

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
November 9, 2022

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. October 2022 Financial Report
  - C. Town Manager's Report
  - D. Public Comments
  
- II. PUBLIC HEARING (7:15-7:45 p.m.)
  - A. [Public Hearing on an Ordinance to Amend the Town's Telecommunications Law](#)
  - B. [Public Hearing on a Speed Hump Request for the 3900 Block of Blackthorn Street](#)
  
- III. VARIANCE HEARING (7:45-8:15 p.m.)
  - A. [Horowitz, 4305 Elm Street, Wall Plane Height](#)
  
- IV. COUNCIL DISCUSSIONS (8:15-9:00 p.m.)
  - A. Corso Chevy Chase Redevelopment
  - B. Farm Women's Market Parks Development
  - C. [Resolution to Adopt Rules and Regulations Concerning Public Information Act Requests](#)
  - D. [Wonders Early Learning's Use of Town ARPA Grant](#)
  
- V. ADJOURNMENT (9:00 p.m.)

How to Join the Council Meeting

- 1. In-Person  
4301 Willow Lane, Chevy Chase, MD 20815
  
- 2. [Online via Zoom](#)
  
- 3. By Phone via Zoom  
(301) 715-8592 US  
Meeting ID: 301 654 7144  
Passcode: 6547144

**Town of Chevy Chase**  
**Small Wireless Telecommunications Facilities**  
**(2022 Revisions)**

Resolution No.: 22-05  
Introduced: 10/12/2022  
Adopted:  
Effective Date:

AN ORDINANCE TO AMEND CHAPTER 26 OF THE TOWN CODE CONCERNING SMALL WIRELESS TELECOMMUNICATIONS FACILITIES TO CLARIFY PROVISIONS; ADD PERMIT APPLICATION REQUIREMENTS; ADD AND MODIFY STANDARDS FOR DEPLOYMENT; DISALLOW PRUNING OF TREES EXCEPT AS MINIMALLY REASONABLY NECESSARY; REQUIRE REPLACED POLES TO BE REMOVED WITHIN 180 DAYS; REDUCE THE ALLOWABLE EQUIPMENT SIZE FROM 28 TO 12 CUBIC FEET; REQUIRE ANNUAL CERTIFICATION CONCERNING FACILITIES IN USE; AND REDUCE THE TIMING REQUIREMENTS FOR NOTICES OF VARIANCE REQUESTS AND APPEALS.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government may exercise control regarding the placement, construction, operation, and modification of personal wireless service facilities, provided the local government does not unreasonably discriminate among providers of functionally equivalent services; and does not prohibit the provision of personal wireless services;

WHEREAS, the Town of Chevy Chase holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and

happiness of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 12th day of October, 2022;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in an open meeting conducted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter, the Town Council does hereby adopt the foregoing Ordinance and amend the Town Code as follows:

\* \* \*

## Chapter 26.

### TELECOMMUNICATIONS

\* \* \*

#### **Sec. 26-46. Intent and purpose.**

It is the intent of the town council to promote the town's public health, safety, and general welfare by providing regulatory requirements for the installation, **operation**, and maintenance of small wireless telecommunications facilities in the public rights-of-way. The purpose of this article is to regulate the same to enhance vehicular and pedestrian safety and avoid interference with motorist and pedestrian sightlines; to minimize damage to trees; to reduce visual clutter and prevent unsightly or out-of-character deployments; to preserve the value of property and the character of the neighborhood; and to otherwise protect the health, safety, and general welfare of the town and its residents, and the public at large.

#### **Sec. 26-47. Definitions.**

In this article, the following terms have the following meanings:

*Base station* means a structure or equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term does not

include a pole, tower, or support structure or any equipment associated with a pole, tower, or support structure.

*Collocate* means to install or mount a small wireless facility in the public right-of-way on an existing support structure, an existing tower, or on an existing pole ~~to which a small wireless facility is attached at the time of the application.~~ "Collocation" has a corresponding meaning.

*Communications facility* means, collectively, the equipment at a fixed location or locations within the public right-of-way that enables wireless services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. The term does not include the pole, tower, or support structure to which the equipment is attached.

*Pole* means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within a public right-of-way. The term does not include a tower ~~or support structure.~~

*Small wireless facility* means a wireless facility that meets all of the following conditions:

- (1) The structure on which antenna facilities are mounted (i) is fifty (50) feet or less in height, including existing antennas, or (ii) is no more than ten (10) percent taller than other adjacent structures, or (iii) is not extended to a height of more than fifty (50) feet or by more than ten (10) percent above its preexisting height, whichever is greater; and
- (2) Each antenna associated with the deployment, excluding the associated equipment **but including any enclosure containing an antenna,** is no more than three (3) cubic feet in volume; and
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, no more than ~~twenty-eight (28)~~ **twelve (12)** cubic feet in volume; and
- (4) The facility does not require antenna structure registration under federal law; and
- (5) The facility does not result in human exposure to radiofrequency radiation in excess of applicable safety standards under federal law.

*Support structure* means a structure in a public right-of-way other than ~~a pole or a tower,~~ **including a pole, to which a wireless facility is attached, or proposed to be attached** ~~to which a wireless facility is attached at the time of the application.~~

*Tower* means any structure in a public right-of-way, within or outside the boundaries of the town, built for the sole or primary purpose of supporting a wireless facility. A tower does not include a pole or a support structure.

*Wireless facility* means the equipment at a fixed location or locations in the public right-of-way that enables wireless services. A small wireless facility is a type of a wireless facility. The term does not include the pole, tower, or support structure on, under, or within which the equipment is located or collocated, or the coaxial, fiber-optic, or other cabling between communications facilities or poles, or that is otherwise not immediately adjacent to or directly

associated with a particular antenna. **As used in this chapter, “wireless facility” and “communications facility” are synonymous.**

*Wireless service provider* means a person who provides wireless services.

*Wireless services* means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

(Ord. No. 19-01, 2-13-19)

**Sec. 26-48. Only Small Wireless Facilities Permitted.**

**Unless otherwise required by law, no wireless facility other than a small wireless facility may be installed or operated in the public rights-of-way.**

**Sec. 26-48 49 Permit and access agreement required.**

- (a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a communications facility, **support structure**, or any tower, without first receiving a permit and paying any applicable fees, as required under this article. No permit shall be issued until the applicant has entered into a right-of-way access agreement in a form approved by the town, according to this article. A permit shall not be required for ordinary maintenance and repair, as determined by the town. A permit application shall be filed with the town no later than seven (7) calendar days after a siting, modification, permit, or other application has been filed with Montgomery County, Maryland, for the same work.
- (b) The right-of-way access agreement shall set forth, at a minimum, the following: (a) the maximum term of the agreement and the basis for termination; (b) the scope of the authority; (c) the operator's maintenance obligations; (d) the operator's indemnification and insurance requirements; (e) emergency contacts and required response to emergencies related to facilities; and (f) the town's right to access and inspect the operator's books and records **and facilities located in the right-of-way.**
- (c) A right-of-way access agreement may be terminated by the town **as set forth in the access agreement, or, in the event, in its sole discretion, if this chapter is amended or replaced and the town determines, consistent with applicable law, that termination is necessary.** In such event, a new permit and right-of-way access agreement shall be required according to the requirements of the amended or replaced chapter.

