

31/7-95C2 Lot 44, ~~Oak Street~~ ^{12th Street}
Capitol View Park Historic District

Allegro Development, Inc. /
Phyllis Michaels

APC # 31/7-95C

7/26/95

Lot 44, Oak Street

FRONT YARD LOT 44



NEIGHBORING PROPERTIES

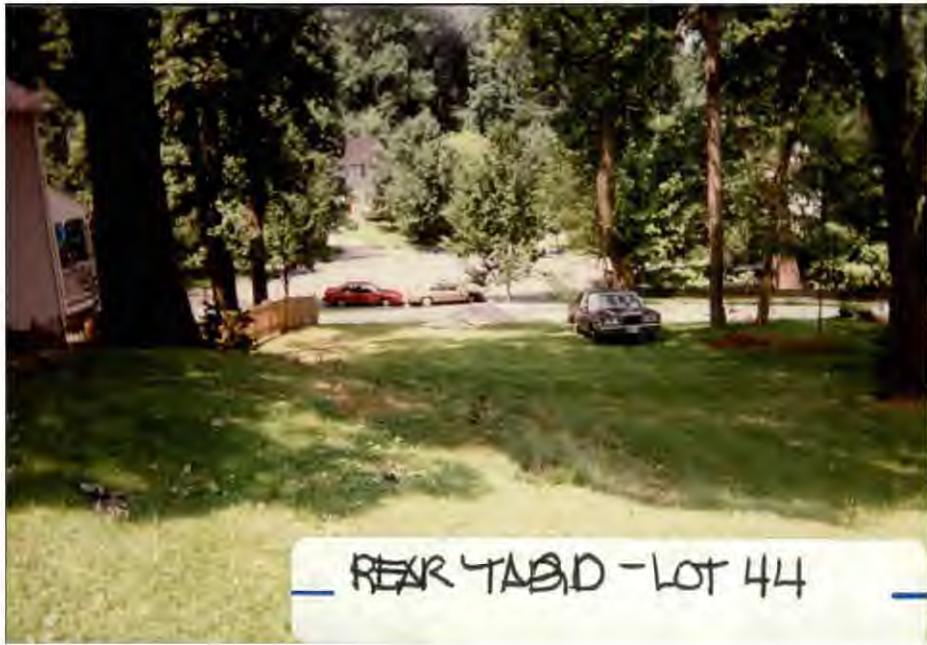


NEIGHBORING PROPERTIES





LEFT SIDE YARD LOT44





— NEIGHBORING PROPERTIES —



Neighboring Properties



Verification Report

Date: Aug 28

Time: 05:50PM

2 pages sent to:

95640928

Transmission time: 00:01:40

Result: Transmission OK

FAX TRANSMITTAL

COVER SHEET

Date: 8-28-75

Fax to: PAT PARKER

Business Phone: _____ Fax Number: 415-1307

Number of Pages Including Cover Page: 2

Fax Sent By: Phyllis Michaels

Department: _____

Company: _____

Phone: 301 564 4039 Fax: 301 564 0728

Special Instructions:

This would look the same as adjacent LOT

FAX TRANSMITTAL

COVER SHEET

Date: 8-28-75

Fax to: PAT PARKER

Business Phone: _____ Fax Number: 415-1307

Number of Pages Including Cover Page: 3

Fax Sent By: Phyllis Michaud

Department: _____

Company: _____

Phone: 301 564 4039 Fax 301 564 0728

Special Instructions:

THIS WOULD LOOK THE SAME AS ADJACENT LOT &
ADLER'S (3) HOUSES.

