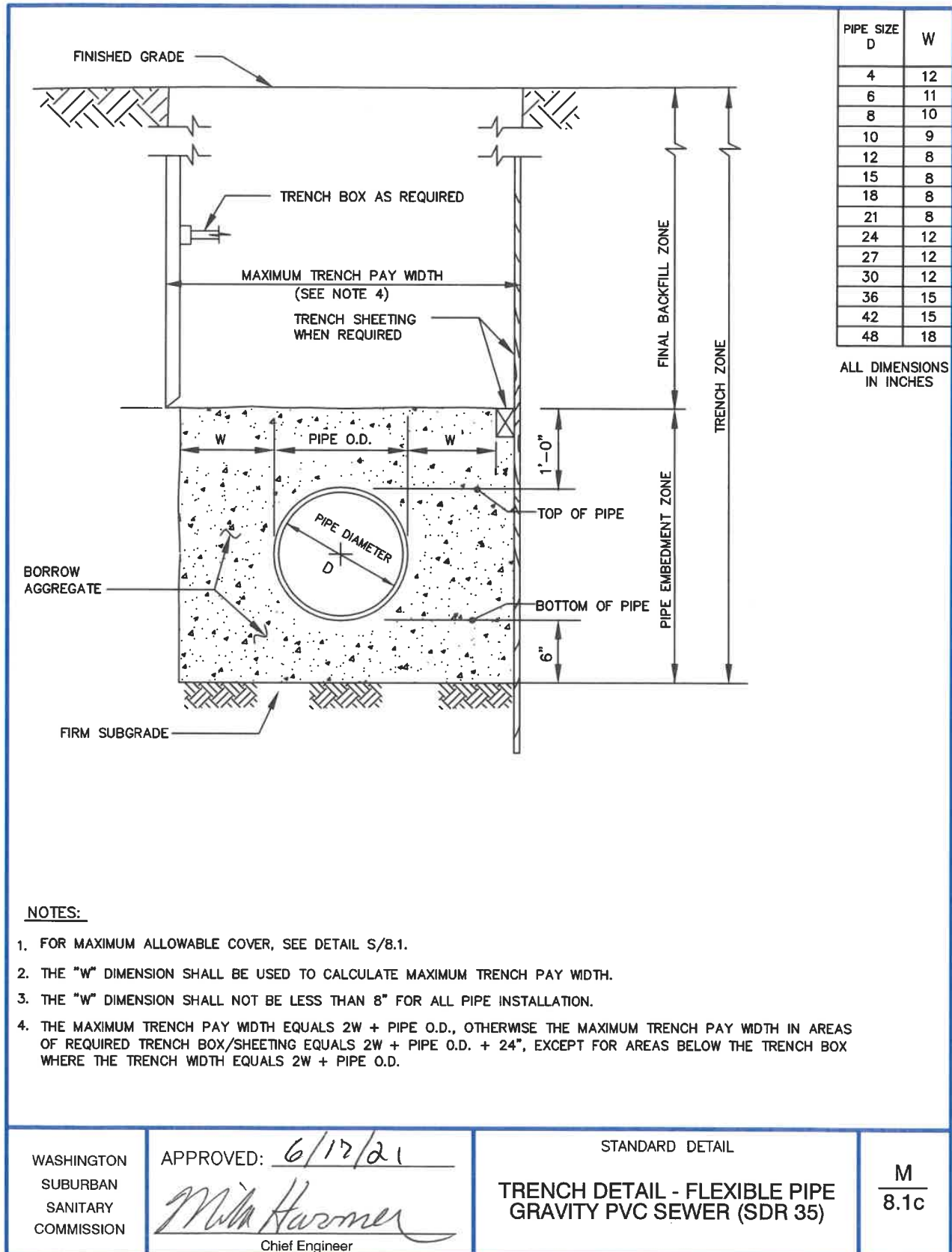


NICK WILHITE

Permit Agent
Permit Services

301.206.8646 (O)
Nicholas.Wilhite@wsscwater.com

-



M81c

Begin forwarded message:

From: Tolbert V Feather <tfeather@xecu.net>

Subject: Re: Town of Somerset 4815 Cumberland Avenue Tree Inventory, Removal and Tree Protection Plan

Date: February 9, 2024 at 10:35:51PM EST

To: David Kelly <dskelly6@comcast.net>

Cc: Michele Rosenfeld <michele@marylandpropertylaw.com>

It would cost a fortune because of its size, and success is 50:50; you do have no place to move it.

Tolbert

On Feb 9, 2024, at 2:26 PM, David Kelly <dskelly6@comcast.net> wrote:

Tolbert,

Matt has raised the question about the possibility of moving the Cherry tree and wonder if you have design criteria that would be appropriate for moving a tree of this size? I've moved large trees before and there is a lot of space needed around the tree to prepare it for the move. Even if it's possible to ball this one I don't see where on our lot it could be placed?

Thanks,

David

Feather & Assoc.

Tolbert V. Feather, Ph.D.
Advisors for: Landscape Development
Landscape Management, Plant Pest Management

Exhibit F: Town Arborist Replanting Plan

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

December 21, 2023
revised 2-12-24
12-28-24

Tree Removal Permit – 4815 Cumberland Avenue

The trees requested for removal and the reason for removal are given below. Photos and a plan are attached. Sizes in diameter at 4.5' above ground level.

Tree 5 – Boxelder 12”- in the footprint or the proposed driveway.

Tree 6 – Tulip Poplar 30” – hazardous, unstable, large girdling root at the base.

Tree 12 – Red Maple 27” – hazardous, hollow trunk.

Tree 15 – Ash 10” – in the footprint of the bioretention structure; removal would be recommended if requested and not associated with a building permit.

Tree 16 – Ash 10” – in decline, in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.

Tree 17 – Holly 7” – in decline in the footprint of the garage; removal would be recommended if requested and not associated with a building permit.

The following trees are proposed as a reforestation plan.

4 canopy trees (red maple, sugar maple, black gum, oaks), one ornamental tree (flowering cherry, dogwood, redbud), and 1 evergreen tree (holly, white pine, spruce).

Bonding requirements:

6 trees removed x \$500.00 = \$3,000.00



Tolbert V. Feather

4815 Cumberland Avenue

Present – Worksheet #2

$$Q_{10} = (P - I_a)^2 / (P - I_a) + S$$

P = 5.1 10 year rainfall – MDE manual

$$I_a = (0.2)S = (0.2)3.3333 = 0.6667$$

$$S = (1000/CN) - 10 = (1000/75) - 10 = 13.3333 - 10 = 3.3333$$

$$Q_{10} = (5.1 - 0.6667)^2 / (5.1 - 0.6667) + 3.3333$$

$$Q_{10} = (4.4333)^2 / 4.4333 + 3.3333$$

$$Q_{10} = 19.6541 / 7.7766$$

$$Q_{10} = 2.53$$

Developed – Worksheet #2

$$Q_1 = (P - I_a)^2 / (P - I_a) + S$$

P = 2.6 1 year rainfall – MDE manual

$$I_a = (0.2)S = (0.2)1.9048 = 0.3809$$

$$S = (1000/CN) - 10 = (1000/84) - 10 = 11.9048 - 10 = 1.9048$$

$$Q_1 = (2.6 - 0.3809)^2 / (2.6 - 0.3809) + 1.9048$$

$$Q_1 = (2.2191)^2 / (2.2191) + 1.9048$$

$$Q_1 = 4.9244 / 4.1239$$

$$Q_1 = 1.1941$$

$$Q_{10} = (P - I_a)^2 / (P - I_a) + S$$

P = 5.1 10 year rainfall – MDE manual

$$I_a = (0.2)S = (0.2)1.9048 = 0.3809$$

$$S = (1000/CN) - 10 = (1000/84) - 10 = 11.9048 - 10 = 1.9048$$

$$Q_{10} = (5.1 - 0.3809)^2 / (5.1 - 0.3809) + 1.9048$$

$$Q_{10} = (4.7191)^2 / (4.7191) + 1.9048$$

$$Q_{10} = 22.2699 / 6.6239$$

$$Q_{10} = 3.3620$$

Change in Runoff Curve Number Method

$$CN = 200 / (P + 2Q + 2) - \text{SQRT}(5PQ + 4Q^2)$$

$$P = 5.1 \text{ 10 year rainfall} - \text{MDE manual}$$

$$Q = Q_{10} - Q_E$$

$$Q = 3.3620 - 1.1295$$

$$Q = 2.2325$$

$$Q_{10} = 3.3620$$

$$Q_E = P_e * R_v$$

$$P_e = 1.8 \text{ (Plans)}$$

$$R_v = 0.6275 \text{ (plans)}$$

$$Q_E = 1.8 * 0.6275$$

$$Q_E = 1.1295$$

$$CN = 200 / (5.1 + (2 * 2.2325) + 2) - \text{SQRT}(5 * 5.1 * 2.2325 + 4 * (2.2325)^2)$$

$$CN = 200 / (5.1 + 4.465 + 2) - \text{SQRT}(56.9288 + 4.9840)$$

$$CN = 200 / (11.565 - \text{SQRT}(61.9128))$$

$$CN = 200 / (11.565 - 7.8684)$$

$$CN = 200 / 3.6966$$

$$CN = 54$$

Developed – Worksheet #2 – Revised CN

$$Q_{10} = (P - I_a)^2 / (P - I_a) + S$$

P = 5.1 10 year rainfall – MDE manual

$$I_a = (0.2)S = (0.2)8.5185 = 1.7037$$

$$S = (1000/CN) - 10 = (1000/54) - 10 = 18.5185 - 10 = 8.5185$$

$$Q_{10} = (5.1 - 1.7037)^2 / (5.1 - 1.7039) + 8.5185$$

$$Q_{10} = (3.3961)^2 / (3.3961) + 8.5185$$

$$Q_{10} = 11.5334 / 11.9146$$

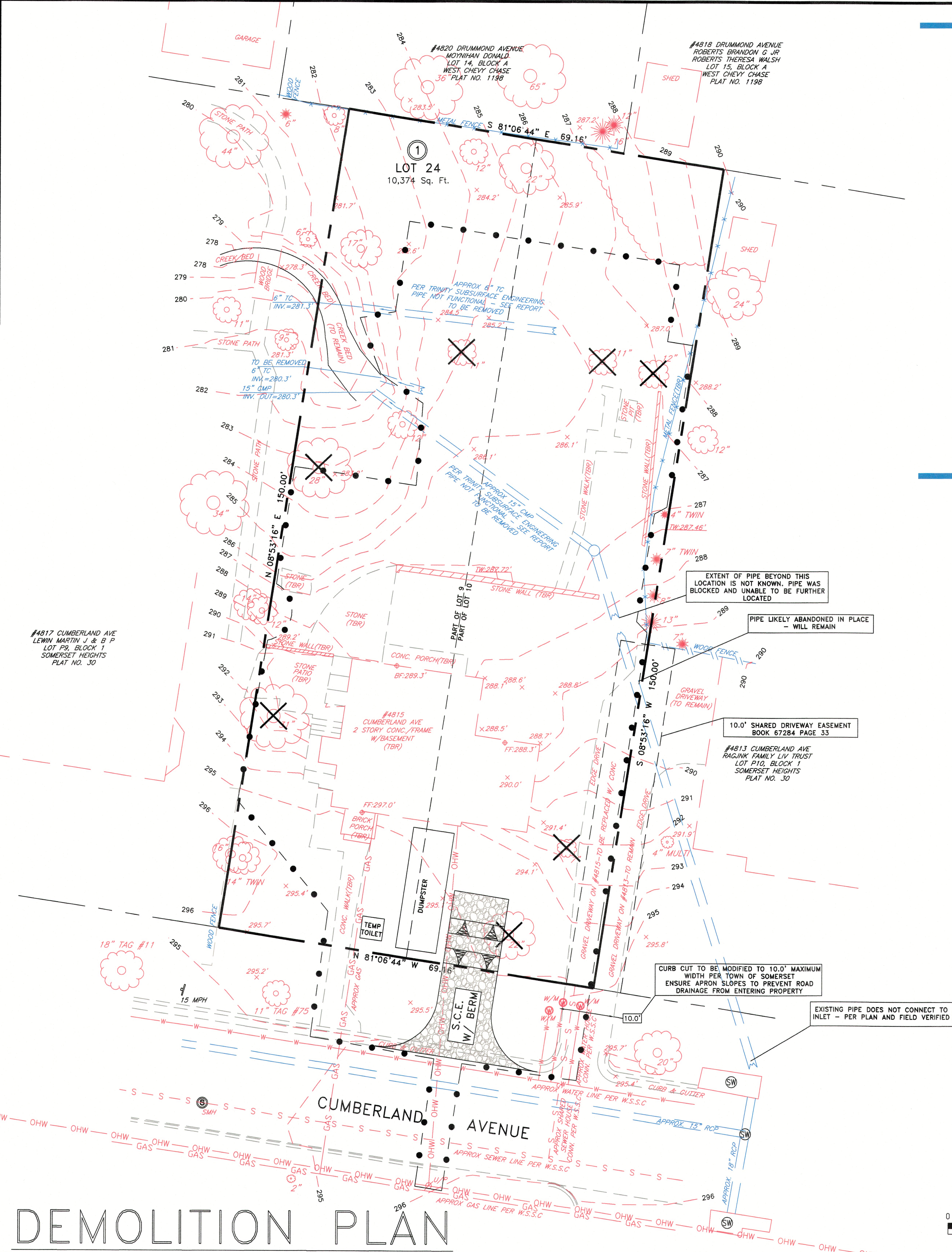
$$Q_{10} = 0.968$$

RELATED REQUIRED PERMITS					
IT IS THE RESPONSIBILITY OF PERMITTEE/OWNER OF THIS SITE TO OBTAIN ALL REQUIRED PERMITS PRIOR TO ISSUANCE OF THE APPROVED SEDIMENT CONTROL PERMIT					
TYPE OF PERMIT	REQD.	NOT REQD.	PERMIT#	EXPIRATION DATE	WORK RESTRICTION DATES
MCDCPS Floodplain District		X			
WATERWAYS/WETLAND(S):					
a. Corps of Engineers		X			
b. MDE		X			
c. MDE Water Quality Certification		X			
MDE Dam Safety		X			
* DPS Roadside Trees Protection Plan		X		Approval Date	WITHIN TOWN OF SOMERSET
** N.P.D.E.S. NOTICE OF INTENT		X			
FEMA LOMR (Required Post Construction)		X			
OTHERS (Please List):					