(Ord. No. 19-01, 2-13-19; Res. No. 20-03, 3-11-20; Ord. No. 21-02, 4-14-21)

**Sec. 26-49 50. Permit application requirements.**

- (a) An application for a permit under this article must contain or be submitted with the following:
  - (1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant;
  - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

- (3) A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this article;
- (4) If applicable, a copy of the authorization for use of the property from the pole, tower, or support structure owner on or in which the communications facility will be placed or attached;
- (5) Detailed construction drawings regarding the proposed facility;
- (6) A representation as to whether the applicant contends that the application is an eligible facilities request within the meaning of 47 CFR Section 1.6100(b)(3), as amended or replaced, and, if so, drawings and an engineer's certification establishing the accuracy of that contention.**
- ~~(6)~~ A structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure can adequately support the collocation (or that the pole, tower, or support structure will be modified to meet structural requirements) in accordance with applicable codes;
- (8) A detailed deployment plan describing all communications facilities, poles, towers, or support structures planned to be used or installed by the applicant for twenty-four (24) months following the permit application anywhere in the Town, and a description of any completed deployments within the Town.**
- ~~(7)~~ A certification by a radiofrequency engineer that the communications facility will comply with the radiofrequency radiation emission standards adopted by the Federal Communications Commission; and
- ~~(7)~~**10** The applicable application fee, bond, right-of-way access agreement, and right-of-way access fee, as may be adopted and amended by resolution of the town council.
- (b) The town may require the posting of a bond to guarantee the prompt and proper restoration of the public right-of-way. The bond may be in such amount as the town manager deems necessary, ~~in~~ **at** the town manager's discretion **to allow the prompt and proper restoration of the public right-of-way.**
- (c) In exchange for the privilege of non-exclusive use of the public right-of-way, the applicant shall pay the town such access fee as may be established and amended by the town by resolution from time to time.
- (d) Any permit issued under this article shall be valid for a period of twelve (12) months after issuance, and may be extended by the town manager for up to an additional twelve (12) months upon written request of the applicant, prior to permit expiration, if the failure to complete construction is as a result of circumstances beyond the reasonable control of the applicant.
- (e) No work may be performed except in strict accordance with applicable law and the town permit and all approved plans and specifications.
- (f) No permit shall be issued except to a wireless service provider with immediate plans for use of the subject communications facility. A permit issued under this article may not be assigned or transferred.

(Ord. No. 19-01, 2-13-19)

**Sec. 26-50 ~~51~~. Standards for deployment in the public right-of-way.**

- (a) *No interference with right-of-way.* No person shall locate or maintain a communications facility, pole, tower, or support structure, **including guy wires**, so as to interfere with the use of the public right-of-way by the town, the general public, or other persons authorized to use or be present in or upon the public right-of-way, or otherwise hinder the ability of the town to improve, modify, relocate, abandon or vacate a public right-of-way or any portion thereof. Unless otherwise approved by the town, any communications facility must be located no closer than: (i) two (2) feet from any curb, sidewalk, or other improvement within the right-of-way; and (ii) five (5) feet from any driveway apron, and be otherwise located to avoid interference with pedestrian and motorist sightlines and use.
- (b) *Compliance with design standards; unsightly or out-of-character deployments; noise abatement.* Unless otherwise approved by the town **as required by applicable law** ~~in order to prevent an effective prohibition of service, in violation of applicable law~~, no person shall locate or maintain a communications facility, pole, or any tower except in accordance with the following design standards:
- (1) All communications facilities shall be located and designed so as to minimize visual impact on surrounding properties and from public rights-of-way, and so as to not interfere with motorist and pedestrian sightlines, especially at intersections.
  - (2) All radio transceivers, antennas, power supply (including backup battery), and comparable equipment installed on a pole, tower, or support structure shall be installed at a height of at least fifteen (15) feet above ground level.
  - (3) No **wireless facility in the right-of-way** ~~tower~~ may be located closer than **five hundred (500)** ~~one thousand (1,000)~~ feet of another tower **wireless facility in the right-of-way**.
  - (4) No more than ~~five~~ **three (3)** antennas may be located on any single pole, tower, or support structure.
  - (5) All coaxial, fiber-optic, or other cabling and wires shall be contained inside the tower, pole, or other support structure or shall be flush-mounted and covered with a metal, plastic or similar material matching the color of the pole, tower, or support structure on which it is installed.
  - (6) **Unless otherwise approved by the town as required by law to prevent an effective prohibition of service, communications facilities shall be collocated. A tower or other support structure shall be constructed in a manner that allows collocation.**
  - (7) **All communications facilities shall be constructed in a manner to allow the public rights-of-way to be maintained in compliance with the Americans with Disabilities Act, as amended or replaced.**
  - (8) **Fans or other elements of a communication facility that emit noise shall be accompanied by noise abatement measures as are appropriate to prevent noise disturbances.**

- (9)** All communications facilities shall comply with such additional design standards as may be set forth in administrative regulations issued by the town.
- (c) *Protection of trees.* Unless otherwise approved by the town **as required by applicable law** ~~in order~~ to prevent an effective prohibition of service, ~~in violation of applicable law~~, no person shall locate or maintain a communications facility, pole, tower, or support structure, so as to interfere with the health of a tree. **Trees may not be pruned to accommodate a communications facility, pole, tower, or support structure, except as minimally reasonably necessary.**
- (d) *Location underground.* (Reserved).
- (e) ~~Modification of wireless facilities~~ **Eligible facilities requests.** The town shall approve any request for a modification of an ~~eligible~~ existing tower or base station that does not substantially change the physical dimensions of such tower or base station, in accordance with federal law. **Any such approval, whether through affirmative action by the town or by operations of law, shall be subject to the conditions that (i) the proposed modification as built does in fact qualify as an eligible facilities request under 47 CFR Section 1.6100(b)(3), and (ii) the facility as modified complies with all applicable provisions of this chapter.**
- (f) *Restoration of public right-of-way.* The applicant shall restore, repair, and/or replace any portion of the public right-of-way that is damaged or disturbed by the applicant's work, to the satisfaction of the town. Such restoration work shall be completed no later than thirty (30) days following completion of the project, or termination of the right-of-way access agreement, and shall be warranted by the applicant for a period of one (1) year to be free from defects in materials and workmanship. **In the case of pole replacement, the original pole shall be removed by the owner of the pole no later than one hundred eighty (180) days following the installation of the new pole.**
- (g) *Removal, relocation, and abandonment.* Within thirty (30) days following written notice from the town, or such other time as the town may **reasonably** require, the town may **require** ~~terminate a right-of-way access agreement or require other action in connection therewith, and the owner shall~~, at its own cost and expense, **to** protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of **all or any part** of its communications facilities, poles, towers, or support structures within the public right-of-way, and restore the right-of-way as required by the town, whenever either: (i) ~~the terms of the right-of-way access agreement have been~~ **terminated** ~~violated~~ **as provided in the right-of-way access agreement or this article;** (ii) the communications facility has not been used for a period of ninety (90) days, or has otherwise been abandoned or not maintained, or (iii) the town has **reasonably** determined ~~in its sole discretion~~ that such action is necessary for the construction, installation, repair, or maintenance of any public improvement or otherwise necessary for the public health, safety, or welfare. If the owner fails to take action as required by this section, the town or its contractor may do so and the owner shall be responsible for all costs and expenses incurred by the town related to such work.
- (h) Annual Certification. Each year on July 1, a wireless provider shall submit an affidavit to the Town that shall list, by location, all small wireless facilities it owns within the**

