Newsletter

Vol.4, No. 4 Bethesda, Maryland December 2005

#### **President's Column**

#### **Stuart Brown**

Hurricane season will be officially over by the time you read this newsletter, we can all be thankful to have escaped the worst season in years without a single serious storm striking our area. Many others were not nearly so fortunate, and I know we will keep them in our hearts as we enjoy the Thanksgiving holiday.

In the September newsletter, I said the two most active issues for BCA were traffic and construction. Since then, we have seen a number of developments on both topics. Our efforts to promote safer driving in the neighborhood ("traffic calming") are described in other articles in this newsletter. I want to focus my column on the challenges posed by the increase in construction activity in the neighborhood.

As you know, there are two separate sets of rules that govern construction activity in our neighborhood: the rules established by the Bannockburn Covenants and the rules established by the laws of Montgomery County.

You can read the BCA covenants on www.bannockburnweb.com (choose My Community, then Archives). One of the covenants establishes building restriction lines (60 feet from the front; 15 feet from the side), and also states that these set backs may be reduced with the approval of BCA. Another covenant states that existing lots cannot be subdivided without the approval of BCA. At the same time, the BCA covenants do not contain rear set back limits; height limits; aesthetic or architectural guidelines; neither do they include rules concerning landscaping or cutting of trees. Moreover, the BCA covenants do not include provision for amendments; thus, it would most likely require unanimous agreement of all affected property owners to change the BCA covenants. It is also worth noting that the BCA covenants only apply to the portion of our neighborhood west of Wilson Lane; the covenants that applied to the lots east of Wilson Lane expired by their terms in 1966.

The basic Montgomery County rules are set forth in the County zoning ordinance. General information about the rules is available on the Montgomery County Website under the Department of Permitting Services at

#### http://permittingservices.montgomerycountymd.gov.

These rules are significantly more complicated than the BCA covenants; a chart from the County website that provides a summary of the rules is reprinted in this newsletter. In most respects the County imposes more restrictions than the BCA covenants, but the County front and side setbacks are somewhat less than the BCA covenants require (40 foot front; 12 foot side). Unfortunately, the County rules are further complicated by the fact that many lots in our neighborhood were created before the current zoning ordinance was adopted; each of these older lots is governed partly by the current rules and

# Bannockburn Citizens Association



# Happy Holidays! Annual Meeting December 1st

Concord School

Social & Refreshments: 7:30-8:00 PM Business Meeting: 8:00 –9:00PM

partly by the rules that were in effect when the lot was created (which may allow side set backs as small as 7 feet).

BCA Covenant Committee Chair, Doug Bonner, makes a great effort to contact developers and homeowners who begin projects to make sure they are aware of the BCA covenants. He both requests a copy of the plans for BCA to review and also asks the owner to contact the immediate neighbors to discuss the project. We have found that these neighbor-to-neighbor discussions can be very helpful in avoiding misunderstandings.

In responding to requests for approval, BCA's goal is to apply the covenants fairly and reasonably. If a building actually meets the requirements of the covenants, we have not challenged a project simply because the owner failed to request approval in advance. In addition, in a number of cases, BCA has approved plans that involve a waiver of the covenant set backs, provided the proposed building satisfies the applicable County rules. In making these decisions, we naturally seek input from the immediate neighbors and give substantial weight to their views while at the same time considering the desires of the person requesting approval and the interests of the neighborhood as a whole.

In recent months, several neighbors have suggested BCA should be more restrictive in approving

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plans that require a waiver of the set backs specified in the covenants. As you have seen over the past year, our neighborhood has attracted unprecedented interest from developers and homebuyers looking to replace older, smaller homes with new, larger structures. In some cases, these projects have been upsetting for neighbors who live immediately adjacent to the lot (or lots) where a new large house (or two) is being built in place of an old familiar structure – especially when large numbers of established

trees are taken out to make room for the new construction.



We recognize that everyone who lives here is very concerned about their ability to maintain and improve their own home as well as the impact of new building on the neighborhood generally. We also understand that neighbors who are at different stages of homeownership, or who have

varying political or economic philosophies about real estate ownership and development may have other points of view on this question. With so many perspectives, there is not necessarily an answer that will satisfy everyone, but we want BCA's approach to reflect the wishes of the majority of our neighbors.