TREE CANOPY REQUIREMENTS TO BE COMPLETED BY THE CONSULTANT AND PLACED ON THE FIRST SHEET OF THE SEDIMENT CONTROL/ STORMWATER MANAGEMENT PLAN SET FOR ALL PROJECTS.	
EXEMPT: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If exempt under Section 55-5 of the Code, please check the applicable exemption category below.
Total Property Area 10,374 S.F.	Total Disturbed Area 8,799 S.F.
Shade Trees Required 0	Shade Trees Proposed 0
Fee in Lieu: (Trees Required(0) -Trees Proposed(0)) x \$250 \$ 0.00	
Required Number of Shade Trees: AREA OF THE LIMITS OF DISTURBANCE (SQUARE FEET) NUMBER OF SHADE TREES REQUIRED	
FROM TO	
1' SQ. FT. 6,000 SQ. FT.	3
6,001 SQ. FT. 8,000 SQ. FT.	6
8,001 SQ. FT. 12,000 SQ. FT.	9
12,001 SQ. FT. 14,000 SQ. FT.	12
14,001 SQ. FT. 40,000 SQ. FT.	15
If the square footage of the limits of disturbance is more than 40,000 SF, then the number of shade trees required must be calculated using the following formula: (Number of Square Feet in LOD / 40,000) x 15	
EXEMPTION CATEGORIES:	
155-5(a) any activity that is subject to Article II of Chapter 22A; 155-5(b) any commercial logging or timber harvesting operation with an approved exemption from Article I of Chapter 22A; 155-5(c) any activity conducted by the County Parks Department; 155-5(d) routine or emergency maintenance of an existing stormwater management facility, including an existing access road, if the person performing the maintenance has obtained all required permits; 155-5(h) any stream restoration project if the person performing the work has obtained all necessary permits; 155-5(i) cutting or clearing any tree to comply with applicable provisions of any federal, state, or local law governing safety of dams; 155-5(j) any other activity within the TOWN OF SOMERSET	

DRAINAGE STATEMENT	
I understand that DPS approval of this sediment control/stormwater management plan is for demonstrated compliance with required environmental runoff treatment standards. This DPS sediment control/stormwater management plan approval does not relieve me of professional responsibility. I have analyzed the proposed design for sediment control permit no. 289250, and hereby state that, based upon my background, training and experience, I have determined that the proposed improvements shown on this plan meet relevant laws and regulations. I further acknowledge that I have analyzed the post development drainage patterns for this project from the standpoint of my responsibilities under current Maryland Law and have determined that if permission is required from adjacent property owners, it has been obtained and copies of those permissions have been made available to DPS.	
Shane P. Green Professional Land Surveyor #22085 EXPIRATION/RENEWAL DATE 10-15-25 Printed Name	1/2/24 Date

RECORD DRAWING CERTIFICATION	
A record set of approved Sediment Control/Stormwater Management plans must be maintained on-site at all times. In addition to stormwater management items, these plans must include the number and location of all trees proposed to be planted to comply with the Tree Canopy Law. Any approved modifications or deletions of stormwater practices or tree canopy plantings or information must be shown on this record set of plans and on the Tree Canopy Requirements table. Upon completion of the project, this record set of plans, including hereon this signed Record Drawing Certification, must be submitted to the MCDCPS inspector. In addition to this Record Drawing Certification, a formal Stormwater Management As-Built submission [] is required [X] is not required for this project.	
If this project is subject to a Stormwater Management Right of Entry and Maintenance Agreement, that document is recorded in Montgomery County Land Records at: Book 66892 Page 143 This Record Drawing will serve as the referenced in the recorded document.	
"This record drawing accurately and completely represents the stormwater management practices and tree canopy plantings as they were constructed or planted. All stormwater management practices were constructed per the approved Sediment Control/Stormwater Management plans or subsequent approved revisions."	
Owner/Developer Signature	Date
FIELD CHECK OF RECORD DRAWINGS BY MCDCPS INSPECTOR: INITIALS: DATE:	



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reddie Drive
Floor 13
Wheaton, MD 20902
MontgomeryPlanning.org

November 13, 2023

David Kelly
4620 Drummond Avenue
Chevy Chase, Maryland 20815

Re: Forest Conservation Exemption Request
#42023129E - 4815 Cumberland Avenue

To Whom It May Concern,

Based on the review by staff of the Montgomery County Planning Department, the exemption request submitted on March 23, 2023, for the plan identified above is **confirmed**. The project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), under Section 22A-5(n)(1) because the requirements of Article II do not apply to any minor subdivision under Division 50.7 of Chapter 50 if the only development located on the resulting lot is a single family dwelling unit or an accessory structure (such as a pool, tennis court, or shed); and development does not result in the cutting, clearing, or grading of:

- (A) more than a total of 20,000 square feet of forest;
- (B) any forest in a stream buffer;
- (C) any forest on property located in a special protection area which must submit a water quality plan;
- (D) any specimen or champion tree; or
- (E) any tree or forest that is subject to the requirements of a previously approved forest conservation plan or tree save plan;

Due to the proposed impacts/removals of specimen trees, the special provisions for a tree save plan are in effect under 22A-6, and a tree save plan with mitigation plantings has been incorporated into the exemption.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading to verify the limits of disturbance and tree protection measures are in place per the accompanying Tree Save Plan. The M-NCPCC forest conservation inspection staff may require additional tree protection measures.

Please contact Dominic Bello at 301-495-2107 or at domenic.bello@montgomeryplanning.org at least 7 days in advance to schedule your pre-construction meeting. The site supervisor, construction superintendent, forest conservation inspector, a private Maryland licensed tree

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reddie Drive
Floor 13
Wheaton, MD 20902
MontgomeryPlanning.org

care expert, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this pre-construction meeting.

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a new application must be submitted to M-NCPCC for review and confirmation prior to those activities occurring.

Sincerely,
Marco Fuster
Marco Fuster
Planner III
DownCounty Planning Division
Montgomery County Planning Department

cc: Michael Norton

PROPERTY OWNER INFORMATION: DAVID S. KELLY DEVELOPMENT CO, INC. 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 ATTN: DAVID KELLY 240-460-5947 DSKELLY6@COMCAST.NET	
TECHNICAL REVIEW OF SEDIMENT CONTROL	
REVIEWED	DATE
TECHNICAL REVIEW OF STORMWATER MANAGEMENT	
REVIEWED	DATE
ADMINISTRATIVE REVIEW	
REVIEWED	DATE
SMALL LOT DRAINAGE APPROVAL	
N/A: <input type="checkbox"/> OR	
REVIEWED	DATE
NOTE: THIS APPROVAL DOES NOT NEGATE THE NEED FOR A MCDCPS ACCESS PERMIT.	
MCDCPS APPROVAL OF THIS PLAN WILL EXPIRE TWO YEARS FROM THE DATE OF APPROVAL IF THE PROJECT HAS NOT STARTED.	
DPS approval of a sediment control or stormwater management plan is for demonstrated compliance with minimum environmental runoff treatment standards and does not create or imply any right to divert or concentrate runoff onto any adjacent property without that property owner's permission. It does not relieve the design engineer or other responsible person of professional liability or ethical responsibility for the adequacy of the drainage design as it affects uphill or downhill properties.	
289250 SEDIMENT CONTROL PERMIT NO.	
N/A SM.FILE NO. STORMWATER MANAGEMENT:	

VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING CONTOURS 100' ±

EXISTING SPOT GRADE ± 100.0'

LIMIT OF DISTURBANCE

ITEMS TO BE REMOVED TBR

STABILIZED CONSTRUCTION ENTRANCE S.C.E.

EX. TREE

EX. TREE TO BE REMOVED

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND WAS OBTAINED BY ME OR OTHERS UNDER MY SUPERVISION IN ACCORDANCE WITH COMAR 09-13.06F. I CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Shane P. Green
Professional Land Surveyor #22085
EXPIRATION/RENEWAL DATE 10-15-25

1/2/24
DATE

REVISIONS	
04/03/23	ADDRESS SOMERSET AND DPS COMMENTS
04/13/23	ADD RIGHT OF ENTRY RECORDING INFORMATION
08/02/23	REMOVE LANDSCAPE INFILTRATION
	ADD MICRO BIO RETENTION
09/08/23	ADD BOOK AND PAGE FOR DRIVEWAY EASEMENT
10/25/23	REVISED LOD AND PORCH
11/28/23	ADDRESS 10-4-23 DPS COMMENTS AND MATCH APPROVED FOREST CONSERVATION EXEMPTION PLANS
01/02/24	ADDRESS DPS AND TOWN COMMENTS

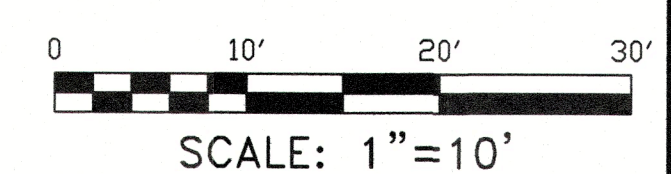
THIS PLAN PREPARED FOR: DAVID S. KELLY DEV. CO, INC 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 240-460-5947 ATTN: DAVID KELLY dskelly6@comcast.net	JOB No. 22-180 DATE: 01-31-23 DESIGNED BY: SG SHEET: SWM/SC 1 OF 4
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SITE GRADING-STORMWATER MANAGEMENT -SEDIMENT CONTROL PLAN

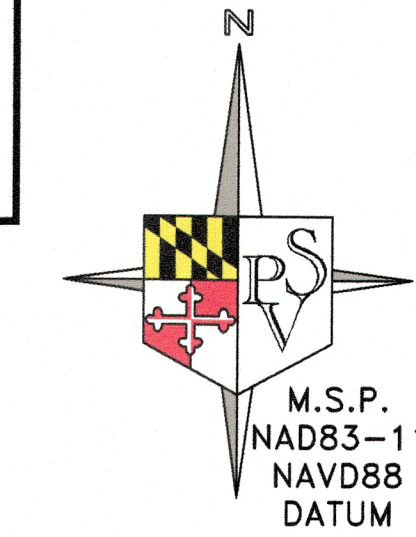
4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24, BLOCK 1
PLAT No. PENDING
PREVIOUSLY PARTS OF LOTS 9&10, PLAT 30
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND

POTOMAC VALLEY SURVEYS

20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090



MISS UTILITY:
FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT
1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.HTC 48
HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE
EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH
UNDERGROUND FACILITIES IN THE AREA OF THE PROPOSED
EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE
UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE
EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH THE
REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY
COUNTY CODE. POTOMAC VALLEY SURVEYS, LLC SUBMITTED A
MISS UTILITY DIG REQUEST.



A detailed site plan of a property, likely a residential or commercial development. The plan shows a central building complex with several interconnected structures, each labeled with a Designation (DA) and its square footage (S.F.). The structures are arranged around a central courtyard or driveway. The plan also includes various outdoor areas, walkways, and a well. A north arrow is located in the top left corner, indicating the orientation of the site. The property is bounded by a 'WALK IN ROW' (Right-of-Way) on the left and a 'DRIVE IN ROW' on the bottom right. A 'DRIVEWAY ON LOT' is shown on the right side, leading to a large structure labeled 'D.S.#7' and 'D.S.#8'. The plan also shows a 'WELL' on the left side, a 'SIDEWALK ON LOT' at the bottom, and a 'STEPS/WALK' area near the bottom right. The overall layout suggests a complex, multi-use property with a central building and various surrounding areas.

DA #1 664 S.F.

DA #2 595 S.F.

DA #3 28 S.F.

DA #4 315 S.F.

DA #5 171 S.F.

DA #6 803 S.F.

DA #7 338 S.F.

DA #8 338 S.F.

STEPS 17 S.F.

DRIVEWAY ON LOT 1,822 S.F.

HVAC 18 S.F.

WELL 10 S.F.

SIDEWALK ON LOT 225 S.F.

STEPS/WALK 31 S.F.

WALK IN ROW 58 S.F.

DRIVE IN ROW 88 S.F.