**Town, and shall certify: (1) each such installation remains in use; (2) such in-use facility remains covered by required insurance; and (3) each such installation which is no longer in use.**

(Ord. No. 19-01, 2-13-19)

**Sec. 26-51 52. Variances.**

- (a) *Authority of town council.* The town council may grant variances from the requirements of this chapter, upon proof by a preponderance of the evidence that strict compliance would effectively prohibit the provision of service, and the variance is the minimum reasonably necessary to overcome the aforesaid prohibition and allow service.
- (b) *Procedure for granting variance.* The procedure for applying for and obtaining a variance shall be as follows:
  - (1) *Written request to town council.* A written request for a variance from the requirements of this chapter shall be addressed to the town council and shall state all facts warranting the variance.
  - (2) *Supporting data.* Each application for a variance shall be accompanied by the following:
    - a. Surveys, plats or other accurate drawings showing boundaries, dimensions, area, topography, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of the structures from the nearest public right-of-way lines.
    - b. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction involved in the application.
    - c. The lease, rental agreement or contract to purchase any utility pole involved in the application, to demonstrate the applicant's legal right to prosecute the application.
    - d. A summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time for presentation of the applicant's case.
    - e. All additional exhibits ~~which~~ **that** the applicant intends to introduce.
  - (3) *Public hearings on applications.* The town council shall hold a public hearing on all applications for the grant of a variance.
  - (4) *Posting requirement.* At least ~~fifteen (15)~~ **10 calendar** days prior to the public hearing, the town shall post the area of the right-of-way involved in the application, and provide written notification to all adjoining and confronting property owners and to all council members, **provided, however, that this posting requirement may be altered in order to comply with applicable Federal time limits.**
  - (5) *Conditions.* In granting a variance, the town council may require such conditions, as will, in its judgment, secure substantially the objectives of the requirements so modified and protect the public interest.

- (6) *Decision.* The decision of the town council shall be in writing. The effective date of any decision shall be the date the council approves its written decision. The decision shall be recorded among the Land Records of Montgomery County, Maryland, at the town's expense. The terms and conditions of the decision shall run with the land and be binding upon the applicant, and the applicant's successors and assigns. If the town is required to enforce the decision, the applicant, and the applicant's successors and assigns shall be responsible for all the town's costs to enforce, including reasonable attorneys' fees.
- (7) *Duration.* A permit for the construction authorized by the variance must be obtained within twelve (12) months of the effective date of the variance or the variance shall be void, unless an extension is granted in writing by the town manager. The town manager may grant an extension of the variance, upon such conditions as the town manager may set, upon a reasonable showing that there has been no material change in circumstances since the effective date of the decision approving the variance and despite due diligence by the recipient of the variance, additional time is necessary to secure a building permit.

**Sec. 26-52 ~~53~~. Appeals to the town council.**

Any person aggrieved by a decision or action of the town manager under this chapter may file an appeal to the town council. Such appeal shall be filed within thirty (30) days after issuance of the decision or action. The town manager shall transmit to the town council all documents and papers pertaining to the appeal which shall constitute the record on appeal. The town council shall hold a public hearing on the appeal. At least ~~fifteen (15)~~ **10 calendar** days prior to the public hearing, the town shall provide written notification to all adjoining and confronting property owners and to all council members, **provided, however, that this posting requirement may be altered in order to comply with applicable Federal time limits.** The effective date of any decision shall be the date the council issues its written decision.

(Res. No. 20-03, 3-11-20)

**Sec. 26-53 ~~54~~. Appeals to the circuit court.**

Any party aggrieved by the decision of the town council under this chapter may appeal within thirty (30) days to the Circuit Court for Montgomery County and thereafter to the appellate courts of this state within the time and manner prescribed within the Maryland Rules of Procedure relating to judicial review of administrative agency decisions. The time for appeals shall begin to run from the date of the written decision.

(Res. No. 20-03, 3-11-20)

\* \* \*

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the \_\_\_\_th day of \_\_\_\_\_ day of \_\_\_\_\_, 2022 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

\_\_\_\_\_  
Richard Brancato, Secretary

\_\_\_\_\_  
Barney Rush, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged

# MEMORANDUM

II-B

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Public Hearing on a Speed Hump Request for the 3900 Block of  
Blackthorn Street  
DATE: November 9, 2022

At the November 9 meeting, the Town Council will hold a public hearing on a request to install speed humps in the 3900 block of Blackthorn Street. The proposed locations of the speed humps are shown on the attached map. The humps were requested by petition of residents in accordance with the Town's Speed Hump Policy.

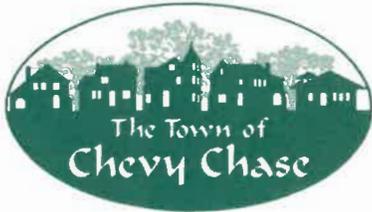
Following receipt of the petition, the Town engineer evaluated the street segment and found that the street profile and alignment would support the installation of either one hump (centered in the block) or two humps (dividing the block into thirds). If speed humps are approved, he recommends installing two humps in a series as a more effective means of slowing traffic.

The Town commissioned a traffic study to determine whether the speed and volume of traffic on that block meet the Town's qualifying thresholds for speed humps. While the results do not meet these thresholds, the Town Council has agreed to hold a public hearing on the request and may approve installation of speed humps if it finds significant mitigating factors in support of the request.

As of November 4, the Town has received one email, attached, in support of the request.

Attachments:

Public Notice, Map, Petition, Email Supporting Request, Speed Hump Policy



Barney Rush, *Mayor*  
Joel Rubin, *Vice Mayor*  
Irene Lane, *Treasurer*  
Rich Brancato, *Secretary*  
Joy White, *Community Liaison*

## **Notice of Public Hearing Speed Hump Installation**

TO: Residents in the 3900 Block of Blackthorn Street  
FR: Todd Hoffman, Town Manager  
RE: Public Hearing on Speed Hump Installation on Maple Avenue  
DATE: October 25, 2022

On Wednesday, November 9, the Town Council will hold a public hearing to consider whether to install two speed humps on Blackthorn Street as shown on the attached map.

Following receipt of a qualifying petition, the Town traffic engineer evaluated the block and found that the length and alignment of the roadway would support the installation of two speed humps. The Town commissioned a traffic study to determine whether the speed and volume of traffic on the street segment meet the Town's qualifying thresholds for speed humps on the block. The study results do not support the installation of speed humps; however, the Town's policy allows for the Council to approve the installation of speed humps if it finds significant mitigating factors in favor of the request.

If you cannot attend the November 9 Council meeting, which begins at 7 p.m. in the Town Hall or via Zoom (link available on the Town website), you may submit comments to the Town Office at 4301 Willow Lane or [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org) prior to the meeting. Please contact the Town Office if you have any questions.

Meadow Lane

BLACKTHORN ST

BLACKTHORN ST

3903

Connecticut Ave.