pm



REAR ELEVATION

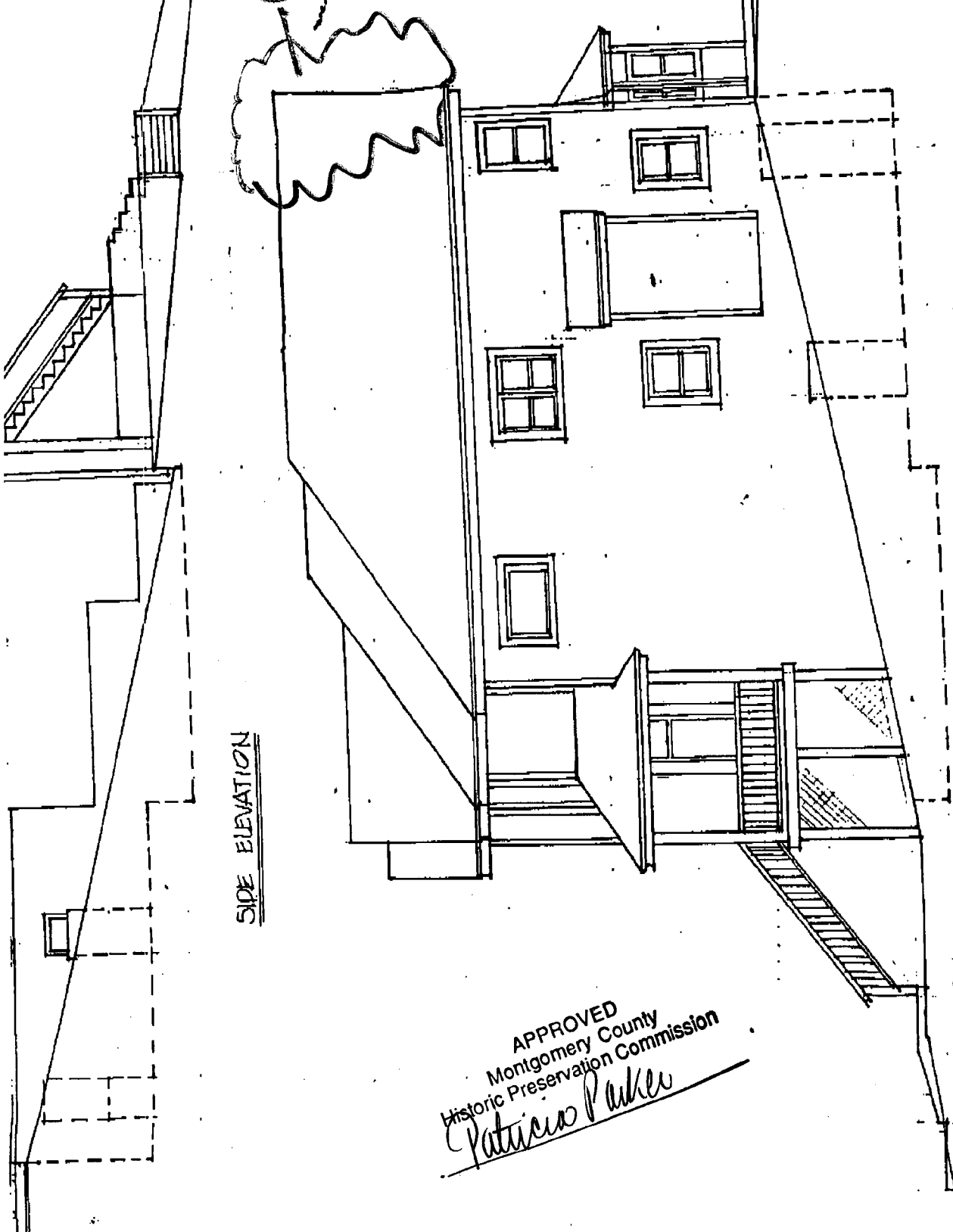
1/8" = 1'-0"

APPROVED
 Montgomery County
 Historic Preservation Commission
Patricia Parker

Post-it™ Fax Note	7671	Date	8/28/95	# of pages	1
To	Phyllis Michaels	From	Pat Parker		
Co./Dept.	Allegro Dev.	Co.	M. NCPC		
Phone #	(301) 564-4039	Phone #	(301) 495-4730		
Fax #	(301) 564-0928	Fax #	(301) 495-1307		