D.S.#1

D.S.#2

D.S.#3

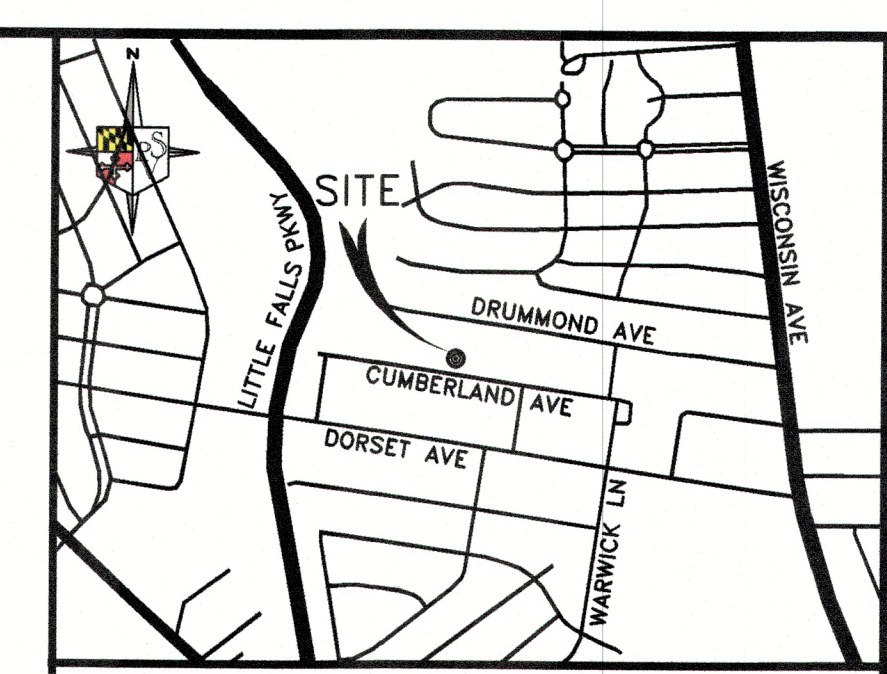
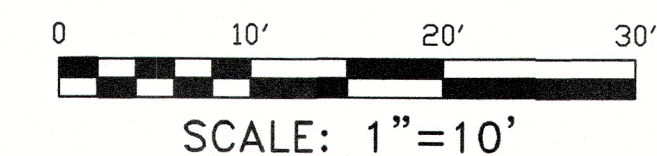
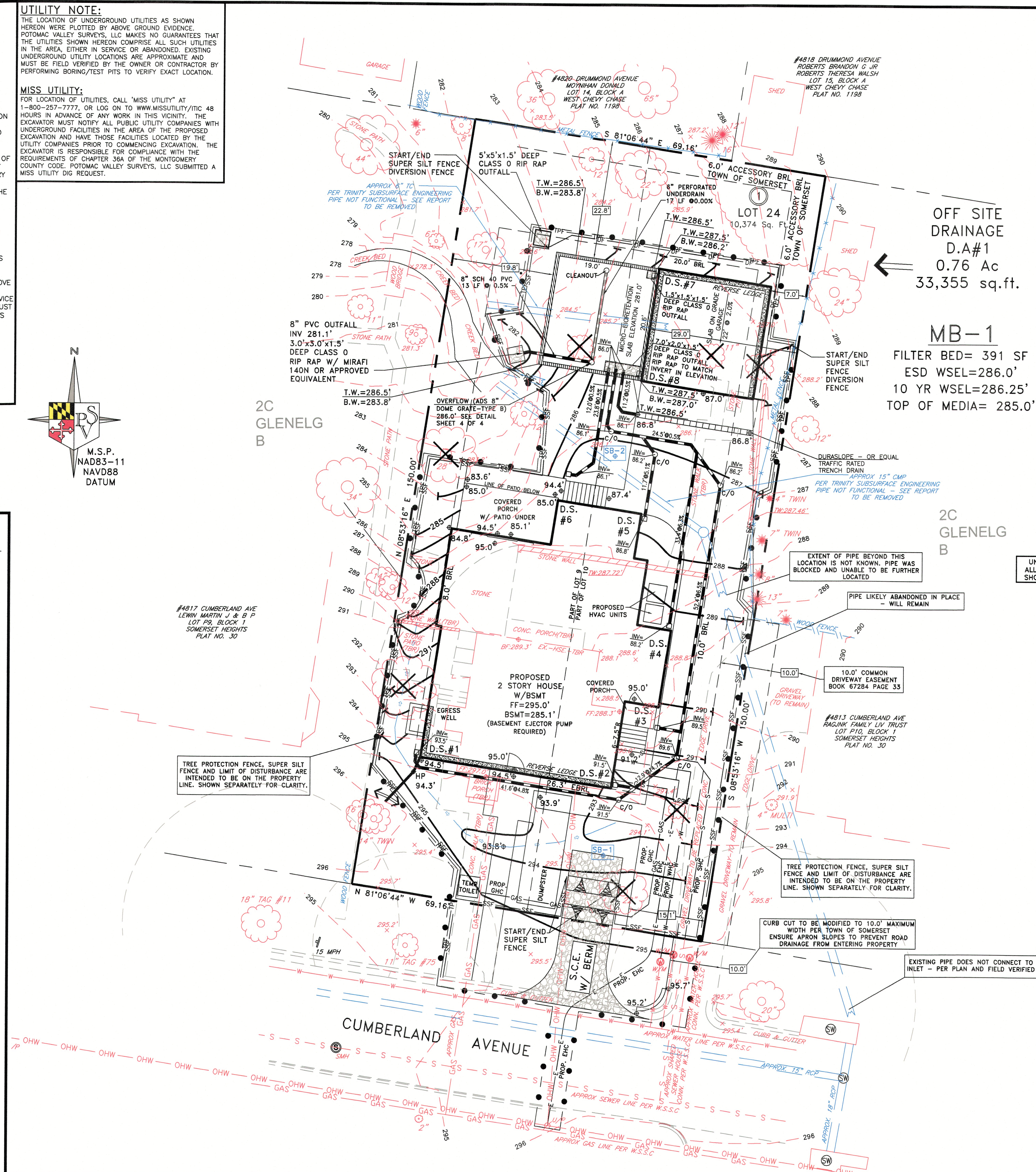
D.S.#4

D.S.#5

D.S.#6

D.S.#7

D.S.#8

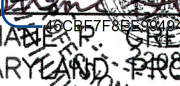


NOT TO SCALE

LEGEND

EXISTING CONTOURS	
EXISTING SPOT GRADE	
PROPOSED CONTOURS	
PROPOSED SPOT GRADE	
PROPOSED SILT FENCE	
PROPOSED SUPER SILT FENCE	
TREE PROTECTION FENCE	
ROOT PRUNING	
LIMIT OF DISTURBANCE	
ITEMS TO BE REMOVED	
DOWNSPOUTS	
CLEAN OUT	
DRAINAGE PATH	
STABILIZED CONSTRUCTION ENTRANCE	
PROPOSED 6" SCH 40 PVC UNDERGROUND DRAIN PIPE	
PROPOSED 6" SCH 40 PVC PERFORATED DRAIN PIPE	
SOIL TYPING TEST LOCATION	
RETAINING WALLS (DESIGN BY OTHERS)	
CRITICAL ROOT ZONE OF EX. TREE	
EX. TREE	
EX. TREE TO BE REMOVED	

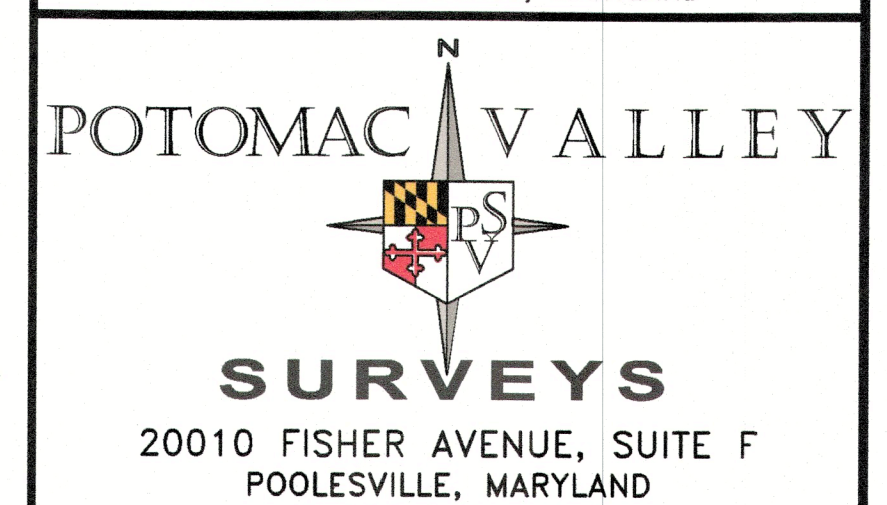
I HEREBY CERTIFY THAT THE INFORMATION SHOWN
HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS
AND WAS OBTAINED BY ME OR OTHERS UNDER MY
SUPERVISION IN ACCORDANCE WITH COMAR
09-13-06-12 AND THAT THE INFORMATION IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF.

 <p>SHARPE, P. GREEN MARYLAND PROFESSIONAL LAND SURVEYOR NO. 0085 EXPIRATION/RENEWAL DATE 10-15-25</p>	<p>1/2/24</p> <p>DATE</p>
<h2>REVIEWS</h2>	
<p>04/03/23 - ADDRESS SOMERSET AND DPS COMMENTS</p>	
<p>04/13/23 - ADD RIGHT OF ENTRY RECORDING INFORMATION</p>	
<p>08/02/23 - REMOVE LANDSCAPE INFILTRATION ADD MICRO BIO RETENTION</p>	
<p>09/08/23 - ADD BOOK AND PAGE FOR DRIVEWAY EASEMENT</p>	
<p>10/25/23 - REVISED LOD AND PORCH</p>	
<p>11/28/23 - ADDRESS 10-4-23 DPS COMMENTS AND MATCH APPROVED FOREST CONSERVATION EXEMPTION PLANS</p>	
<p>01/02/24 - ADDRESS DPS AND TOWN COMMENTS</p>	

THIS PLAN PREPARED FOR: DAVID S. KELLY DEV. CO, INC 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 240-460-5947 ATTN: DAVID KELLY dskelly6@comcast.net	JOB No. 22-180 DATE: 01-31-23 DESIGNED BY: SG SHEET: SWM/SC 2 OF 4
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SITE GRADING- STORMWATER MANAGEMENT -SEDIMENT CONTROL PLAN

4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24, BLOCK 1
PLAT No. PENDING
PREVIOUSLY PARTS OF LOTS 9&10, PLAT 30
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND



[illegible]

RURAL RESOURCES CONSERVATION SERVICE	2011	WATER MANAGEMENT ADMINISTRATION
--------------------------------------	------	---------------------------------

1.43 FT/S AT THE PIPE OUTFALL WHICH IS NON EROSION SO THE VELOCITY AT THE END OF THE RIP RAP WILL ALSO BE NON EROSION. (USED AN ONLINE PIPE VELOCITY CALCULATOR)

POOLESVILLE, MARYLAND
1-888-340-5000

[illegible]

DPS MICRO-BIORETENTION SPECIFICATIONS

C. Specifications and Details

5. Gravel Bed

The gravel layer surrounding the underdrain pipe(s) must meet MSHA size #7 (Table 901A), and must provide a minimum of 6 inches cover over the pipe(s), and minimum 3 inches under the pipe. No geotextile or filter fabric is allowed to be placed horizontally anywhere within the filter media. The gravel must be clean and must be stored and installed in such a manner that it does not become contaminated with sediment before or after installation.

6. Sand Bed

A minimum 6-inch fine aggregate sand layer shall be provided below the planting medium. ASTM C33 or AASHTO M6 Fine Aggregate Concrete Sand is required per Montgomery County sand specifications.

7. Planting Medium

The planting medium shall be 24"-48" thick and shall consist of 1/3 perlite or Solite, 1/3 compost and 1/3 topsoil. The perlite shall be coarse grade horticultural perlite. The compost shall be high grade compost free of stones and partially composted woody material. The topsoil component shall meet the following criteria: contain no more than 10% clay, 10-25% silt and 60-75% sand and be free of stones, stumps, roots or other similar objects larger than 2 inches.

The first layer of the planting medium shall be lightly tilled to mix it into the 6-inch sand layer, so as not to create a definitive boundary. The planting bed shall be flooded after placement. Any settlement that occurs shall be filled back to the design elevation.

8. Mulch

The mulch layer is an important part of the Micro-Bioretenion device. Much of the pollutant removal capacity of the Micro-Bioretenion system is within the mulch layer. The surface mulch layer will consist of standard double shredded aged hardwood mulch. The mulch should be applied uniformly to a depth of 3 inches. Yearly replenishing may be necessary. Pine bark is not acceptable.