Although we have heard from some neighbors, we think this issue is so important that we want to ask for more input from the entire community. This topic will be a main agenda item at our next BCA General Meeting – **December 1, 7:30PM, at Concord School** – please come and tell us what you think. In addition, we encourage your to send an email to me of any other member of your Board of Directors to let us know what you think. What we hear from you will help BCA move forward in the direction you want it to go.

Stuart Brown President slb7110@comcast.net

#### Booze Creek Park Edith Miles

Booze Creek Park is an undeveloped county park in the flood plane of Booze Creek. The park is located behind houses in our neighborhood on one side of Helmsdale Rd. and of Heatherhill Ct. Brush and trees have been recently cleared along Helmsdale Rd. near River Road. This work makes Booze Creek Park easily accessible to pedestrians for the first time.

The park is a good area for bird watching. On November 5th I observed an American woodcock walking along the ground in the newly cleared area.

This beautiful bird is rarely seen unless flushed from a thicket. It is a rotund, almost neck-less brown bird about 11 inches long and has an extremely long bill that it uses for digging up earthworms.

#### **Playground Group Forming for Spring Startup**

I was struck by just how many children there were at the recent BCA Fall Family Festival. It was so nice for our children to connect with one another. Let's keep up the connection by figuring out a time when many children in the neighborhood go to the playground behind the Concord School. As most of you may know, the playground and surrounding field behind the Concord School is

undergoing a renovation. The renovation should be completed by this spring or summer. In the past, when we've taken our children to the playground, there have been very few children there. Let's turn this newly refurbished playground into a thriving neighborhood



hangout where our kids can connect with one another. So, come this spring, be on the lookout for details on a day(s) and time(s) when children will meet for an organized playground playgroup. I'm about to have a baby, so I'm unable to make any commitments in the very near future; however, if you have any ideas for forming this playgroup or connecting our neighborhood kids, please email me at: alexanderandjanice dreier@yahoo.com.

Janice Hammett Dreier Bannockburn Neighbor Soon-to-be Mother of Three!!! We are hanging in there with you Janice Ed

#### Concord Park Success at Last Josephine Roberts

The following progress report was recently received from the Director of the Concord Park Project, MNCPPC.

"A contract has been executed. The contractor will mobilize on November 1, 2005. The value of the contract is \$523,000. We had to delay the start until November 1st because a permit had been issued for use of the field behind the school until that date. I thought I had issued my last apology for delays on the project, but I was mistaken. I am assured that the contractor is ready to mobilize and that the work will progress diligently

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(weather permitting) once progress begins in November. The contractor is Corning Construction Corporation. The substantial completion date is April 2006, with a final completion date of July, 2006."

Jo Roberts has promoted this project to a successful completion Thanks Jo! Ed.

#### **Planning Board Fixes**

Norman Knppf, Esq

Council Member Floreen has introduced legislation to transfer the site plan enforcement duties of the Planning Board to the Department of Permitting Services in response to the situation in Clarksburg. This

legislation has the support of some other council members. While reform is clearly needed, in my opinion the proposal will make matters much worse and will deprive the citizens and their associations of the limited remedies now available. Please study the proposal carefully and I am sure you will agree that it must be rejected.

Under the current law. one can complain to the Planning Board and its staff re changes and/or violations to site plans; the Planning Board can hold a public enforcement hearing; and the Board can require modification of the site plan upon a showing of violation etc. One also has access to the staff to try to determine what is occurring and to request relief.

Under the proposed legislation-DPS will be given exclusive authority to interpret site plans to determine if they are properly being implemented; authority to make "minor" changes to the site plans and conditions (over which DPS has no experience) and to decide when and what to enforce. All of these decisions will be done as part of a non--public process- which is the way DPS is set up. Any enforcement orders etc will be unknown to the public or very difficult to ascertain; and worse yet there will be no opportunity for a citizen to appeal- except by filing a law suit in Circuit Court and showing sufficient standing to prosecute the suit e.g. next door land owner who is harmed. The normal ability to file an administrative appeal with the Board of appeals (with in 30 days of the decision) will NOT be applicable since the violations relate to site plans and not building code violations. A much more comprehensive reform proposal is needed in my opinion to assure all that is done for enforcement is in a public process; adequate opportunity for citizen input; and readily available appeal procedures.