CONNECTICUT AVE

185

CONNECTICUT AVE

3916

3914

3912

3910

3908

3906

3904

3902

7707

3911

3909

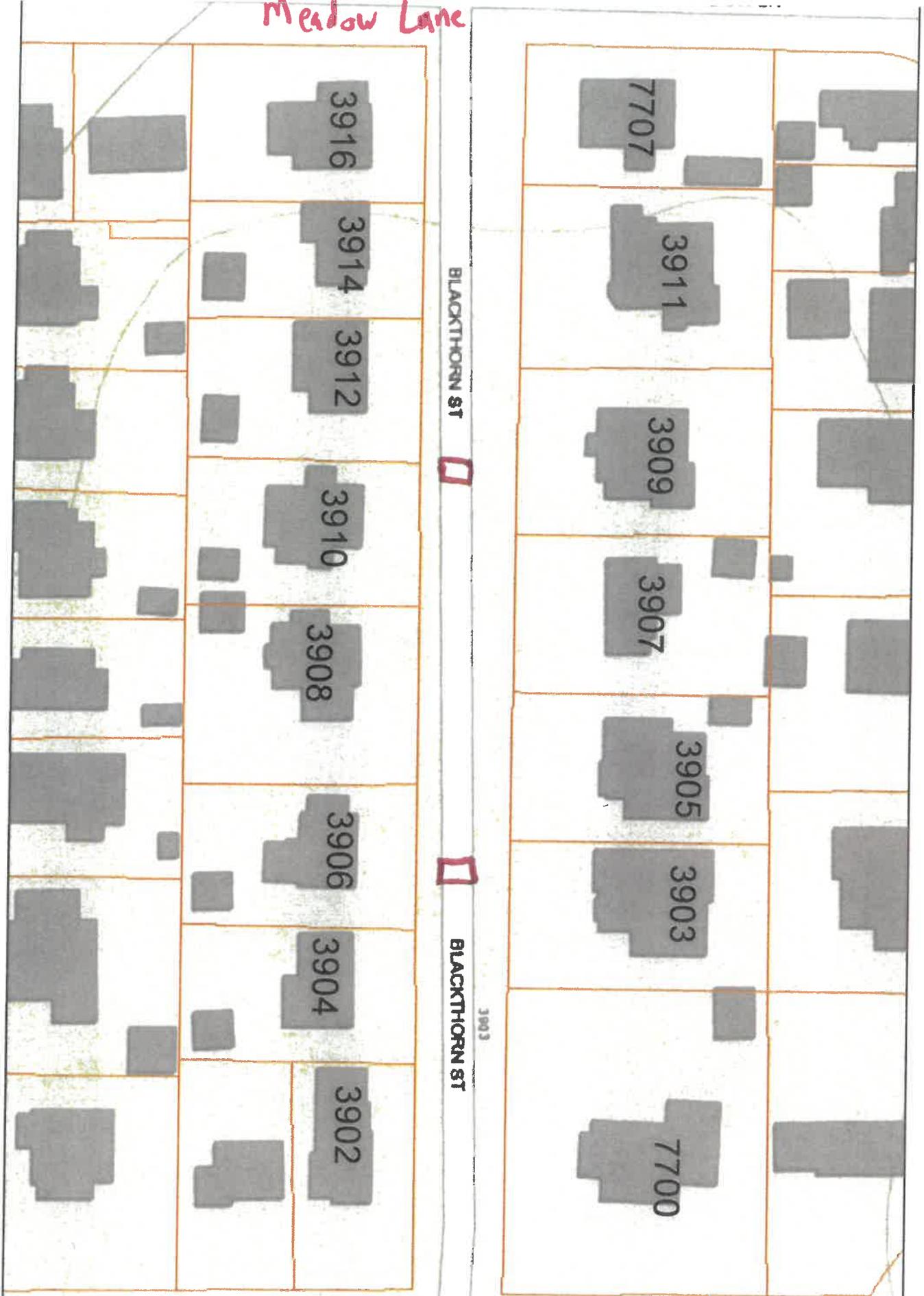
3907

3905

3903

7700

□ - Proposed speed hump



## **TOWN OF CHEVY CHASE SPEED HUMP POLICY**

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

### REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council.

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**  
Town residents residing within a street segment or multiple contiguous street segments (a street segment is a section of street between two intersections) may petition the Town to consider the installation of one or more speed humps within that street segment or multiple segments. The petition should contain signatures from a majority of the households residing within the street segment or multiple segments.
- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**  
Requests for speed humps on streets associated with or adjacent to public facilities such as parks and schools may be made in writing to the Town Council by the official responsible for the management of the facilities. The Town Council will decide whether to consider such requests.
- **COUNCIL DIRECTED REQUESTS FOR SPEED HUMPS**  
The Town Council may direct the Town Manager to perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

### ENGINEERING REVIEW AND EVALUATION

#### FEASIBILITY ANALYSIS OF SPEED HUMP REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will evaluate the street segment(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s).

The Town has adopted the following standards to determine whether a speed hump is feasible:

- Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.
- Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
- Humps will not be installed, partially or wholly, within the projection of a private

driveway entrance.

- Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
- Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
- The minimum spacing between humps is 200 feet.
- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The Town Manager shall provide a report to the Town Council detailing the findings and recommendations regarding the placement of new speed humps.

The results of the feasibility study will be available to the public.

#### TRAFFIC ANALYSIS REVIEW

If the Town Manager determines that there is a feasible location for speed humps, the Town Manager will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s).

The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

- A minimum of 120 vehicles per day exceeding 25 mph, or
- A minimum of 20 vehicles exceeding 25 mph during any hour of the day.

The results of the traffic study will be available to the public.

#### COUNCIL CONSIDERATION

Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

#### PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

#### PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition containing signatures from a majority of the households within a street segment should be submitted to the Town, specifying the speed hump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after a review to determine its impact on surrounding streets. Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request and will use other available communication means to inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.

# STAFF REPORT

III-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Horowitz, 4305 Elm Street, Wall Plane Height  
DATE: November 9, 2022

Alice Horowitz, 4305 Elm Street, proposes to construct a new house at that address. The walls at the rear of the house measure a maximum of 40 feet in height from the predevelopment grade, and a maximum of 37 feet in height from the proposed finished grade. Town building regulations prohibit the construction of walls with a plane height greater than 36 feet (measured from the lower of the predevelopment grade or finished grade); therefore, a variance is required.

## **Background:**

As of November 4, 2022, the Town has not received any correspondence related to the requested variance.

*Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the variance request.*

## **Applicant's Claims for the Variance Requests:**

1. The applicant's property has unusual topographical features and other extraordinary conditions. The lot is narrow, deep, and slopes dramatically from front to rear within the allowable building envelope.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical and cause peculiar or unusual practical difficulties and undue hardship. Because of the sloping nature of the property, it is difficult to maintain a 36' wall plane at the rear. Any conforming design would make it difficult to have usable spaces on the second floor at the rear of the house.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed new house sits further toward the rear of the lot than houses on either side so the neighboring properties will not be impacted, and it would be difficult for neighboring property owners to notice the wall planes from their lots. The property backs up to the future Purple Line, so there are no neighboring properties to the rear that will be impacted if the variance is granted.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed house meets all the Town's building regulations except the wall plane height regulation at the rear of the house. The additional wall height at the base of the rear of the house is below the basement level and does not provide for livable space. The

walls are foundation walls to support the house. In order to minimize the visual impact of the walls, the post-development grades are proposed to be raised so the side wall heights at the rear of the house will measure 36 feet above grade and appear to conform to the Town's regulation. There is a bay that projects from the rear of the house. Post-development grades of the bay are proposed to be raised so the maximum wall height of the bay will measure 37 feet above grade. The visual impact of this wall is minimized by articulations provided by the proposed rear decks.