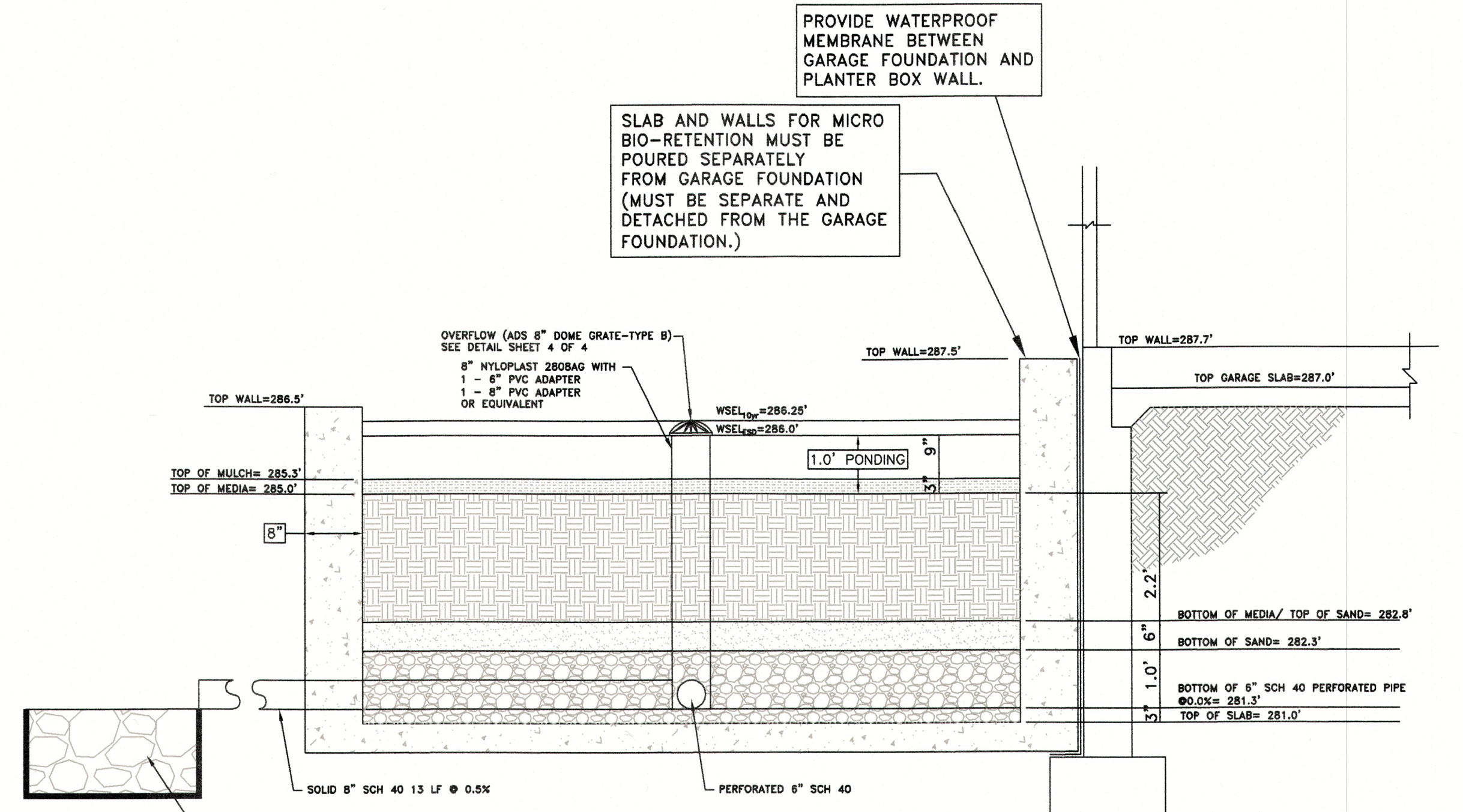
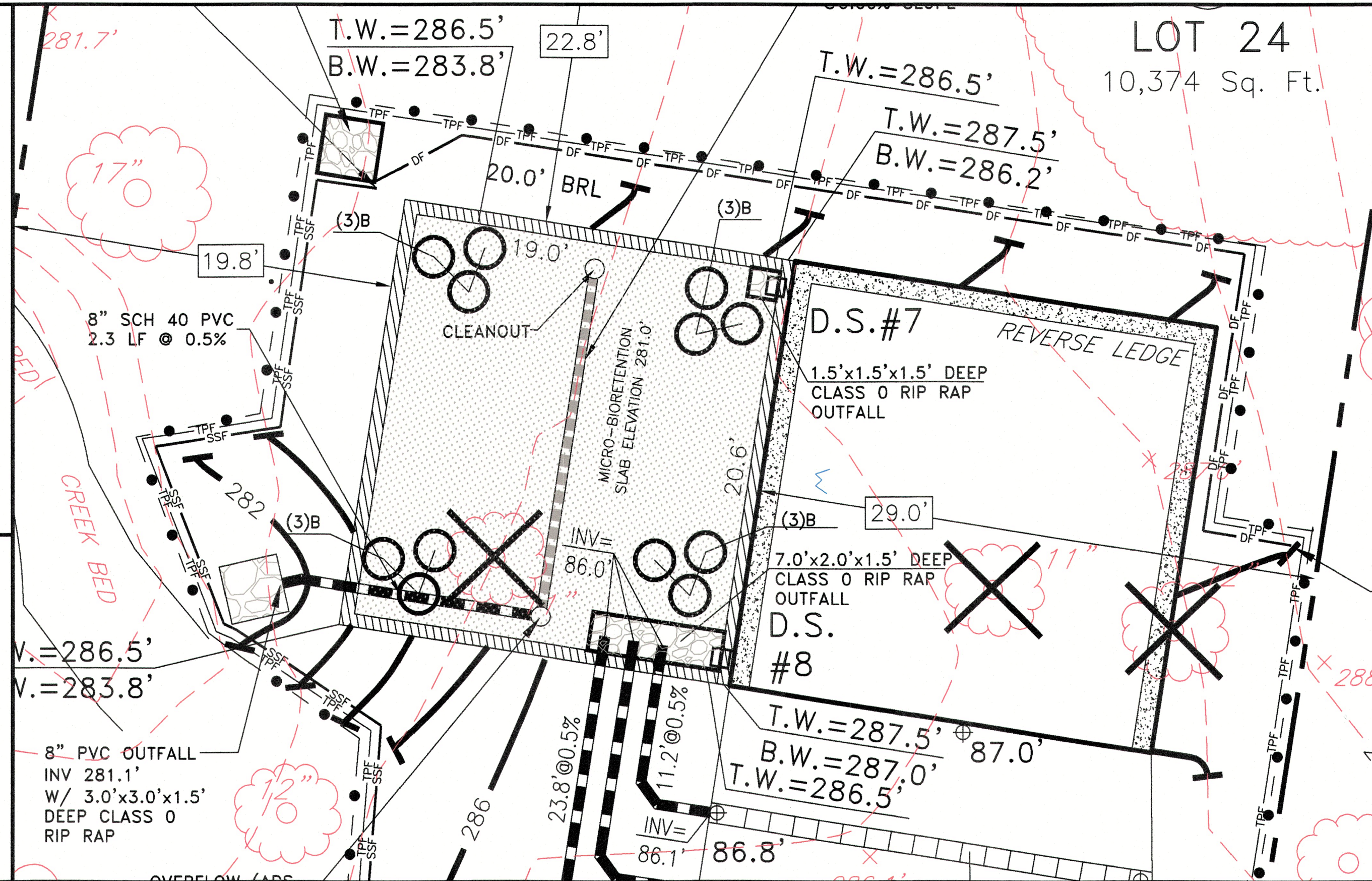
SAND SPECIFICATIONS

Washed ASTM C33 Fine Aggregate Concrete Sand is utilized for stormwater management applications in Montgomery County. In addition to the ASTM C33 specification, sand must meet ALL of the following conditions:

- Sand must meet gradation requirements for ASTM C-33 Fine Aggregate Concrete Sand. AASHTO M-8 gradation is also acceptable.
- Sand must be silica based ... no limestone based products may be used. If the material is white or gray in color, it is probably not acceptable.
- Sand must be clean. Natural, unwashed sand deposits may not be used. Likewise, sand that has become contaminated by improper storage or installation practices will be rejected.
- Manufactured sand or stone dust is not acceptable under any circumstance.

CONCRETE SPECIFICATIONS

Concrete design shall meet the requirements of ACI 350, Environmental Engineering Concrete Structures, with freezing and thawing exposures. Concrete shall either be a Type 1L cement conforming to ASTM C-595, or type II or IIA cement. Concrete shall have a 28-day compressive strength of 4500 psi for cast in place and 5000 psi for pre-cast structures. Concrete shall also be in conformance with the latest edition and addenda of the MSHA Standards and Specifications for Construction and Materials.



MICRO-BIORETENTION CROSS SECTION FOR MB-1
NOT TO SCALE

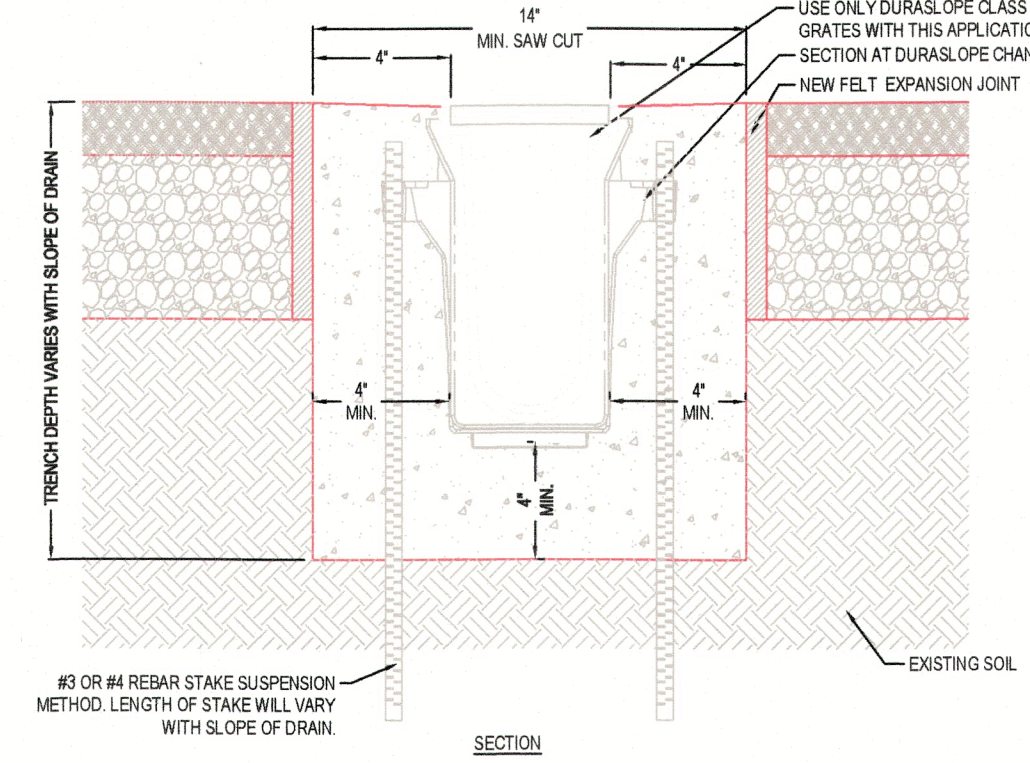
- NOTES:
- SEE SPECIFICATIONS THIS SHEET FOR ALL MICRO-BIORETENTION MATERIALS.
 - MICRO-BIORETENTION PLANTER BOXES MUST BE SEPARATE AND REMOVABLE FROM THE BUILDING.
 - THERE MUST BE A WATERPROOF MEMBRANE BETWEEN THE GARAGE FOUNDATION WALL AND THE PLANTER BOX WALL.
 - PIPE AND GRATE SPECIFICATIONS PER THIS SECTION OR EQUIVALENT.



NDS, INC.
851 NORTH HARVARD AVE.
LINDSAY, CA 93247
TOLL FREE: 1-800-726-1994
PHONE: (559) 562-9888
FAX: (559) 562-4488
www.ndspro.com

MIRCO-BIORETENTION DETAIL

1" = 5'



- NOTES:
- CHANNELS TO BE INSTALLED WITH BLANK GRATE. GRATE TO BE PROTECTED FROM CONCRETE POUR (COVER HOLES WITH TAPE)
 - INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
 - DO NOT SCALE DRAWING.
 - THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY.
 - ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.

DURA SLOPE TRENCH DRAIN SYSTEM

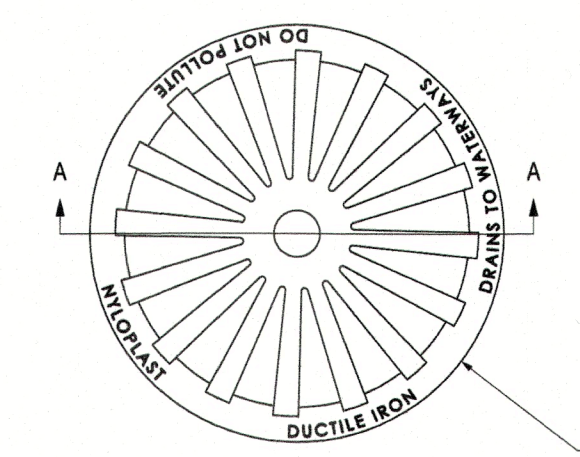
DURA SLOPE INSTALLATION DETAIL, CLASS A & 9' 4\"/>

REVISION DATE 3-5-2015

0899CGDF

APPROX. DRAIN AREA = 53.24 SQ. IN.

APPROX. WEIGHT = 4.8 LBS.



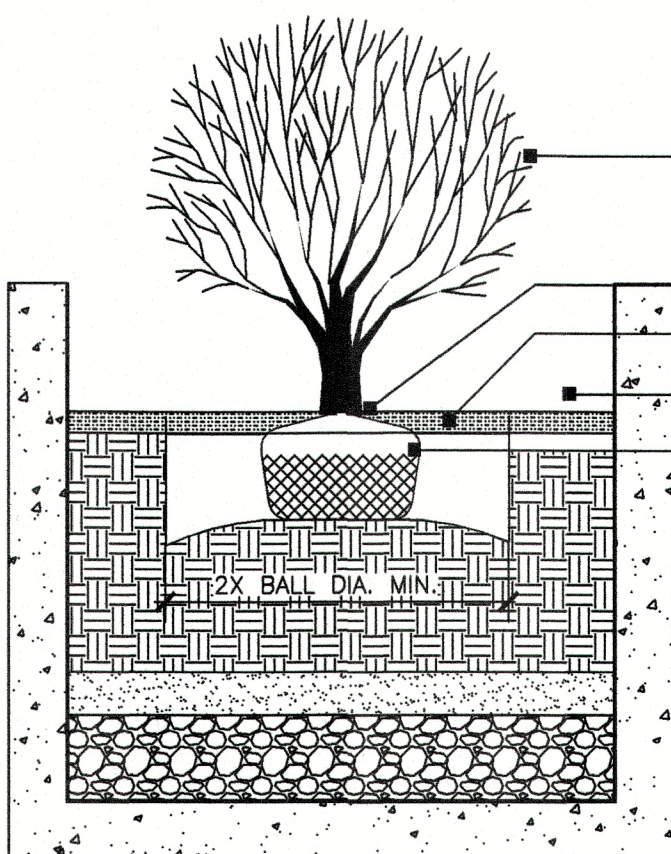
SECTION A-A

DIMENSIONS ARE FOR REFERENCE ONLY.
ACTUAL DIMENSIONS MAY VARY.
DIMENSIONS ARE IN INCHES.
QUALITY: MATERIALS SHALL CONFORM TO ASTM A508 GRADE 10-50-06.
PAINT: CASTINGS ARE FINISHED WITH A BLACK PAINT.
LOADING DEVICE: AVAILABLE UPON REQUEST.