#### BCA's Agree to Cooperate on Projects Stuart Brown

After existing side-by-side for more than 50 years, the two Bannockburn community groups – Bannockburn <u>Citizens</u> Association and Bannockburn Civic Association -- have agreed

they should look for opportunities to work together on projects that affect both our communities. As you know, the Citizens association covers the entire Bannockburn community west of Wilson Lane as well as a few blocks to the east side, while the Civic association covers the remainder of the area



east of Wilson Lane. Stuart Brown, president of the Citizens

Association, proposed this collaboration over the summer and Dick Ramsey, president of the Civic Association, agreed enthusiastically.

Some ideas for cooperative projects include unified "traffic calming" efforts to reduce speeding inside both neighborhoods, responding to any renewed State Highway Administration proposals for changes to River Road, and installing new "Bannockburn" signs to enhance the identity of both neighborhoods. We would welcome your suggestions for other projects that would let us work together with our neighbors.

#### **DEVELOPMENT STANDARDS FOR R-200 ZONE**

Our community for the most part is zoned R-200. For the benefit of all concerned citizens we have listed here the dimensional and coverage criteria for the r-200 zone in Montgomery County. Ed.

ZONE	R-200 Residential, one-
	family, detached.
AREA REQUIREMENT	Minimum lot size 20,000 sq.
_	ft.
MAXIMUM COVERAGE	25% including accessory
	buildings.
MINIMUM FRONT YARD	40 ft. or established building
SETBACK	line, whichever is greater.
MINIMUM SIDE YARD	Total 25 ft.; one side 12 ft.
SETBACK	1
MINIMUM REAR YARD	30 ft.
SETBACK	100.0 (6 (1 11 11 11
MINIMUM LOT FRONTAGE	100 ft. at front building line. 25 ft. at street line.
MAYDAIM BUILDING	
MAXIMUM BUILDING HEIGHT	50 ft.
ACCESSORY BUILDINGS	Rear yard only. Occupy
ACCESSORT BUILDINGS	maximum 25% of rear yard.
	65 ft. from front lot line.
	12 ft. from side lot line.
	7 ft. from rear lot line.
	50 ft. maximum height.
REMARKS	1
KEMIAKKS	For corner lots see Code
	Interpretation/ Policy
	ZP0404-3.
	See Code
	Interpretation/Policy ZP
	0404-2 (Established Building
	Line).

#### Roadside Tree Cutting is Illegal Paula Stone

Cutting down roadside trees without a permit in Maryland is illegal under the Roadside Tree Law. Enforcement of this law (and all State tree-related laws) is the responsibility of the Forest Service, Maryland State Department of Natural Resources (DNR). The text of the Roadside Tree Law and its regulations, as well as other pertinent information, can be found on the excellent Forest Service/DNR Website: http://www.dnr.state.md.us/forests/

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The Roadside Tree Law. Maryland's landmark Roadside Tree Law, first passed in 1914, is intended to: (1) protect "roadside" trees, i.e., trees whose trunks grow all *or in part* within the right-of-way of any public road and (2) ensure the compatibility of such trees with the public utility system. Roadside trees are considered part of the State Forest. The law stipulates that:

Before any activity (e.g., pruning, trimming, removal, insect and disease control, moving, root cutting, etc.) is undertaken which affects the health of a roadside tree, a Tree Care Permit must be obtained from the Maryland DNR. Both individual permits (for a specific operation) and maintenance permits (for continuing tree care) are issued. For more information, or to request/submit applications for Tree Care Permits, contact the Forest Service office in the county where the work is being requested

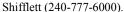
The permitting process typically includes a site visit by a forest ranger

- There are two exceptions to the permit requirement, both intended to ensure public safety and preserve healthy trees:
  - where the tree is uprooted or its branches broken so as to contact telephone, electric, or other power wires; or
  - o where the tree or its branches endanger persons or property.

Anyone who cuts down or trims a roadside tree under an exception must still notify the local Forest Service office (301-854-6060). Do not presume that a tree cannot be saved. It is recommended that you call prior to any action but in any case within 1 week of the action taken.