VINYL SUE
TYPICAL
BASEMENT
GARAGE

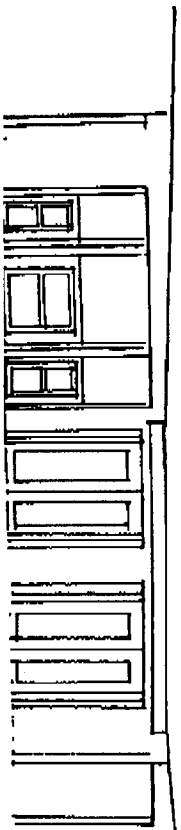
GABLE
END
ROOF



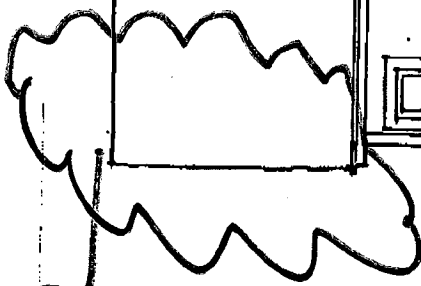
SIDE ELEVATION

SIDE ELEVATION

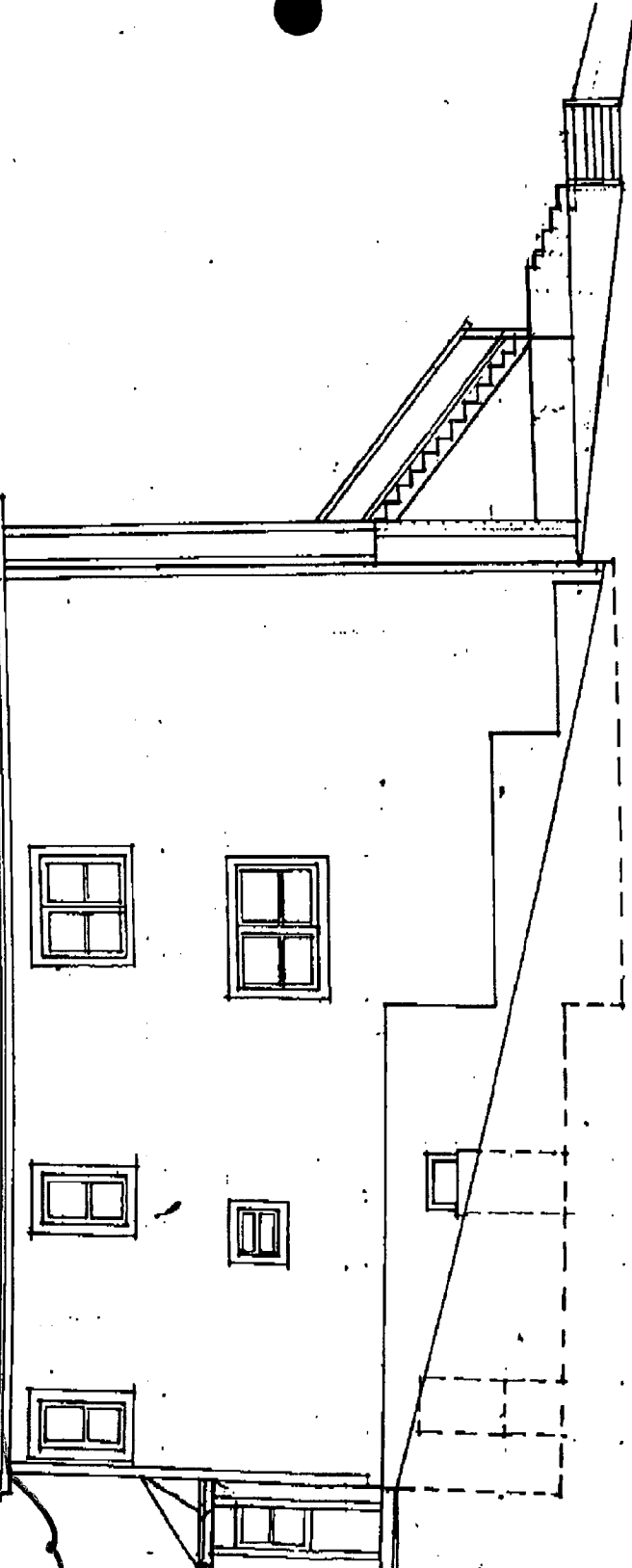
APPROVED
 Montgomery County
 Historic Preservation Commission
Patricia Parker



REAR ELEVATION
 1/8" = 1'-0"



GABLE END
 @ Roof



SIDE ELEVATION

APPROVED
 Montgomery County
 Historic Preservation Commission

Patricia Pikes



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

August 16, 1995

Ms. Bonnie Adler
10105 Meadowneck Court
Silver Spring, MD 20910

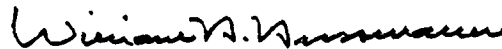
RE: Allegro Development - Phyllis Michaels Application for a HAWP and a Building Permit for Lot 44 [10111 Meadowneck Court]/C-TRACK #950867

Dear Ms. Adler:

Thank you for your letter of July 31, 1995. You have raised some very good points in your letter that warrant investigating by the planning staff. Therefore, I am taking this opportunity to acknowledge receipt of your letter and request your patience while we look into the situation further.

If you have any further questions, please refer to the C-track (correspondence tracking) number above which has been assigned to your letter.