5. The proposed improvements do not impair the general plan of the Town. The house otherwise conforms to the Town's building regulations. Reducing the depth of the house to avoid the steep slope that is creating the wall plane height issue would have serious consequences to the design of usable spaces within the home. The proposed design includes decks and a covered porch that break up the appearance of the non-conforming walls. There are no homes to the rear of the property that face the non-conforming wall planes.

Resolution No.: 22-06  
Adopted:  
Effective:

**RESOLUTION OF  
THE TOWN OF CHEVY CHASE**

**SUBJECT: RESOLUTION TO AMEND RULES CONCERNING PUBLIC  
INFORMATION ACT REQUESTS**

WHEREAS, Maryland Code, General Provisions Article, Section 4-201(b), as amended, provides that, in order to protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to the Maryland Public Information Act, govern timely production and inspection of public records;

WHEREAS, the Town Council, after proper notice to the public, considered the following Resolution at an open meeting held on the 9<sup>th</sup> day of November 2022; and

BE IT RESOLVED, this 9<sup>th</sup> day of November 2022, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the attached amended Rules be and are hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that if any part or provision of this Resolution is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Resolution as a whole or any remaining part thereof; and this Resolution shall take effect on this 9<sup>th</sup> day of November 2022.

Witness:

\_\_\_\_\_  
Rich Brancato, Secretary  
Town Council  
Town of Chevy Chase, Maryland

\_\_\_\_\_  
Barney Rush, Mayor  
Town of Chevy Chase, Maryland

**Town of Chevy Chase**  
**Rules Governing Timely Production and**  
**Inspection of Public Records**

Authority: General Provisions Article, §§ 4-101 to 4-601, Annotated Code of Maryland;  
Town Charter, Section 301(b)

**Chapter 01 Public Information Act Requests**

**.01 Scope.**

These regulations set out procedures under the Public Information Act for filing and processing requests to the Town of Chevy Chase (the “Town”) for the inspection and copying of public records and procedures under which a person in interest may request the correction or amendment of public records of the Town.

**.02 Policy.**

It is the policy of the Town to facilitate access to its public records, when access is allowed by law, by minimizing costs and time delays to applicants.

**.03 Definitions.**

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Act” means the Public Information Act, General Provisions Article, §§ 4-101 to 4-601, Annotated Code of Maryland.

(2) “Applicant” means a person or entity that asks to inspect a public record.

(3) “Board” means the State Public Information Act Compliance Board.

(4) “Copy” means any form of reproduction using a photocopying machine or other reproduction technology, including a paper copy, an electronic copy, a printout, or an image

(5) “Custodian” means:

(a) the official custodian; or

(b) any other authorized individual who has physical custody and control of a public record.

(46) “Indigent” means an individual’s family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(7) “Metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted. “Metadata” does not include: (i) a spreadsheet formula; (ii) a database field; (iii) an externally or internally linked file; or (iv) a reference to an external file or a hyperlink

(58) “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

(69) “Person in interest” means:

(a) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(b) if the person has a legal disability, the parent or legal representative of the person;

or

(c) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health-General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(10) "Public Access Ombudsman" means the official appointed under Title 4, Subtitle 1B, Annotated Code of Maryland, to resolve disputes under the Act.

(711) Public Record

(a) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(b) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(c) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

(12) "Reasonable Fee" means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(813) "Working day" means a day other than Saturday, Sunday, or a State holiday.

#### **.04 Town Manager as Official Custodian.**

Unless otherwise provided by law, the Town Manager is the official custodian of the public records of the Town ~~and is designated as the Town's representative who a member of the public should contact, using the following contact information above, to request a public record from the Town.~~

#### **.05 Who May Request Public Records; Immediately Available Records.**

A. Any person may request to inspect or copy public records of the Town.

B. Except as otherwise provided in these regulations, the following records are designated to be proactively disclosed and made available to any applicant immediately on request:

- (1) Recent Council meeting agendas;
- (2) Recent Council meeting minutes;
- (3) Recent Town newsletters;
- (4) Most recent Treasurer's Report and Financial Statement;
- (5) Most recent Budget;
- (6) Most recent Annual Audit; and
- (7) Current Town Charter, Code, regulations, and policies

#### **.06 Necessity for Written Request.**

A. Inspection.

(1) Except as otherwise provided in this chapter, the custodian shall make public records of the Town available for inspection by an applicant without demanding a written request.

(2) The custodian shall require a written request if the custodian reasonably believes that:

(a) The Act or any other law may ~~prevent~~ prohibit the disclosure of ~~the~~ one or more public records to the applicant; or

(b) A written request will materially assist the Town in responding.

#### B. Copies.

If the applicant requests one or more copies of any public record from the Town, the custodian may require a written request.

### **.07 Contents of Written Request.**

A written request shall:

A. Contain the applicant's ~~name and address;~~ contact information;

B. Be signed by the applicant; and

C. Reasonably identify, by brief description, the public record sought.

### **.08 Addressee.**

A request to inspect or copy a public record of the Town shall be addressed to the Town Manager.

The Town Manager is designated as the Town's PIA coordinator under General Provisions Article, § 4-503, Annotated Code of Maryland

### **.09 Response to Request.**

A. If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection:

(1) Immediately; or

(2) ~~Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review~~ If additional time is needed to retrieve the public record and conduct any necessary review, within a reasonable time period, not to exceed 30 days after the date of the request.

(3) ~~If a record is found to be responsive to a request, but cannot be produced within~~ If the custodian reasonably believes it will take more than 10 working days to produce the public record, the custodian shall indicate, the requestor must be notified in writing (or by e-mail) within 10 working days after the request, of the following:

(a) the amount of time that the custodian anticipates it ~~may~~ will take to produce the public record;

(b) an estimate of the range of fees that may be charged to comply with the request for public records, and;

(c) the reason ~~for the delay~~ why it will take more than 10 working days to produce the records.

#### B. Denial of Requests

(1) If the custodian decides to deny a request for inspection:

(a) The custodian shall do so promptly and not more than ~~within~~ 30 days after the request, except as otherwise provided by law; and

(b) Immediately notify the applicant of the denial.

(2) If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:

~~(1a) The reasons for the denial;~~

(b) why the denial was necessary, with respect to any denial of a part of a record; The reason(s) for the denial, including, for records denied under General Provisions Article, § 4-343, Annotated Code of Maryland, a brief explanation of: (a) why the denial is necessary, that

is, why disclosure of the public record would be contrary to the public interest; and (b) why redacting information would not address the reasons for the denial;

(e~~2~~) The legal authority for the denial;

(d~~3~~); Wwithout disclosing the protected information, a brief description of the undisclosed record(s) that will enable the applicant to assess the applicability of the legal authority for the denial; -and

(e) Notice of the remedies available for review of the denial.