THIS PRINT DISCLOSES SUBJECT MATTER IN WHICH NYLOPLAST HAS PROPRIETARY RIGHTS. THE RECIPIENT OF THIS PRINT DOES NOT OWN, TRANSFER, OR LICENSE THE USE OF THE DESIGN OR TECHNICAL INFORMATION DISCLOSED HEREIN.	DATE	6-25-15	PROJECT NO.	NAME	DATE	6-25-15	DATE	6-25-15	SCALE	1/8\"/>
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Shrub Planting Detail

NOT TO SCALE



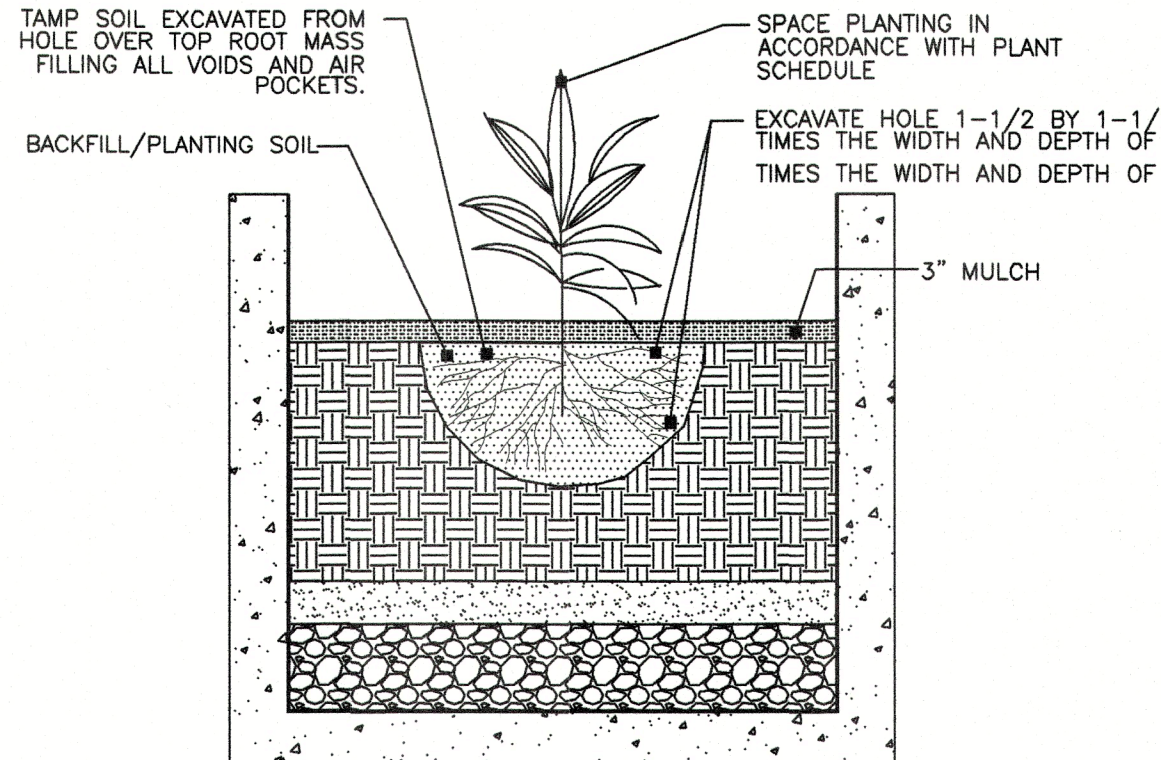
- THIN BRANCHES BY 1/3 RETAINING NORMAL PLANT SHAPE IF PLANTING IN SUMMER OR DURING DROUGHT CONDITIONS.
- GROUNDLINE SAME AS NURSERY
- BARK MULCH 3" MIN.
- CREATE SAUCER WITH TOPSOIL 6" MIN.
- ROPES AT TOP OF BALL SHALL BE CUT. REMOVE TOP 1/3 OF BURLAP.
- NON-BIODEGRADABLE MATERIAL SHALL BE TOTALLY REMOVED.

NOTE:

- EVERGREEN AND DECIDUOUS SHRUBS TO BE PLANTED IN SAME MANNER

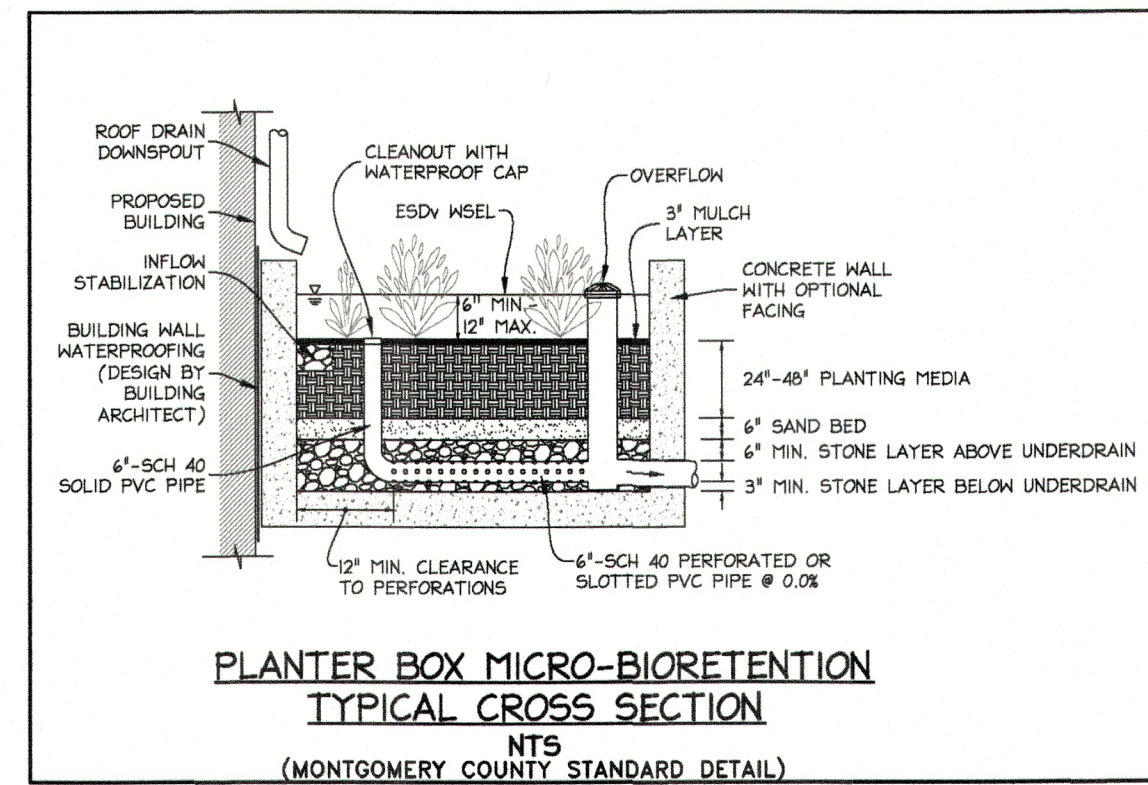
Groundcover & Ornamental Grasses Planting Detail

NOT TO SCALE



NOTES:

- ALL CONTRACTORS PERFORMING WORK ON THIS SITE SHALL NOTIFY "MISS UTILITY" 48 HOURS PRIOR TO ANY CONSTRUCTION OR GRADING BY CALLING 1-800-257-7777 FOR THE LOCATION OF ALL UTILITIES.
- THE CONTRACTORS PERFORMING WORK ON THE SITE ARE RESPONSIBLE FOR PROTECTING EXISTING PLANTING DURING CONSTRUCTION.
- THE LANDSCAPE CONTRACTOR SHALL PERFORM WORK AND THE PLANTINGS SHALL CONFORM WITH THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS", LATEST EDITION.
- THE LANDSCAPE CONTRACTOR IS TO VERIFY ALL PLANT QUANTITIES AND AVAILABILITY AND NOTIFY THE LANDSCAPE ARCHITECT OR OWNER IF THERE ARE ANY PROBLEMS PRIOR TO BIDDING.
- FOR TREE PRUNING AND CARE METHODS REFER TO THE NATIONAL ARBORIST STANDARDS, LATEST EDITION.
- SOD ALL AREAS AS DIRECTED BY OWNER FOR ALL DISTURBED AREAS TO BE STABILIZED THAT ARE NOT LANDSCAPED OR SEED & MULCHED.
- PROVIDE AND INSTALL SOIL STABILIZED EROSION CONTROL MATTING AS REQUIRED FOR PROPER EROSION CONTROL. RE-SEED AREAS AS REQUIRED UNTIL AREAS ARE PROPERLY STABILIZED AND ACCEPTED BY INSPECTOR AND OWNER.



PLANTER BOX MICRO-BIORETENTION
TYPICAL CROSS SECTION
NTS
(MONTGOMERY COUNTY STANDARD DETAIL)

MICRO-BIORETENTION PLANTING SCHEDULE

(CHOOSE REQUIRED AMOUNTS FROM AVAILABLE PLANT TYPES)

TOTAL QUANTITY	KEY	AVAILABLE BOTANICAL NAME	COMMON NAME	SIZE	FORM	SPACING	COMMENTS
12	B	RHODODENDRON PRINOPHYLLUM	EARLY AZEALA	2 GALLON	CONT.	SHOWN	SPREADING SHRUB
		CORNUS ASPERIFOLIA	ROUGH LEAF DOGWOOD	2 GALLON	CONT.	SHOWN	SPREADING SHRUB
		GAYLUSACIA DUMOSA	DWARF HUCKLEBERRY	2 GALLON	CONT.	SHOWN	SPREADING SHRUB
		CELTIS LAEVIGATA	SUGAR BERRY	2 GALLON	CONT.	SHOWN	SPREADING SHRUB
		VACCINIUM CRASSIFOLIUM	CREEPING BLUEBERRY	2 GALLON	CONT.	SHOWN	SPREADING SHRUB
36	C	SOLIDAGO SEMPERVIRENS	SEASIDE GOLDEN-ROD	1 GALLON	CONT.	2' O.C.	
		VERBANA HASTANA	VERVAIN BLUE	1 GALLON	CONT.	2' O.C.	
		PHLOX MACULATA	MEADOW PHLOX	1 GALLON	CONT.	2' O.C.	
		EUPATORIUM PERPUREA	JOE PYE WEED	1 GALLON	CONT.	3' O.C.	
		LOBELIA SIPHILITICA	GREAT BLUE LOBELIA	1 GALLON	CONT.	3' O.C.	
		ASTER MEMORIALIS	BOG ASTER	1 GALLON	CONT.	3' O.C.	

CONSTRUCTION INSPECTION CHECK-OFF LIST FOR MICRO-BIORETENTION

STAGE	MCDCPS INSPECTOR INITIALS/DATE	OWNER/DEVELOPER INITIALS/DATE
MANDATORY NOTIFICATION: Inspection and approval of each practice is required at these points prior to proceeding with construction. The permittee is required to give the MCDCPS inspector twenty-four (24) hours notice (DPS telephone 240-777-0311). The DPS inspector may waive an inspection, and allow the owner/developer to make the required inspection per a prior scheduled arrangement which has been confirmed with the DPS inspector in writing. Work completed without MCDCPS approval may result in the permittee having to remove and reconstruct the unapproved work. Upon completion of the project, a formal Stormwater Management As-Built must be submitted to MCDCPS unless a Record Drawing Certification has been allowed instead. Each of the steps listed below must be verified by either the MCDCPS inspector OR the owner/developer.		
1. Excavation to subgrade conforms to approved plans		
2. Placement of stone backfill and underdrain system conforms to approved plans		
3. Placement of filter media conforms to approved plans		
4. Connecting pipes and/or grading conveyance to the facility constructed per the approved plans		
5. Final grading and establishment of permanent stabilization conforms to approved plans		

TOTAL NUMBER OF MICRO-BIORETENTION AREAS INSTALLED PER THIS PERMIT: APPROVED 1 CONSTRUCTED

LANDSCAPE ARCHITECTS CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY MYSELF OR OTHERS UNDER MY SUPERVISION IN ACCORDANCE WITH COMAR 09-28-01 AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CHRISTIE JOANNE MAISEL
LANDSCAPE ARCHITECT #1308
EXPIRES 9-21-2024
01/02/24 DATE

REVISIONS

08/02/23	- REMOVE LANDSCAPE INFILTRATION
	ADD MICRO BIO RETENTION
11/28/23	- ADDRESS 10-4-23 DPS COMMENTS AND MATCH APPROVED FOREST CONSERVATION EXEMPTION PLANS
01/02/24	- ADDRESS DPS AND TOWN COMMENTS

THIS PLAN PREPARED FOR:
DAVID S. KELLY DEV. CO. INC
4620 DRUMMOND AVENUE
CHEVY CHASE, MD 20815
240-460-5947
ATTN: DAVID KELLY
dskelly6@comcast.net

JOB No. 22-180
DATE: 01/31/23
DRAWN BY: SG
SHEET: SWM/SC 4 OF 4

SITE GRADING-STORMWATER MANAGEMENT-SEDIMENT CONTROL PLAN

4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24, BLOCK 1
PLAT No. PENDING
PREVIOUSLY PARTS OF LOTS 9&10, PLAT 30
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND

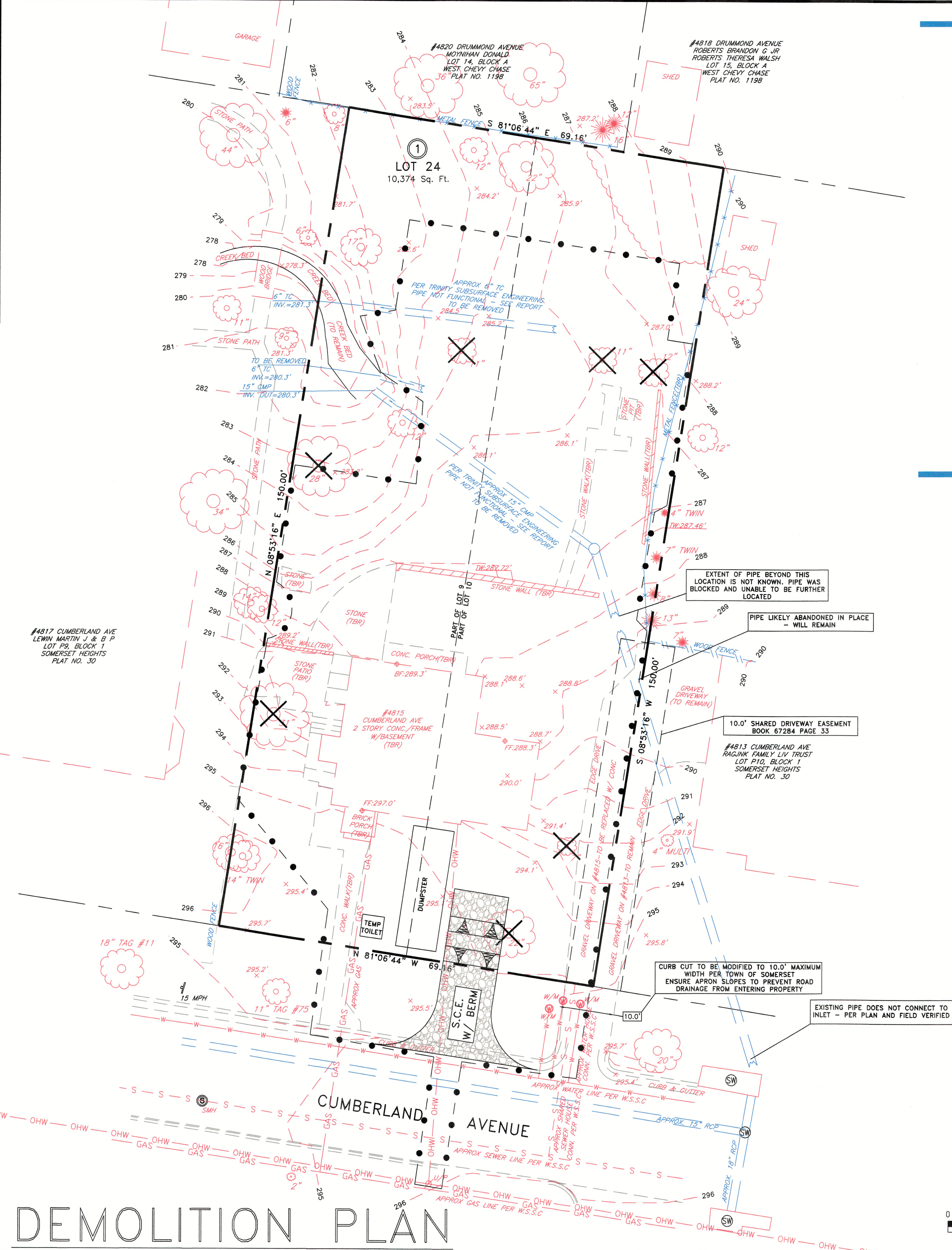
POTOMAC VALLEY
SURVEYS
20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090

RELATED REQUIRED PERMITS					
IT IS THE RESPONSIBILITY OF PERMITTEE/OWNER OF THIS SITE TO OBTAIN ALL REQUIRED PERMITS PRIOR TO ISSUANCE OF THE APPROVED SEDIMENT CONTROL PERMIT					
TYPE OF PERMIT	REQD.	NOT REQD.	PERMIT#	EXPIRATION DATE	WORK RESTRICTION DATES
MCDCPS Floodplain District		X			
WATERWAYS/WETLAND(S):					
a. Corps of Engineers		X			
b. MDE		X			
c. MDE Water Quality Certification		X			
MDE Dam Safety		X			
* DPS Roadside Trees Protection Plan		X		Approval Date	WITHIN TOWN OF SOMERSET
** N.P.D.E.S. NOTICE OF INTENT		X			
FEMA LOMR (Required Post Construction)		X			
OTHERS (Please List):					

TREE CANOPY REQUIREMENTS TO BE COMPLETED BY THE CONSULTANT AND PLACED ON THE FIRST SHEET OF THE SEDIMENT CONTROL/ STORMWATER MANAGEMENT PLAN SET FOR ALL PROJECTS.	
EXEMPT: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If exempt under Section 55-5 of the Code, please check the applicable exemption category below.
Total Property Area 10,374 S.F.	Total Disturbed Area 8,799 S.F.
Shade Trees Required 0	Shade Trees Proposed 0
Fee in Lieu: (Trees Required(0) -Trees Proposed(0)) x \$250 \$ 0.00	
Required Number of Shade Trees: AREA OF THE LIMITS OF DISTURBANCE (SQUARE FEET) NUMBER OF SHADE TREES REQUIRED	
FROM TO	
1' SQ. FT. 6,000 SQ. FT.	3
6,001 SQ. FT. 8,000 SQ. FT.	6
8,001 SQ. FT. 12,000 SQ. FT.	9
12,001 SQ. FT. 14,000 SQ. FT.	12
14,001 SQ. FT. 40,000 SQ. FT.	15
If the square footage of the limits of disturbance is more than 40,000 SF, then the number of shade trees required must be calculated using the following formula: (Number of Square Feet in LOD / 40,000) x 15	
EXEMPTION CATEGORIES:	
155-5(a) any activity that is subject to Article II of Chapter 22A; 155-5(b) any commercial logging or timber harvesting operation with an approved exemption from Article I of Chapter 22A; 155-5(c) any activity conducted by the County Parks Department; 155-5(d) routine or emergency maintenance of an existing stormwater management facility, including an existing access road, if the person performing the maintenance has obtained all required permits; 155-5(e) any stream restoration project if the person performing the work has obtained all necessary permits; 155-5(f) cutting or clearing any tree to comply with applicable provisions of any federal, state, or local law governing safety of dams; 155-5(g) other. Specify per Section 55-5 of the Code. LOT WITHIN THE TOWN OF SOMERSET	

DRAINAGE STATEMENT	
I understand that DPS approval of this sediment control/stormwater management plan is for demonstrated compliance with required environmental runoff treatment standards. This DPS sediment control/stormwater management plan approval does not relieve me of professional responsibility. I have analyzed the proposed design for sediment control permit no. 289250, and hereby state that, based upon my background, training and experience, I have determined that the proposed improvements shown on this plan meet relevant laws and regulations. I further acknowledge that I have analyzed the post development drainage patterns for this project from the standpoint of my responsibilities under current Maryland Law and have determined that if permission is required from adjacent property owners, it has been obtained and copies of those permissions have been made available to DPS.	
Shane P. Green Professional Land Surveyor #22085 EXPIRATION/RENEWAL DATE 10-15-25 Printed Name	1/2/24 Date

RECORD DRAWING CERTIFICATION	
A record set of approved Sediment Control/Stormwater Management plans must be maintained on-site at all times. In addition to stormwater management items, these plans must include the number and location of all trees proposed to be planted to comply with the Tree Canopy Law. Any approved modifications or deletions of stormwater practices or tree canopy plantings or information must be shown on this record set of plans and on the Tree Canopy Requirements table. Upon completion of the project, this record set of plans, including hereon this signed Record Drawing Certification, must be submitted to the MCDCPS inspector. In addition to this Record Drawing Certification, a formal Stormwater Management As-Built submission [] is required [X] is not required for this project.	
If this project is subject to a Stormwater Management Right of Entry and Maintenance Agreement, that document is recorded in Montgomery County Land Records at: Book 66892 Page 143. This Record Drawing will serve as the referenced in the recorded document.	
"This record drawing accurately and completely represents the stormwater management practices and tree canopy plantings as they were constructed or planted. All stormwater management practices were constructed per the approved Sediment Control/Stormwater Management plans or subsequent approved revisions."	
Owner/Developer Signature	Date
FIELD CHECK OF RECORD DRAWINGS BY MCDCPS INSPECTOR: INITIALS: DATE:	



Montgomery Planning
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reddie Drive
Floor 13
Wheaton, MD 20902
MontgomeryPlanning.org

November 13, 2023

David Kelly
4620 Drummond Avenue
Chevy Chase, Maryland 20815

Re: Forest Conservation Exemption Request
#42023129E - 4815 Cumberland Avenue

To Whom It May Concern,

Based on the review by staff of the Montgomery County Planning Department, the exemption request submitted on March 23, 2023, for the plan identified above is **confirmed**. The project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), under Section 22A-5(n)(1) because the requirements of Article II do not apply to any minor subdivision under Division 50.7 of Chapter 50 if the only development located on the resulting lot is a single family dwelling unit or an accessory structure (such as a pool, tennis court, or shed); and development does not result in the cutting, clearing, or grading of:

(A) more than a total of 20,000 square feet of forest;

(B) any forest in a stream buffer;

(C) any forest on property located in a special protection area which must submit a water quality plan;

(D) any specimen or champion tree; or

(E) any tree or forest that is subject to the requirements of a previously approved forest conservation plan or tree save plan;

Due to the proposed impacts/removals of specimen trees, the special provisions for a tree save plan are in effect under 22A-6, and a tree save plan with mitigation plantings has been incorporated into the exemption.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading to verify the limits of disturbance and tree protection measures are in place per the accompanying Tree Save Plan. The M-NCPCC forest conservation inspection staff may require additional tree protection measures.

Please contact Dominic Bello at 301-495-2107 or at domenic.bello@montgomeryplanning.org at least 7 days in advance to schedule your pre-construction meeting. The site supervisor, construction superintendent, forest conservation inspector, a private Maryland licensed tree

Montgomery Planning
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reddie Drive
Floor 13
Wheaton, MD 20902
MontgomeryPlanning.org

care expert, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this pre-construction meeting.

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a new application must be submitted to M-NCPCC for review and confirmation prior to those activities occurring.

Sincerely,
Marco Fuster
Marco Fuster
Planner III
DownCounty Planning Division
Montgomery County Planning Department

cc: Michael Norton

PROPERTY OWNER INFORMATION: DAVID S. KELLY DEVELOPMENT CO, INC. 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 ATTN: DAVID KELLY 240-460-5947 DSKELLY6@COMCAST.NET	
TECHNICAL REVIEW OF SEDIMENT CONTROL	
REVIEWED	DATE
TECHNICAL REVIEW OF STORMWATER MANAGEMENT	
REVIEWED	DATE
ADMINISTRATIVE REVIEW	
REVIEWED	DATE
SMALL LOT DRAINAGE APPROVAL	
N/A: <input type="checkbox"/> OR	
REVIEWED	DATE
NOTE: THIS APPROVAL DOES NOT NEGATE THE NEED FOR A MCDCPS ACCESS PERMIT.	
MCDCPS APPROVAL OF THIS PLAN WILL EXPIRE TWO YEARS FROM THE DATE OF APPROVAL IF THE PROJECT HAS NOT STARTED.	
DPS approval of a sediment control or stormwater management plan is for demonstrated compliance with minimum environmental runoff treatment standards and does not create or imply any right to divert or concentrate runoff onto any adjacent property without that property owner's permission. It does not relieve the design engineer or other responsible person of professional liability or ethical responsibility for the adequacy of the drainage design as it affects uphill or downhill properties.	
289250 SEDIMENT CONTROL PERMIT NO.	
N/A SM.FILE NO. STORMWATER MANAGEMENT:	

VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING CONTOURS 100'

EXISTING SPOT GRADE

LIMIT OF DISTURBANCE

ITEMS TO BE REMOVED TBR

STABILIZED CONSTRUCTION ENTRANCE

EX. TREE

EX. TREE TO BE REMOVED

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND WAS OBTAINED BY ME OR OTHERS UNDER MY SUPERVISION IN ACCORDANCE WITH COMAR 09-13.06F. I CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

1/2/24
DATE

SHANE P. GREEN
MARYLAND PROFESSIONAL LAND SURVEYOR #22085
EXPIRATION/RENEWAL DATE 10-15-25

REVISIONS

04/03/23	- ADDRESS SOMERSET AND DPS COMMENTS
04/13/23	- ADD RIGHT OF ENTRY RECORDING INFORMATION
08/02/23	- REMOVE LANDSCAPE INFILTRATION
	- ADD MICRO BIO RETENTION
09/08/23	- ADD BOOK AND PAGE FOR DRIVEWAY EASEMENT
10/25/23	- REVISED LOD AND PORCH
11/28/23	- ADDRESS 10-4-23 DPS COMMENTS AND MATCH APPROVED FOREST CONSERVATION EXEMPTION PLANS
01/02/24	- ADDRESS DPS AND TOWN COMMENTS

THIS PLAN PREPARED FOR: DAVID S. KELLY DEV. CO, INC 4620 DRUMMOND AVENUE CHEVY CHASE, MD 20815 240-460-5947 ATTN: DAVID KELLY dskelly6@comcast.net	JOB No. 22-180 DATE: 01-31-23 DESIGNED BY: SG SHEET: SWM/SC 1 OF 4
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SITE GRADING-STORMWATER MANAGEMENT -SEDIMENT CONTROL PLAN

4815 CUMBERLAND AVENUE
SOMERSET HEIGHTS
LOT 24, BLOCK 1
PLAT No. PENDING
PREVIOUSLY PARTS OF LOTS 9&10, PLAT 30
TOWN OF SOMERSET
MONTGOMERY COUNTY, MARYLAND

POTOMAC VALLEY SURVEYS

20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090



Potomac Valley Surveys, LLC

P.O. Box 627
Poolesville, Maryland 20837-0627
888-349-5090

November 28, 2023

Town of Somerset

Mr. Matthew Trollinger

4510 Cumberland Avenue

Chevy Chase, Maryland 20815

Re: 4815 Cumberland Avenue Response for Stormwater Management First Review (Feb 10, 2023) and Building Permit Review (Feb. 11, 2023).