- A Tree Care Permit is also required to plant a tree within the public right-of-way. (See Planting Replacement Trees, below.)
- Violation of the Roadside Tree Care laws or regulations is a misdemeanor subject to fines of up to \$1000.00 or imprisonment of up to one year or both.







<u>Hiring Licensed Tree Care Experts.</u> Any work performed on a tree, roadside or otherwise, must be done by a licensed tree care expert as per the Maryland Tree Experts Law.

Planting Replacement Trees. There is no State requirement to replace trees that have been removed under the Roadside Tree Law. Montgomery County will replace trees removed from the public right-of-way upon request; the County plants about 1800 such trees per year to (contact the Highway Services Section at 240-777-6000). Trees can also be replaced by adjacent residents at their own expense with a DNR permit. County Design Standards specify guidelines for planting trees in the public right-of-way to ensure safety, roadway visibility, and environmental protection (e.g., which types of trees can be planted; spacing between trees; distance from intersections, water mains, and fire hydrants, etc.).

The State encourages tree planting through a variety of programs (e.g., Urban and Community Forestry, *Gift of Trees*, Tree-mendous, and State Nursery programs). For information about these programs, see the Forest Service/DNR website, or contact the Forest Service at either the local office (301-854-6060) or State office at:

Forest Service, Maryland Department of Natural Resources Steven W. Koehn, State Forester Phone: 410-260-8531

#### Traffic Update Sam Rogers

Talk about stirring the pot! Traffic "calming" has become one of the hot topics in our community. Upon my joining the board earlier this year, I was given the task to look into of looking into some of the traffic issues in Bannockburn.

With everyone's help, we solicited the general feelings on speeding on our streets. We were given five or six "hot spots" in the area. We contacted the county, and were given a speed trailer. You may have seen it on Wilson Ln last month. Next week, it moves to Nevis.

The county will take the readings from the trailer, and access the situation to determine future steps such as, stop signs, speed bumps and round-abouts. The trailer is set to be moved each week.

At the same time, Marilee Fitzgerald has agreed to head a committee to make recommendations to the board from an informational standpoint. That is, the committee will look for neighborhood involvement in a more passive sense to help calm our traffic situation in the "hot spots." Look for brochures and suggestions in the near future.

If you would like to get involved, feel free to contact me at srogers@cbsradio.com.

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#### Want to save money buying gasoline? Alan Sterling

http://autos.msn.com/everyday/gasstations.aspx?zip=&src=Netx.



updated nightly though from personal journeys to Gaithersburg and across the bridge, the stations in

> McLean, Old Dominion and Chain Bridge Rd., 6 miles from Bannockburn are usually the cheapest.

#### **Montgomery County Emergency Notification System**

Montgomery County Offers Residents Emergency Alerts; Sign up to Receive Information by Email, Cellphone, Blackberry, PDA or Pager

Montgomery County has activated a new emergency text alerting system that will provide timely notification to individuals who live and work in the County about emergency incidents, severe weather threats, significant transportation disruptions or events and any changes in the threat level for terrorist attacks. Individuals who sign up for the service can select the ways they prefer to receive the text message alerts – by email, cell phone, Blackberry, PDA or pager.

"Alert Montgomery strengthens our homeland security yet again," said Montgomery County Executive Douglas M. Duncan. "It helps to keep people stay safe in emergency situations and in the event of a terrorist attack. Our public

safety workers are actively engaged around the clock in terrorism surveillance, detection and safety activities -- and this alert system gives us an effective way to share critical information with the public immediately."

"Keeping our residents informed about what to do in an emergency is key to keeping them safe," said Gordon Aoyagi, director of Montgomery County's Homeland Security Department. "I encourage everyone who has an electronic communication device to sign up for our emergency alerts so that they will know whether to shelter in place, leave the area or take some other action as needed when disaster strikes."

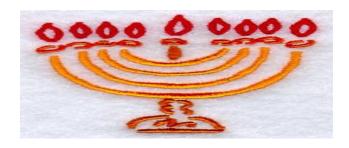
Individuals can sign up for the free service by going to the Montgomery County website at <a href="https://www.montgomerycountymd.gov">www.montgomerycountymd.gov</a> and clicking on "Alert Montgomery".