C. If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:

(1) That the person does not have custody or control of the requested public record; and

(2) If the person knows:

(a) The name of the custodian of the public record; and

(b) The location or possible location of the public record.

D. ~~With the consent of the applicant, any time limit imposed by paragraphs A through C of this regulation may be extended for an additional period of up to 30 days. Any time limit imposed by paragraphs §§ A through –C of this regulation may be extended: (1) with the consent of the applicant, for an additional period of up to 30 days; and (2) for the period of time during which a dispute is pending before the Public Access Ombudsman or Board, as permitted by General Provisions Article, § 4-203(d)(2), Annotated Code of Maryland.~~

## **.10 Notice to ~~and Consideration of Views of Person Potentially Possibly~~ Affected By Disclosure.**

A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Town to any person who, in the judgment of the custodian, could be adversely affected by disclosure of ~~that the~~ public record.

B. The custodian may consider the views of the ~~potentially possibly~~ affected person before deciding whether to disclose the public record to an applicant.

### **.10.1 Electronic Records.**

A. Except as provided in §§ C and D of this regulation, the custodian shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if: (1) the public record is in a searchable and analyzable electronic format; (2) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and (3) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose information that is exempt from disclosure under the Act.

B. The custodian shall provide a portion of the public record in a searchable and analyzable electronic format if: (1) requested by the applicant; and (2) the custodian is able to do so by using the existing functions of the database or software program that contains the searchable and analyzable data.

C. The custodian is not required to: (1) create or reconstruct a public record in an electronic format if the public record is not available in an electronic format; or (2) release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained; or (3) create, compile, or program a new public record.

D. The custodian may remove metadata from an electronic document before providing the electronic record to an applicant by: (1) using a software program or function; or (2) converting the electronic record into a different searchable and analyzable format.

## **.11 Public Record Temporarily Unavailable.**

If a requested public record is in the custody and control of the Town but is not immediately available for inspection or copying, the custodian shall promptly:

A. Notify the applicant that the public record is not immediately available; and

B. Schedule a date within a reasonable time for inspection or copying.

## **.12 Public Record Destroyed or Lost.**

If the custodian person to whom application is made knows that a requested public record of the Town has been destroyed or lost, the custodian shall promptly:

- A. Notify the applicant that the public record is not available; and
- B. Explain the reasons why the public record cannot be produced.

**.13 Availability of Judicial Review of Denial.**

~~A. If the custodian denies a request to inspect or copy a public record of the Town, the applicant may, within 30 days after receipt of the notice of denial, request an administrative hearing.~~

~~B. If the applicant requests a hearing:~~

- ~~(1) The hearing shall be governed by Title 10, Subtitle 2 of the State Government Article; and~~
- ~~(2) The Town Manager shall issue the final decision of the Town unless the Town Manager delegates final decision authority.~~

~~C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the circuit court under § 4-362 of the Act.~~

~~D. If the applicant does not request an administrative hearing, the applicant may file an action for judicial enforcement under § 4-362 of the Act without exhausting that administrative remedy.~~

If the custodian denies a request to inspect or copy a public record of the Town, the applicant may file an action for judicial enforcement under General Provisions Article, § 4-362(a)(1), Annotated Code of Maryland, without pursuing the remedies set forth in General Provisions Article, Title 4, Subtitles 1A and 1B, Annotated Code of Maryland.

**.14 Disclosure Against Public Interest.**

A. Denial Pending Court Order.

(1) If, in the opinion of the Town Manager, disclosure of a public record of the Town otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Town Manager may temporarily deny the request to obtain a court order allowing nondisclosure.

(2) The temporary denial shall be in writing.

B. Circuit Court Review.

(1) Within 10 working days after the denial, the Town Manager shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.

(2) Notice of the Town Manager's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules of Civil Procedure.

**.15 Fees.**

A. The fee schedule for copying and certifying copies of public records of the Town is as follows:

(1) Copies.

(a) The fee for each copy made by a photocopying or scanning machine within the Town is 25 cents per page.

(b) The fee for each copy made otherwise shall be based on the actual cost of reproduction.

(2) Certification of Copies. If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

B. Notwithstanding paragraph A of this regulation, if the fee for copies or certified copies of any public record of the Town is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

C. If the custodian cannot copy a public record within the Town, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Town. The custodian shall:

(1) Collect from the applicant a fee to cover the actual cost of reproduction; or

(2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

D. Before copying a public record of the Town, the custodian shall estimate both the cost of reproduction and the search and preparation fee and may either:

- (1) Obtain the agreement of the applicant to pay the cost; or
- (2) ~~Demand~~ Require prepayment of the cost.

E. Search and Preparation Fee. (1) Except as provided in paragraph F of this regulation, the custodian may charge a reasonable fee for time that an official or employee of the Town spends:

- (a) To search for requested public records
- (b) To review requested public records for potential disclosure; ~~or~~ and
- (c) To prepare public records for inspection and copying.

(2) Employee and attorney review costs may be charged to the applicant, prorated for each individual's salary or rate and actual time attributable to the search for and preparation of public records.

(3) Additional fees may apply for the production of a public record in a customized format prepared at the request of an applicant.

F. The custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Department spends to respond to a request for public records.

G. Waiver or Reduction of Fee.

The ~~official~~ custodian may waive or reduce any fee set under this regulation if:

- (1) The applicant requests a waiver; and
- (2) The ~~custodian determines that: applicant is indigent and files an affidavit of indigency; or after consideration of the ability of the applicant to pay the fee and other relevant factors, the custodian determines that the waiver or reduction is in the public interest.~~; (i) the waiver or reduction is in the public interest; or (ii) the applicant is indigent and files an affidavit verifying the facts that support a claim of indigency. (2) In determining whether a fee waiver is in the public interest, the custodian shall consider, among other relevant factors, the ability of the applicant to pay the fee.

H. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the custodian may charge the applicant for the cost of postage or delivery.

## **.16 Time and Place of Inspection.**

A. An applicant may inspect any public record of the Town that the applicant is entitled to inspect during the normal working hours of the Town, subject to the ability of the custodian, if a record is not immediately available for inspection, to schedule a mutually agreeable date within a reasonable amount of time that comports with any applicable deadlines under the Act.

B. The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

## **Chapter 02 Correction or Amendment of Public Records**

**.01 [Intentionally omitted].**

**.02 [Intentionally omitted].**

### **.03 Who May Request.**

A person in interest may request that the Town correct or amend any public record that:

- A. The Town keeps; and
- B. The person in interest is authorized to inspect.

### **.04 Contents of Request.**

A. A person in interest shall make a request to correct or amend a public record in writing.

B. The request shall:

- (1) Identify the public record to be corrected or amended;

- (2) State the precise correction or amendment requested;
- (3) State the reason for the correction or amendment; and
- (4) Include a statement that, to the best of the requester's belief, the public record is inaccurate or incomplete.

**.05 Addressee.**

A request to correct or amend a public record shall be addressed to the custodian of the record. If the custodian is unknown, the request may be addressed to the Town Manager.

**.06 Return of Nonconforming Request.**

A. The Town shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.

B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Town shall return the request to the requester with:

- (1) An explanation of the reason for the return; and
- (2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.