Mr. Trollinger:

This project was required to have a Minor Subdivision Record Plat completed on it since the property consisted of two parts of lots. We are required to consolidate the two parts of lots into one lot. The Record Plat has been approved by M-NCPPC to be printed to mylar and to start the signature process. I have attached this plan to this letter. This Minor Record Plat process required us to address forest conservation. This review has taken some time and much back and forth. The design on this revised plan shows the changes that were required to address this forest conservation that allowed us to receive an exemption approval. I have attached the approved exemption letter and plans.

In our office Shane Green has been the designer on this project from the beginning. Two weeks ago, I needed to take this over to get this final revision completed and submitted for review at MCDPS and your office. I do not know if some of these comments were already addressed by Shane previously, but I wanted to make sure that I addressed your comments in this submission.

Stormwater Management Response:

Comment 1. All new or replacement driveways [and walkways] must be constructed of permeable materials as per Town of Somerset Code §112-14.4(b). Add in details and design calculations for the proposed driveway/walkway construction that conforms to the requirements found in Section A-2 of the Maryland Stormwater Design Manual.

Response: Since the driveway needs to match the existing common driveway on the adjacent lot, the driveway slope is greater than what is allowed to use permeable paving in a stormwater management capacity. We are not proposing permeable paving for the driveway. We are proposing a trench drain to collect the water and treat it in the proposed micro bioretention facility.

2. It is unclear if the existing two 6" TC and 15" CM pipes will conflict with the proposed gutter drains, structures, and/or landscape infiltration facility. Do these pipes drain offsite drainage?

Physical Address: 20010 Fisher Avenue, Unit F, Poolesville, MD 20837
Phone 1-888-349-5090

Show the full extent of the underground drainage pipes crossing the LOD. Add in profiles to show any crossings of the pipes with the proposed gutters. Add in any pipe crossings underneath the facility to the facility detail.

Response: These pipes were investigated using video cameras by Trinity Subsurface Engineering, LLC. It was determined that the pipes are not in use, therefore there will not be a conflict with the proposed design. Labels have been added to Sheet 1 of 4, Demolition Plan about what will be proposed for these existing pipes.

3. It is difficult to distinguish what is to be demolished and what is to remain. Add a demolition sheet to show what items are to be removed and then remove all demolished items shown on the proposed site plan for better clarity.

Response: Demo Plan was added on Sheet 1 of 4. The existing features were left on the plan view on sheet 2 of 4 because the county would like them on this plan as well. MCDPS did not want a demo plan, but I explained that you had requested it so they will allow it this time.

4. The contributing drainage area to the landscape infiltration facility shall be delineated and a drainage area map to the facility shall be provided. The 10,374 SF used in the landscape infiltration ESDv calculations is the site area and not the drainage area to the facility. Hydrologic calculations and peak runoffs shall be developed and provided for all drainage areas.

Response: N/A- Facility was changed to a Mico Bioretention facility because of comments for the Forest Conservation exemption review.

5. Confirm that the surface area of a landscape infiltration practice is at least 2% of the contributing drainage area and add this to the Stormwater Management Calculations.

Response: Added this calculation on sheet 3 of 4 for the Mico Bioretention Planter Box.

6. If the contributing drainage area to the landscape infiltration facility exceeds 10,000 SF, as shown in the preliminary ESDv calculations, then infiltration testing to support the use of Landscape Infiltration shall be completed. Infiltration testing shall be completed in accordance with Appendix D.1 of the Maryland Stormwater Design Manual.

Response: N/A- Facility was changed to a Mico Bioretention facility because of comments for the Forest Conservation exemption review.

7. Non-erosive inflow protection shall be used at the roof drain inflow points to prevent erosion of the mulch layer. The proposed splash blocks appear to be on the slope of the landscape infiltration facility sides and will not provide adequate protection. It is recommended to replace the splash blocks with river cobble inflow protection along with a cobble inflow protection pad on the bottom of the facility to provide a non-erosive outfall and to reestablish sheet flow.

Response: RipRap is being proposed at the inflow points. Also, since this is now a Mico Bioretention Planter Box, there are no side slopes that are steep anymore.

8. A non-erosive inflow channel into the facility shall be provided at the driveway low point at the spot shot of 86.2 to convey concentrated runoff into the facility.

Response: N/A- Facility was changed to a Mico Bioretention facility and the driveway now has a trench drain that is pipes into the facility.

9. A safe and non-erosive outfall must be provided. Overtopping of the berm is not permitted. Grade in a stable overflow weir or utilize an internal overflow device to provide adequate conveyance of excess stormflow. Demonstrate safe and non-erosive conveyance of the developed 10-year storm event peak flow through the facility.

Response: Facility was changed to a Mico Bioretention facility, and the outfall and overflow is from a pipe that has rip rap at the outfall. 10 Year calculations are shown on sheet 3 of 4.

10. Berm top width at elevation 83.5 shall be a minimum of 2' wide. Add in half foot contour for elevation 83.5 and add in a top width dimension callout.

Response: N/A- Facility was changed to a Mico Bioretention facility because of comments for the Forest Conservation exemption review.

11. Add in slope label callouts to the interior side slopes of the landscape infiltration facility site plan shown on Sheet SWM/SC 3.

Response: N/A- Facility was changed to a Mico Bioretention facility because of comments for the Forest Conservation exemption review.

12. I have concerns about the use of Enkamat 7010 on the berm. Permanent TRM will make this area difficult to maintain for the homeowner. Furthermore, the TRM will not be needed once an adequate overflow is installed. Consider removing.

Response: N/A- Facility was changed to a Mico Bioretention facility because of comments for the Forest Conservation exemption review.

13. BayLand has observed on previous projects that the Montgomery County Planting Soil Media (1/3 each of Perlite, Compost, and Topsoil) has not functioned adequately and clogs frequently. Consider switching the media to State Highway Administration soil mix (spec 920.01.05). The SHA mix has a higher percentage of sand in the media for improved functionality.

Response: We asked DPS reviewer and were told that we are required to use the Montgomery County standard planting media.

14. Landscape infiltration maintenance and inspection schedule shall be included on the plans.

Response: Added state maintenance chart to sheet 3 of 4.

15. Provide design section and calculations that the offsite drainage swale to the rear of the lot is sized adequately to safely convey the 10-year storm event in a non-erosive manner. What happens to the concentrated flow once it leaves the site? How will it impact the downstream property owner?

Response: I added to our 10 calculations narrative. We are limited to not disturbing the existing stream/drainage channel from the approved Forest Conservation exemption.

16. A Montgomery County Erosion and Sediment Control permit will be required since the area of disturbance is greater than 5,000 SF.

Response: The attached plans are what has been submitted to MC for the Sediment Control Permit. Permit # 289250

Building Permit Response:

1-3 Response: The person that filled out the application should take care of these comments.

4. Do you still propose to use the shared driveway? If so, an ingress/egress easement document with the driveway maintenance and metes and bounds is required.

Response: The Driveway easement has been recorded, attached is the recorded document.

5. Show the dimension from the front porch to the front property line.

Response: The front porch has been removed because the house needed to move forward to address the forest conservation exemption comments.

6. Show the dimension from the left side covered porch to the left side property line.

Response: Added dimension

7. Show the dimension from the right side of the house to the right side property line.

Response: Added dimension

8. Please provide a copy of the soil infiltration tests.

Response: Attached is the Soils report. No infiltration testing is needed since there is now a micro bioretention planter box proposed.

9. Response: Should be addressed by Architect

Sincerely,

Christie Maisel

Project Manager

Licensed Landscape Architect 3061

TR 55 Worksheet 2: Runoff Curve Number and Runoff

Project: 4815 Cumberland Avenue Designed By: SPG Date: 12/27/14

Location: Checked: Date:

Check one: ☒ Present ☐ Developed

1. Runoff curve number (CN)

Soil name and hydrologic group (Appendix A)	Cover description (Cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN ^{1/}			Area <input type="checkbox"/> acres <input type="checkbox"/> mi ² <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
B - glenelg	Green/Lawn	69			0.1925	13.3
B - glenelg	Impervious	98			0.0457	4.5
Totals =					0.2382	17.7611

^{1/} Use only one CN source per line.

$$\text{CN (weighted)} = \frac{\text{total product}}{\text{total area}} = \frac{17.7611}{0.2382} = 75 \quad \text{Use CN} = \boxed{75}$$

2. Runoff

Frequency years

Rainfall, P (24 hour) in.

Runoff, Q in.

(Use P and CN with Table 2-1, Figure 2-1, or equations 2-3 and 2-4.)

Storm #1	Storm #2	Storm #3
10		
5.1		
2.53		

TR 55 Worksheet 2: Runoff Curve Number and Runoff

Project: 4815 Cumberland Avenue Designed By: SPG Date: 12/27/14

Location: _____ Checked: _____ Date: _____

Check one: ☐ Present ☒ Developed

1. Runoff curve number (CN)

Soil name and hydrologic group (Appendix A)	Cover description (Cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN ^{1/}			Area <input checked="" type="checkbox"/> acres <input type="checkbox"/> mi ² <input type="checkbox"/> %	Product of CN x area
		Table 2-2	Fig. 2-3	Fig. 2-4		
B - glenelg	Green	69			0.1148	7.9212
B - glenelg	Impervious	98			0.1234	12.0932
Totals =					0.2382	20.0144

^{1/} Use only one CN source per line.

$$\text{CN (weighted)} = \frac{\text{total product}}{\text{total area}} = \frac{20.0144}{0.2382} = 84 \quad \text{Use CN} = \boxed{84}$$

2. Runoff

Frequency years

Rainfall, P (24 hour) in.

Runoff, Q in.

(Use P and CN with Table 2-1, Figure 2-1, or equations 2-3 and 2-4.)

Storm #1	Storm #2	Storm #3
1	10	
2.6	5.1	
1.20	3.36	

20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19 hr 0.12

0.01

Tr 55 Worksheet 4: Graphical Peak Discharge Method

Project: 4815 Cumberland Avenue Designed By: SPG Date: 12/27/23

Location: Checked By: Date:

Check one: ☒ Present ☐ Developed

1. Data:

Drainage area A_m = 0.0004 mi^2 (acres/640)

Runoff curve number CN = 75 (From Worksheet 2)

Time of concentration T_c = 0.12 hr (From Worksheet 3)

Rainfall distribution type = II (II, III, DMVIII)

Pond and swamp areas spread throughout watershed = 0 percent of A_m (acres or mi^2 covered)

	Storm #1	Storm #2	Storm #3
2. Frequency..... yr	10		
3. Rainfall, P (24-hour)..... in	5.1		
4. Initial abstraction, I_a in (Use CN with Table 4-1.)	0.667		
5. Compute I_a/P	0.13		
6. Unit peak discharge, q_u csm/in (Use T_c and I_a/P with exhibit 4- <u>11</u>)	950		
7. Runoff, Q in (From Worksheet 2)	2.53		
8. Pond and swamp adjustment factor, F_p in (Use percent pond and swamp area with Table 4-2. Factor is 1.0 for zero percent pond and swamp area.)	1.0		
9. Peak discharge, q_p cfs (Where $q_p = q_u A_m Q F_p$)	0.96		

Tr 55 Worksheet 4: Graphical Peak Discharge Method

Project: 4815 Cumberland Avenue Designed By: SPG Date: 12/27

Location: Checked By: Date:

Check one: ☐ Present ☒ Developed

1. Data:

Drainage area $A_m = \underline{0.0004}$ mi² (acres/640)

Runoff curve number CN = 54 (From Worksheet 2)

Time of concentration $T_c = \underline{0.01}$ hr (From Worksheet 3)

Rainfall distribution type = II (II, III, DMVIII)

Pond and swamp areas spread throughout watershed = 0 percent of A_m (acres or mi² covered)

	Storm #1	Storm #2	Storm #3
2. Frequency..... yr	10		
3. Rainfall, P (24-hour)..... in	5.1		
4. Initial abstraction, I_a in (Use CN with Table 4-1.)	1.704		
5. Compute I_a/P	0.33		
6. Unit peak discharge, q_u csm/in (Use T_c and I_a/P with exhibit 4- <u>11</u>)	950		
7. Runoff, Q in (From Worksheet 2)	0.97		
8. Pond and swamp adjustment factor, F_p in (Use percent pond and swamp area with Table 4-2. Factor is 1.0 for zero percent pond and swamp area.)	1.0		
9. Peak discharge, q_p cfs (Where $q_p = q_u A_m Q F_p$)	0.37		

Cantilevered Retaining Wall

ENERCALC, INC. 1983-2010, Ver: 6.1.03

Lic. # :

License Owner :

Description : PLANTER BOX - WALL CALCULATIONS

Criteria

Retained Height	=	1.00 ft
Wall height above soil	=	1.50 ft
Slope Behind Wall	=	0.00 : 1
Height of Soil over Toe	=	3.50 in
Water height over heel	=	0.0 ft
Vertical component of active		
Lateral soil pressure options:		
NOT USED for Soil Pressure.		
NOT USED for Sliding Resistance.		
NOT USED for Overturning Resistance.		