### Happy Holiday Wishes

From Your

### **BCA** Officers and Directors



#### **Telephone Numbers to report Roadway issues**

Issue		
	State Roads	<b>County Roads</b>
Burned-out street	lights	240-777-2190
	800-323-MSHA	
Potholes		240-777-ROAD
	800-323-MSHA	
Abandoned cars		301-840-2454
	301-424-2101	
Missing street sign	ns	240-777-2190
0 0	800-323-MSHA	
Badly timed signa	ls	240-777-2190
	800-323-MSHA	

# Bannockburn Citizens Association Newsletter

Vol. 03, No.5 Bethesda, Maryland March 2004

#### BCA Residents Being Asked to Register for Emergency Emails

The recent hurricanes have highlighted the usefulness of cooperation and coordination in local neighborhoods. Our BCA block captain network has been serving for the past 1½ years as a means of communicating with Bannockburn residents. But in an emergency, direct access would be more efficient. At an October block captain meeting, Stuart Brown, BCA President, and Bonnie Garrett, Block Captain Coordinator, urged the block captains to encourage their neighbors to register on the Bannockburn website, <a href="https://www.Bannockburnweb.com">www.Bannockburnweb.com</a>, to receive important bulletins. The BCA Board could directly notify or warn everyone who is registered via a blanket email.

To register, go to <a href="www.Bannockburnweb.com">www.Bannockburnweb.com</a> and click on the "Log in" icon in the lower left corner. On the next page, you can click on the word "Register." You need not pay dues to register for these emails; however your support is solicited.

For those people who do not use a computer, please contact your block captain and arrange to obtain these bulletins by phone or some other means. The block captains serve as the nexus of communications between the BCA Board and the community. They can convey important information to you and supplement the blanket emails by the BCA board. If you cannot receive emails, you should call your block captain to make special arrangements in advance. We hope that everyone will be covered.

The current list of block captains is shown below. Please contact your captain if he or she has not yet been in touch with you or if your contact information has changed. The block captains maintain a list of contact information for all their neighbors. You can facilitate their job by reaching out to provide the information to them. If your block is not covered, please consider volunteering.

Call or email Bonnie Garrett at 229-8754 or Bonnie, Garrett2@yerizon.net, and tell her you want to help out. Ed.

Block	Last name	First Name	Telephone	Email
Arandale	Noble	Diane	320-3554	diane.noble@comcast.net
Arran	Gross	Judy	229-3183	mjgross@erols.com
Barra Drive & Place	Sheehan	Riki & Michael	229-7786	catch22@bellatlantic.net
Ben Avon, River (7000)	Roberts	Jo	229-4281	joroberts@webtv.net
Blacklock Road	Lowrance / Garton	Sylvia / Randy	320-9601	butry00@aol.com
Broxburn Court	Mason	Sue & Dwight	320-9516	dnmason@juno.com
Broxburn Drive	Bernhard	Lise	229-0393	liseb@mindspring.com
Broxburn Drive	Koenig	Sally & Dutch	229-4821	askoenig@earthlink.net
Carmichael	Hollander /McCreery	Anne / Roger	229-7277	anne@mccreery.org
Crail Drive	Shaya	Cecile	320-3597	clshaya@yahoo.com
Glenriddle, River (7000)	Pates	Mary Jane	229-3639	mjpates@erols.com
Haddington	Bird	Geoffrey & Betsy	263-0331	betsy_bird@fanniemae.com
Haddington	Duvall	Suzanne	229 9411	sgduvall1227@yahoo.com
Heatherhill Court	McMillan	Ann & Jim	320-4362	acm@capdale.com
Heatherhill Road	Hornstein	Sari	229-4271	sarihorn@aol.com
Helmsdale	Fitzgerald	Marilee	320-3320	MarileeFitzgerald@hotmail.com
Helmsdale	Masters	Tim	320-5046	timlori@comcast.net
Helmsdale	DiMeglio	Joanne & Jim	263-0266	jjmmdimeg@aol.com
Helmsdale	Gandal	Larry	320-7094	lgandal@srgpe.com
Hidden Creek	Winkler	Lauren & Tom	320-2180	<u>llwinkler@comcast.net</u>
Hidden Creek	Herman	Miriam	320-3067	starkherman@aol.com
Laverock	Zinner	John	229-3218	jzinner@erols.com
Loch Lomond	Sunshine	Ken	320-5577	ken.sunshine@verizon.net
Loch Lomond	Kahlenberg	Rebekah & Rick	320-8836	<u>rkahlen2@aol.com</u>
Nevis (7000-7200)	Miles	Edith	320-3299	EdithM@intra.niddk.nih.gov
Nevis (7300-7504)	Sorkin	Lisa	320-8732	<u>ljsorkin@verizon.net</u>
Nevis (7505 - )	Bonner	Doug	229-3296	dbonner@sonnenschein.com
Nevis (6900 - )	Dreier	Janice	229-2774	alexanderandjanice_dreier@yahoo.com
Orkney Pkwy	Malkin	Jocelyn	229-3195	drjmalkin@aol.com
River Road (7100)	Safchuk	Alexandra	320-0739	saf.ga@verizon.net
River Road (6500)	Alter	Judy	229-5467	ialter@aol.com
Selkirk (6900-7200)	Weiss	Sharon	229-4550	sharon.weiss2@verizon.net
Wilson (6900)	Nadol	Pauline	229-9856	jnadol@comcast.net
Wilson Lane (6800)	Dar	Barbara	229-7344	chretienb@sec.gov
Wilson Lane (7000)				