**.07 Response to Request.**

Within 30 days after the Town receives a request for correction or amendment that reasonably complies with Regulations .04 and .05 of this chapter, the custodian shall:

- A. Make the requested correction or amendment, and inform the requester in writing of the action; or
- B. Inform the requester in writing that the Town will not:
  - (1) Make the requested correction or amendment, and the reason for the refusal; or
  - (2) Act on the request because:
    - (a) The requester is not a "person in interest";
    - (b) The requestor is not authorized to inspect the record; or
    - (c) Of any other reason authorized by law.

**.08 Refusal of Request.**

If the Town refuses to make a requested correction or amendment, a person in interest may file with the Town a concise statement of the reasons for:

- A. The requested correction or amendment; and
- B. The person's disagreement with the refusal of the Town to make the correction or amendment.

**.09 Requirements for Statement of Disagreement.**

The statement submitted under Regulation .08 shall:

- A. Be on pages no larger than 8 x 11 inches in size; and
- B. Consist of no more than 5 pages.

**.10 Providing Statement of Disagreement.**

If a person in interest files a statement of disagreement concerning a public record under Regulations .08 and .09 of this chapter, the Town shall provide a copy of the statement whenever the Town discloses the public record to a third party.

**.11 Administrative Review.**

A. A person may request administrative review under this regulation if the Town:

- (1) Has refused the person's request to correct or amend a public record under Regulation .07 of this chapter;

(2) Has rejected the person's statement of disagreement under Regulation .08 of this chapter;  
or

(3) Has not provided a statement of disagreement to a third party under Regulation .10 of this chapter.

B. A request for review shall be filed with the Town Manager within 30 days after the requester is advised of the Town's action.

C. The review proceedings shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and the administrative hearing regulations of the Town.



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

IV-D

**Date:** September, 2022

**Organization Contact:** Joanne Hurt  
Executive Director  
[jhurt@wonderslearning.org](mailto:jhurt@wonderslearning.org)  
301-654-5339 x 7006  
5272 River Rd.  
Suite 530  
Bethesda, MD 20816

**Summary of Award:**

**Granter:** Town of Chevy Chase Town Council

**Grantee:** Wonders Early Learning + Extended Day

**Purpose of Grant:** COVID-19 Relief

**Grant Award Amount:** \$125,000.00

**Project Duration:** 12 Months (September 1, 2021 – August 31, 2022)

<b>Project Locations:</b>	<b>Wonders Early Learning at Leland</b> 4301 Willow Lane Chevy Chase, MD 20815	<b>Wonders Extended Day at Chevy Chase</b> 4015 Rosemary Street Chevy Chase, MD 20815
---------------------------	--	---



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

Dear Town Council Members,

On behalf of the Board of Directors and the teams of Wonders Early Learning at Leland and Wonders Extended Day at Chevy Chase, I would like to thank the Town of Chevy Chase for granting Wonders Early Learning + Extended Day COVID-relief funding for the 2021-2022 fiscal year through the Town's ARPA funds.

Grant funding by the Town ensured the continuity and availability of Wonders' high-quality, non-profit child care programs within the Town of Chevy Chase. In the beginning of the year, Wonders experienced a significant decrease in enrollment from pre-pandemic enrollment numbers. The implication was a significant loss of revenue that posed challenges to staff retention and accessibility to child care for working families. By providing funding to meet the projected income loss, Wonders was able to retain 13 full-time educators and provide full-day, before and after-care for a combined total of 73 children (combined maximum capacity of 120 children) in our Chevy Chase programs. Additionally, grant funding ensured Wonders was able to continue our tuition assistance program and provide over \$40,000 in tuition assistance at Leland and Chevy Chase, for the 2021-2022 school year. The ARPA fund provided by the Town made a significant impact by ensuring Wonders could continue to meet the needs of families and children in our community and close the financial gap between low enrollment and program expenses.

Since the initial shutdown, the child care industry has been plagued with pandemic-related challenges leading to reduced enrollment and a loss of income. The struggle to hire and retain qualified teachers is a national crisis as parents struggle to find safe, reliable, high-quality childcare services. Wonders is not immune to the difficulties of the industry.

Wonders has entered the 2022-2023 fiscal year with 80 children enrolled in our programs, 50 children in Chevy Chase and 30 children in Leland. When we applied for grant funding through the Town's ARPA funds in 2021, we understood that growing enrollment numbers to capacity would be a multi-year effort. Our current enrollment numbers reflect the slow return of families to child care centers however, the increase in our enrollment numbers at the beginning of this year is a positive sign of continued growth. Grant funding by the Town enabled Wonders to maintain a reliable and stable child care program for teachers and families within the Chevy Chase community.

The important partnerships with the communities we serve, such as The Town of Chevy Chase, are crucial to the present and future sustainability of Wonders program for children, families, and educators.

Sincerely,

Joanne Hurt  
Executive Director



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

**Wonders Board of Directors**

Bartley, Shana	Gross, Mary
Beasley, Maurine	Hellems, Will
Brennan, Timothy	Hurt, Joanne
Brilliant, Franca	Johnson, Jay
Brown, Debbie	Love, LaDon
Callaghan, Richard	Menendez, Christine
Cason, Courtney	Neuman, Michelle
Darling, Kristen	Strauss, Sharon
Goldberg, Bill	Stollo, Mike
	Taormina, Rosanna

**Wonders Early Learning at Leland Staff:**

Andrade - de Germaine, Anita	Mahdi, Rafiqah
DeMarco, Miciel	Mitchell, Eryn
Ferguson, Jill	Moskowitz, Tali
Kiflu, Betelhem	Pringle, Elizabeth
MacAlister, Daniella	Stewart, Kiana

**Wonders Extended Day at Chevy Chase Staff:**

Bolden, Gerald	Mickens, Alajah
McKeon, Max	Mitchell, Eryn



Wonders Early Learning + Extended Day  
 The Town of Chevy Chase ARPA Grant  
 FY 21-22 Final Report