Soil Data

Allow Soil Bearing	=	2,000.0 psf
Equivalent Fluid Pressure Method		
Heel Active Pressure	=	45.0 psf/ft
Toe Active Pressure	=	30.0 psf/ft
Passive Pressure	=	389.0 psf/ft
Soil Density, Heel	=	110.00 pcf
Soil Density, Toe	=	0.00 pcf
Footing Soil Friction	=	0.400
Soil height to ignore		
for passive pressure	=	12.00 in

JUAN UTRERA

Digitally signed by JUAN
UTRERA
DN: C=US,
E=JUTRERA@SE-U.COM,
O="STRUCTURAL
ENGINEERING UNLIMITED,
LLC", CN=JUAN UTRERA
Date: 2024.01.04
15:47:30-05'00'

Design Summary

Wall Stability Ratios

Overturning	=	21.85 OK
Sliding	=	17.26 OK
Total Bearing Load	=	737 lbs
...resultant ecc.	=	4.72 in
Soil Pressure @ Toe	=	0 psf OK
Soil Pressure @ Heel	=	809 psf OK
Allowable	=	0 psf
Soil Pressure Less Than Allowable		
ACI Factored @ Toe	=	0 psf
ACI Factored @ Heel	=	971 psf
Footing Shear @ Toe	=	0.6 psi OK
Footing Shear @ Heel	=	0.9 psi OK
Allowable	=	75.0 psi

Sliding Calcs (Vertical Component NOT Used)

Lateral Sliding Force	=	65.0 lbs
less 100% Passive Force	= -	827.0 lbs
less 100% Friction Force	= -	294.7 lbs
Added Force Req'd	=	0.0 lbs OK
....for 1.5 : 1 Stability	=	0.0 lbs OK

Load Factors

Dead Load	1.200
Live Load	1.600
Earth, H	1.600
Wind, W	1.600
Seismic, E	1.000

Stem Construction

Design Height Above Ftg

ft =	Stem OK 0.00
Wall Material Above "H"	= Concrete
Thickness	= 8.00
Rebar Size	= # 4
Rebar Spacing	= 12.00
Rebar Placed at	= Edge
Design Data	
fb/FB + fa/Fa	= 0.002
Total Force @ Section	lbs = 34.0
Moment....Actual	ft-l = 11.8
Moment....Allowable	ft-l = 5,473.3
Shear Actual	psi = 0.5
Shear Allowable	psi = 88.7
Wall Weight	= 100.0
Rebar Depth 'd'	in = 6.25
LAP SPLICE IF ABOVE	in = 15.82
LAP SPLICE IF BELOW	in =
HOOK EMBED INTO FTG	in = 8.40

Masonry Data

f _m	psi =
F _s	psi =
Solid Grouting	=
Modular Ratio 'n'	=
Short Term Factor	=
Equiv. Solid Thick.	=
Masonry Block Type	= 2
Masonry Design Method	= ASD

Concrete Data

f _c	psi = 3,500
F _y	psi = 60,000

01/04/2024

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a professional engineer duly licensed under the laws of the State of Maryland.

License No. 24518 Expiration Date: 9/21/2025

Cantilevered Retaining Wall

ENERCALC, INC. 1983-2010, Ver: 6.1.03

Lic. # :

License Owner :

Description : PLANTER BOX - WALL CALCULATIONS

Footing Dimensions & Strengths

Toe Width	=	0.67 ft
Heel Width	=	0.67
Total Footing Width	=	2.00
Footing Thickness	=	12.00 in
Key Width	=	12.00 in
Key Depth	=	0.00 in
Key Distance from Toe	=	2.00 ft
f'c =	2,500 psi	Fy = 60,000 psi
Footing Concrete Density	=	150.00 pcf
Min. As %	=	0.0018
Cover @ Top	2.00	@ Btm. = 3.00 in

Footing Design Results

	Toe	Heel
Factored Pressure	= 0	971 psf
Mu' : Upward	= 0	0 ft-l
Mu' : Downward	= 0	0 ft-l
Mu: Design	= 12	12 ft-l
Actual 1-Way Shear	= 0.63	0.91 psi
Allow 1-Way Shear	= 75.00	75.00 psi
Toe Reinforcing	= # 4 @ 12.00 in	
Heel Reinforcing	= # 4 @ 12.00 in	
Key Reinforcing	= None Spec'd	
Other Acceptable Sizes & Spacings		

Toe: Not req'd, Mu < S * Fr
Heel: Not req'd, Mu < S * Fr
Key: Not req'd, Mu < S * Fr

Summary of Overturning & Resisting Forces & Moments

ItemOVERTURNING.....			RESISTING.....		
	Force lbs	Distance ft	Moment ft-lb		Force lbs	Distance ft	Moment ft-lb
Heel Active Pressure	= 90.0	0.67	60.0	Soil Over Heel	= 36.7	1.83	67.2
Surcharge over Heel	=			Sloped Soil Over Heel	=		
Toe Active Pressure	= -25.0	0.43	-10.8	Surcharge Over Heel	=		
Surcharge Over Toe	=			Adjacent Footing Load	=		
Adjacent Footing Load	=			Axial Dead Load on Stem	=		
Added Lateral Load	=			* Axial Live Load on Stem	=		
Load @ Stem Above Soil	=			Soil Over Toe	=	0.50	
				Surcharge Over Toe	=		
				Stem Weight(s)	= 250.0	1.33	333.3
				Earth @ Stem Transitions	=		
				Footing Weight	= 300.0	1.00	300.0
				Key Weight	= 150.0	2.50	375.0
				Vert. Component	=		
Total	= 65.0	O.T.M. =	49.2	Total =	736.7 lbs	R.M. =	1,075.6
Resisting/Overturning Ratio	= 21.85						
Vertical Loads used for Soil Pressure =			736.7 lbs				

NOT included in total displayed, or used for overturning
t is included for soil pressure calculation.

01/C

Professic were
prepared or approved by me, and that I am a professional engineer duly
licensed under the laws of the State of Maryland.
License No. 24518 Expiration Date: 9/21/2025

TO: The Town of Somerset Council
FROM: Doug Lohmeyer
DATE OF MEMO: Mar. 1, 2024
SUBJECT: Monthly Status Report

4815 Cumberland

The property owner has submitted a building permit application to MCDPS and the Town to remove the ex. house and to construct a new house. The engineer stated that MNCP&PC has determined that a subdivision record plat is required. The record plat is at MNCP&PC for their signature.

4905 Cumberland Ave.

The property owner has submitted an application to remove the existing house and to construct a new house. The staff is reviewing the updated Site Plan and SWM plans.

4515 Dorset Ave.

The property owner has submitted an application to construct a detached two car garage at the rear of the house. The Council approved the application on August 7th and the Town permit was issued on Sept. 15, 2023. The work is underway.

4816 Essex Ave.

The property owner has submitted building permit applications to the MCDPS and the Town. They propose to remove a large portion of the building at the rear of the house and make interior improvements. The Town permits were issued on May 6, 2023. Work is underway. The Council approved the variances to enlarge the existing front porch and stoop.

4702 Falstone

The applicant submitted a plan to modify the existing driveway and apron to accommodate the owner's handicapped vehicle. The Council approved the application on Sept. 11, 2023. The applicant must submit detailed plans of the revised driveway and apron before the Town permit can be issued.

4906 Falstone Ave.

The property owner submitted an application to remove the ex. deck at the left rear of the house and to construct an enclosed addition at the same location. The plans are now being reviewed by the staff.

4806 Grantham Ave.

The property owner has submitted an application to add a second story addition to the existing house. An addition is also proposed at the left rear of the house and a new front porch overhang is also planned. The Council approved the permits on May 1st. The MCDPS permit was issued on June 1, 2023. The Town building permit was issued on July 8, 2023. The construction has begun. The applicant has submitted an acceptable wall check.

5515 Greystone St.

The applicant submitted an application to add a second story to the ex. house. The Council approved the application on Feb. 5, 2024. MCDPS issued their permit on Feb. 12th. The Town permit was issued on Feb. 12, 2024.

5409 Surrey St.

An application was submitted to remove the ex. deck at the rear of the house and to build a new deck in the same location. The Town issued their permits on Oct. 7, 2023. Work began in Feb.

5529 Surrey St.

The property owner submitted an application to add an addition, a deck, and a patio at the rear of the ex. house. The Council approved the application on Feb. 5th and the Town permit was issued on Feb. 12, 2024.

5808 Surrey St.

The property owner is considering adding an accessory building at the rear of the ex. house. The staff has reviewed the concept and sent comments to the owner.

5528 Trent St.

The property owner plans on removing the existing house and building a new house. The MCDPS building permit is pending. On Sept. 11, 2023, the Council approved the application. The Town issued the building permit on Dec. 19, 2023. Work is ongoing.

5613 Warwick Pl.

The property owner submitted an application to construct a deck at the rear of the house and to replace the ex. driveway and apron. The Council approved the variance on Feb. 5, 2024. The Town permit was issued on Feb. 12, 2024.

3/4/2024

TO: Somerset Town Council

FROM: Matthew Trollinger, Town Manager

RE: Monthly Administrative Report

This month, I would like to share with you update and progress on the following projects and administrative matters, and provide a summarized financial breakdown, highlighting the high-level revenues and expenses.

CAPITAL PROJECTS

Pool Renovation

As was mentioned earlier in February, the Town was required by Montgomery County to obtain a new stormwater permit. American Pool was able to obtain the new permit on Feb. 26. The County approved the plans, which were identical to those that had been submitted for the Poolhouse renovation.

Because the current project does not impact the impervious surface area or the existing stormwater management plan, originally, Montgomery County did not require a stormwater permit for this project. However, when the silt fence fell during several rain and snow storms, the County required us to obtain an updated and new permit. Thanks to our record-keeping and archiving procedures, we were able to quickly locate the old site plans and update with the new limits of disturbance for the current project, which satisfied the County's requirements.

The project has started again, and a new super silt fence installed onsite. We may have an opportunity to make up for lost time over the next 2 ½ months, but we will monitor and update the Council and town if the opening date is impacted.

Streetlight Installation

Starting the week of the 26th, PEPCO began installation for "Tranche 2" of the new LED Streetlight installations. [As of this writing, I have not had a chance to double-check the wattage of the new lights, but will report back to the Council to either confirm that the work has been completed to spec, or if any changes need to be made at the Council meeting].

PEPCO previously installed house shades free of charge on the existing light fixtures, but have indicated that there may be a cost for the new fixtures. I have asked PEPCO to clarify, and, if necessary, the pricing information for house shades on lights, which I will then share with the Council.

Stormwater Study

Bayland is scheduled to begin this upcoming week to do begin evaluation of the properties in the pilot watershed group. I will provide updates on the progress and findings of that project as it moves forward.

ADMINISTRATIVE MATTERS

Budget

Committees have submitted Budget requests and invoices and other financial information continues to trickle in. The staff and Budget Committee have started putting together a draft budget for the Mayor and Council to discuss and ultimately introduce in April, for adoption in May.

Permitting Software

I am exploring options for software specific to permitting, to better organize the documentation and ensure transparency and efficiency in the review process.

Trash Contract

Our existing trash contract ends in May, and an RFP is currently being finalized so that the town can begin to receive bids. In preparing for the budget, I have reached out to other municipalities about trash and recycling contracts, as I have heard through various channels that the rising cost can be exorbitant. The Town of Chevy Chase executed a new trash contract this past year and their monthly bills increased 50%. We will need to brace ourselves for the possibility that this basic service will become a much bigger and consequential part of our budget. For reference, our existing contract is just under \$150,000 annually. With a 50% increase, that would bring it into the \$225,000 range, or about 10% of our total budget.

Youth Council

The Youth Council elected Ari Peters as its Youth Mayor, and Sara Guinand as its Youth Council President. Congratulations to our inaugural Youth Council officers!

And a special thank you to the Pool Committee Chair, Matt Zaft, who presented to the committee and discussed a potential project at the most recent Youth Council meeting.

Sidewalk & Road Maintenance

I am currently working to arrange regular sidewalk maintenance and some small road maintenance work, if possible, this spring, with a priority on sidewalks where there are tripping hazards. In addition, I am planning a follow-up meeting with Dewberry the week of March 4th to discuss the next steps in a Master Plan process. As you recall, Dewberry had done an evaluation of the town's roads, curbs and gutters, and sidewalks. Next steps would include a prioritized plan for maintenance and improvements, as well as possible assistance on grant funding and procurement.

County MOU for Little Falls Parkway Entrance

I have asked Maryland-National Capital Park and Planning Commission to implement an MOU with them for improvements and maintenance to the Town's entrance at Little Falls Parkway.

Police/Security

A resolution was prepared to consider for introduction at this meeting

FINANCIAL REPORT

Revenue

The Town has now received the vast majority of its income tax transfers from the state. The Town will come in higher than projected.

Adopted: \$1,207,000

Projected: \$1,468,000

We are still below last year's income revenue of over \$1,700,000. This was expected because of the large reconciliation payments that the Town received last year.

The remained of the town's revenue totals about 40% of total revenues. The next largest is property taxes, which have remained steady for many years now. The Town projects roughly \$700,000, in line with the projected budget numbers. Other revenue sources include interest, which is very high right now, but will go down as we pay large capital project invoices, and County revenue sharing, the levels of which were set for the next year, and which will go up slightly. Fees are currently being assessed, but ultimately make up a small percentage of the total budget.

The Town's total revenue is estimated to come in just north of \$2.5 million in FY24.

Operating Expenses

The largest expenses are in personnel and contractors who provide basic services for the Town. As reported at the last Council meeting, there are certain lines that are seeing overruns on the projected amount, including the Town Attorney fees and Building Administration costs. I will prepare Council budget amendments to consider at an upcoming meeting.

Our Contingency funds remain largely untouched, so any adjustments to the budget should not affect the ultimate bottom line and long-term financial position of the Town.

Capital Expenses

The Town has paid for the totality of the LED Streetlight project. Although slightly underbudget, it will require an amendment for additional costs, such as house shades.

The Pool project continues to progress within the projected budget.

A comprehensive financial report will be prepared for the next Council meeting.