# Bannockburn Citizens Association Newsletter

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# Bannockburn Citizens Association Officers, Directors And Committee Chairpersons

President	Stuart Brown	229 8308	slb7110@comcast.net
Vice President	David Weiss	229 4550	dk.weiss@vertizon.net
Secretary	Douglas Bonner	229 3296	dbonner@llgm.com
Treasurer	Anne O'Brien Peay	229 0077	anne.obrien@verizon.net
Director	Janice Dreier	229-2774	alexanderandjanice@yahoo.com
Director and Block Captain Ch	Bonnie Garrett	229 8754	bonnie.garrett2@verizon.net
Director	Maria Acebal	320 7734	mlacebal@alumni.duke.edu
Director and Traffic Ch	Sam Rogers	263-0261	rogerss@cbsradio.com
Director	Jocelyn Malkin	229-3195	drmalkin@aol.com
Noise Abatement Committee	Ken Rubin	229 7613	kennetharubin@aol.com
Social Activities Committee	Renee West	229 5691	Renee_west@knoll.com
Traffic Calming Committee	Marilee Fitzgerald	320-3320	Marilee.fitzgerald@osd.mil
New Neighbors Welcoming	Maria Acebal	320 7734	mlacebal@alumni.duke.edu
Street Lighting Committee	Sue & Dwight Mason		dnmason@juno.com
Noise Abatement Committee	Ken Rubin	229 7613	kennetharubin@aol.com
Web-Site and Newsletter	David Weiss	229-4550	dk.weiss@verizon.net
Meetings Coordination	Movita Hercules	229 2594	mherc@aol.com
Bannockburn Lore	Mary Jane Pates	229 3639	Mjp7504@verizon.net

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# Bannockburn Citizen's Association Membership Renewal Calendar year 2006 \$ 30.00

Please mail to Anne Peay BCA Treasurer 7301 Nevis Road Bethesda, MD 20817

Log on at www.bannockburnweb.com and renew using your credit card

Name	Occupation or Work Description
	Occupation or Work Description
Address	Volunteer Interests
Telephone/Fax	
E-mail	
Additional Fam	ily or Household Occupants
Name	
Name	
Volunteer Inte	rests: Circle one or more
Block Captain	Assistant Block Captain BCA Committee Work BCA Directory Traffic Security
Landscape	Gardening Community Representative County Government State Government
Suggestions or	Community Comments

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# BCA's Web-Site WWW.BANNOCKBURNWEB.COM

REGISTER\*\*\*VISIT OFTEN\*\*\*RECEIVE NEIGHBORHOOD NEWS
E-MAIL BCA COMMITTEES\*\*E-MAIL YOUR BOARD
CHECK OUT THE ARCHIVES

### Bannockburn Citizens Association

# Neighborhood Annual Meeting

Thursday, December 1st

Concord School

Social and Refreshments 7:30 PM

Come Early and Coffee/Tea with Neighbors
Business Meeting 8:00 PM