**WONDERS EARLY LEARNING + EXTENDED DAY**

**Statement of Activity**

September 2021 - August 2022

Unaudited

	Budget	Chevy Chase	Budget	Leland
<b>Revenue</b>				
400 Tuition	\$ 136,750.00	\$ 155,813.32	\$ 627,657.00	\$ 835,600.00
410 Fee Revenue	\$ -	\$ 2,360.00	\$ 3,956.00	\$ 1,800.00
420 Financial Assistance -Other discounts	\$ (3,142.00)	\$ (9,111.50)	\$ (14,419.00)	\$ (33,259.00)
600- Town of Chevy Chase Grant		\$ 60,000.00		\$ 65,000.00
620 Private Contributions	\$ 2,713.00	\$ -	\$ 12,453.00	
650 Additional Revenue	\$ 862.00	\$ -		
<b>Total Revenue</b>	<b>\$ 137,183.00</b>	<b>\$ 209,061.82</b>	<b>\$ 629,647.00</b>	<b>\$ 869,141.00</b>
<b>Expenditures</b>				
700 Salaries	\$ 126,659.00	\$ 131,782.82	\$ 501,925.00	\$ 441,968.79
700- contract teachers				\$ 17,876.00
740 Employee Benefits- Taxes	\$ 27,035.00	\$ 5,000.00	\$ 107,135.00	\$ 48,737.00
750 Payroll Taxes	\$ -	\$ 10,081.39	\$ -	\$ 33,810.61
760 Professional Development	\$ -		\$ -	\$ 140.00
770 Contracted Staff	\$ -		\$ -	\$ 28,891.00
780 Other Staff Expense	\$ 612.00	\$ 57.25	\$ 2,425.00	\$ 266.89
800 Occupancy Rent Expense	\$ 7,163.00	\$ 14,918.42	\$ 19,520.00	\$ -
810 Occupancy Service Expense	\$ -		\$ -	\$ 656.00
900 Direct Student Expense	\$ 9,407.00	\$ 4,655.60	\$ 43,179.00	\$ 40,613.01
910 Office Expense	\$ 1,699.00	\$ 117.89	\$ 7,800.00	\$ 7,428.23
920 Business Expense	\$ 941.00	\$ 3,099.00	\$ 4,318.00	\$ 13,347.24
930 Dues, Fees & Losses	\$ 5,102.00		\$ 23,417.00	\$ -
Uncategorized Expense	\$ 780.00		\$ 3,581.00	
<b>Total Direct Expenditures</b>	<b>\$ 179,398.00</b>	<b>\$ 169,712.37</b>	<b>\$ 713,300.00</b>	<b>\$ 633,734.77</b>
Indirect Costs		\$ 65,678.69		\$ 245,255.36
<b>Total Expenditures</b>	<b>\$ 179,398.00</b>	<b>\$ 235,391.06</b>		<b>\$ 878,990.13</b>
<b>Net Revenue</b>	<b>\$ (42,215.00)</b>	<b>\$ (26,329.24)</b>	<b>\$ (83,653.00)</b>	<b>\$ (9,849.13)</b>

Kitchen Renovation  
 Rent relief provided by DHHS

*Number of children received financial assistance*

2

2



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

**Outcomes:**

At the start of the 2021-2022 fiscal year, Wonders anticipated a combined \$125,867 net operating loss with enrollment at 75% of capacity in Wonders Early Learning at Leland and enrollment at 33% of capacity at Wonders Extended Day at Chevy Chase, due to the continued impact of COVID-19. Grant funding through the Town of Chevy Chase's ARPA funds provided \$125,000 in relief funding, which provided the necessary funds to enable Wonders programs to operate (unimpaired) during the 2021-2022 fiscal year. At the end of the fiscal year, Wonders at Leland and Chevy Chase experienced a combined net loss of \$36,178. Funding through The Town's ARPA funds alleviated the impacts of a greater net revenue loss supporting important activities throughout the year:

1. Ensuring Wonders programs are accessible to working families is a founding principle of the organization. Each year, Wonders has assisted families with tuition assistance to ensure they can receive care for their child(ren). At the beginning of the year, Wonders projected \$17,561 in tuition assistance for enrolled Leland and Chevy Chase families. Funding through the Town's ARPA grant provided additional resources to the Wonders financial assistance program and expanded the reach of this program to families who enrolled after the start of the school year. By the end of the 2021-2022 school year, Wonders provided a combined total of \$42,370.50 in financial assistance for 5 enrolled families: 2 families at Chevy Chase and 3 families at Leland. Of the 5 enrolled families, 1 family experiencing homelessness was awarded 100% financial assistance for their child. The remaining 4 families received between 50% - 80% in financial assistance during the 2021-2022 year. The Town's ARPA funding enabled Wonders to continue prioritizing financial support for families at the Leland and Chevy Chase locations.
2. At Leland – physical repairs and upgrades are the responsibility of the tenant. Leland's kitchen equipment and laundry room were in need of significant repairs and updates that had been put off when the pandemic began. Grant funding through the Town's ARPA funds provided the financial support for this critical infrastructure work. The cost of these renovations totaled \$28,891.00. Additionally, in April 2022, Leland received notification of its reaccreditation with the National Association for the Education of Young Children - a distinction shared by just 11% of early childhood programs nationwide.
3. Grant funding through the Town's ARPA funds subsidized a portion of salary expenses for 13 Wonders educators: 9 ECE educators and 4 extended day educators. Staff retention is a critical challenge for child care providers. Regionally, low salary and minimal benefits have been identified by educators as one of the main reasons for leaving the child care industry. Wonders prioritizes its workforce through offering competitive salaries and benefits - which in part has led to the high retention and longevity of our workforce. This is critical to quality programming.
4. Wonders recognizes that children's social/emotional needs were negatively impacted by the pandemic. We are attending to these needs in our Chevy Chase Extended Day program through Second Step, a curriculum that supports children's social/emotional learning and is designed specifically for use in after school programs. The Town grant funding enabled Wonders to purchase and pilot this curriculum at our Chevy Chase Extended Day program.



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

**Summary:**

The Town of Chevy Chase’s ARPA Grant has enabled Wonders to maintain its two high quality programs that operate within the Town of Chevy Chase and has contributed to the overall stability of the organization. The impact of the revenue loss experienced at Leland and Chevy Chase was minimized by the Town’s ARPA grant, which enabled Wonders to remain focused on prioritizing quality, ensuring access to families in need, investing in staff compensation, strengthening infrastructure, and securing growth for future years. At the start of the 2021 school year there were a combined 63 children enrolled in Leland and Chevy Chase, today there are 80 enrolled children between these two programs, demonstrating the importance of investing for the future. Support by the Town of Chevy Chase through the ARPA funds has buoyed Wonders during this challenging time and has positioned the Leland and Chevy Chase programs to begin the new year in a more stable position. Wonders continues to face-pandemic induced challenges, however we remain committed to strengthening our programs financially and ensuring continuity of quality.

**Program Overview:**

**Number of Children who attended Wonders in FY20, FY21, and FY22:**

	<b>Chevy Chase</b>	<b>Leland</b>
2019 - 2020	20 before school/67 after school	34
2020 - 2021	6 virtual hubs/6 extended day	13
2021 - 2022	35	38

**Number of children who attended Chevy Chase and Leland who live within the Town.**

Chevy Chase	15
Leland	12

**Zip codes of all enrolled families at Chevy Chase and Leland for FY22:**

20012, 20706, 20707, 20904, 20910, 20814, 20815, 20816, 20817, 20854



Wonders Early Learning + Extended Day  
The Town of Chevy Chase ARPA Grant  
FY 21-22 Final Report

**Financial Assistance distributed in FY20, FY21, and FY22:**

	<b>Chevy Chase</b>	<b>Leland</b>
2019 - 2020	\$4,065	\$33,264.20
2020 - 2021*	\$0	\$0
2021 - 2022	\$9,111.50	\$33,259.00

\* As part of the COVID-19 emergency response, County and State reimbursement rates for child care vouchers were temporarily increased to cover the full cost of care for families, reducing the need for Wonders financial assistance.

**Number of families who attended Leland and Chevy Chase who received financial assistance in FY22.**

	<b>Number of Families</b>	<b>Home Zip Codes</b>
Chevy Chase	2	20020, 20706
Leland	3	20707, 20815, 20816

**Number of teachers who were employed at Leland and Chevy Chase in FY20, FY21, and FY22.**

	<b>Chevy Chase</b>	<b>Leland</b>
2019 - 2020	5	12
2020 - 2021	3	7
2021 - 2022	4	9