Sincerely,

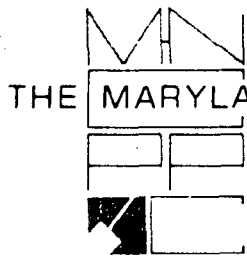


William H. Hussmann
Chairman

WHH:KLW

cc: Gwen Marcus

Post-it™ Fax Note		7671	Date	6/6/96	# of pages	3
To	Phyllis Michaels		From	Pat Parker		
Co./Dept.	Allegro		Co.	M-NCPPC		
Phone #			Phone #	(301) 495-4730		
Fax #	(301) 564-0928		Fax #	(301) 564-0928 495-1301		



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

August 18, 1995

Phyllis Michaels, President
Allegro Development, Inc.
P.O. Box 57
Kensington, Maryland 20814

Dear Ms. Michaels:

On July 26, 1995, you appeared before the Historic Preservation Commission (HPC) seeking approval of a Historic Area Work Permit (HAWP) for new construction of a single-family dwelling on property addressed 10111 Meadowneck Court (Lot 44). At that meeting, the HPC approved your application provided that certain conditions were met. These conditions discussed at the meeting were:

- 1) Three trees of large caliper (up to 10") should be planted on site.
- 2) Three to five medium trees (approximately 6" in caliper) should be planted on site.
- 3) Three to five small trees (approximately 3.5" in caliper) should be planted on site.
- 4) Effective tree protection measures should be provided for trees on both adjacent properties.
- 5) The size, species, and location of the trees should be finally determined by HPC staff with advice from an M-NCPPC arborist.

At the meeting, the HPC made it clear that the design of the new house was approved and that the only issue to be resolved was the replanting of trees.

On August 1, 1995, you and your tree expert met with Kathy Conlon, Environmental Planning staff, Brooks Robinson, Development Review Division staff, Gwen Marcus and myself, Historic Preservation staff.

At this meeting, we discussed the possibilities for tree replanting on the property. During this discussion, it became clear that there are limited locations for tree replanting on the site due to the size and location of the approved house. Planting large trees (6-10" caliper) on the back portion of the lot before construction is impossible as it is your intent to store excavated foundation dirt in this area and then to extensively regrade. Planting large trees (6-10" caliper) in the front portion of the property is difficult because of 1.) the proximity of the approved house to the front building line and the public utility easement (PUE); 2.) the need to retain sufficient distance from existing trees so as not to disturb their root systems; and 3.) the need to create a substantial swale on the east side of the building so that adjacent properties are not affected by water runoff.

Given these considerations and given the advice of Cathy Conlon and Brooks Robinson, the M-NCPPC tree experts, the following replanting plan was agreed upon:

1) Planting of new trees will include no less than 50" of caliper on site. The Planning Board set forth this requirement.

2) Two 6" red maples will be planted in the front yard. One will be on the west side of the lot, near an existing tree (caliper unknown) that is to remain and is to be protected. The other one will be on the east side of the lot. If possible, it is to be planted entirely on your property and outside the PUE. However, if this location will make it impossible to grade out an appropriate slope for the swale which will carry water runoff away from your site, then you must seek the approval of the utility companies to plant this tree at the front of the property within the PUE.

After extensive discussion with the M-NCPPC tree experts, staff feels that 6" is the largest caliper that can be accommodated in the front yard, given the requirements to protect the existing tree and to address stormwater runoff. The holes that would need to be dug for larger caliper trees would require significant redesign of the approved house, driveway, and entry steps - it was not staff's understanding that the HPC wished to have these features redesigned.

Neighbors had suggested that larger tree specimens could be planted in a hole dug for a 6" caliper tree. However, the M-NCPPC arborist does not feel that a hole dug for a 6" caliper tree could accommodate the ball of a larger tree, i.e. a 10" caliper tree.

3) One 3.5" ornamental tree will be planted in the front yard, next to the driveway.

4) Eight 4.5" trees will be planted in the rear yard. Three of these trees will be evergreen, planted at the rear of the property to provide necessary screening of resources within the Historic District. Five trees of 4.5" caliper would be either oak or maple trees.

5) Plastic mesh construction fencing shall be installed at the limit of disturbance as determined by M-NCPPC Development Review Division staff (Brooks Robinson). This measure is to provide protection for existing tree specimens on adjacent properties.

6) The double-width garage door opening indicated on the proposed plans will be changed to two single-width garage door openings. The community had requested this change to decrease the monumentality of such a large opening facing the public right-of-way.

With this replanting plan, the total caliper planted on your site will be 51.5". Please be aware that I have had several discussions with nearby property owners in Meadowneck Court and with the Local Advisory Panel (LAP) representative. Your neighbors are very concerned about the loss of tree cover and the necessity for substantial replacement.

With this letter and the re-planting plan described above, I will send your approved HAWP on to DEP, in anticipation of your application for a County building permit. The described trees must be planted prior to occupancy of the new house. Any changes from this plan would require that you come back before the HPC to request approval of a revision.

Please understand that the Montgomery County Historic Preservation Ordinance states "In the event that any party is aggrieved by a decision of the commission, within 30 days from the date on which the commission's decision is made public, such party aggrieved may appeal to the Board of Appeals which will review the commission's decision de novo." The date of this letter represents the date on which the HPC's decision is made public.

If you have any further questions, please call me at (301)495-4570.

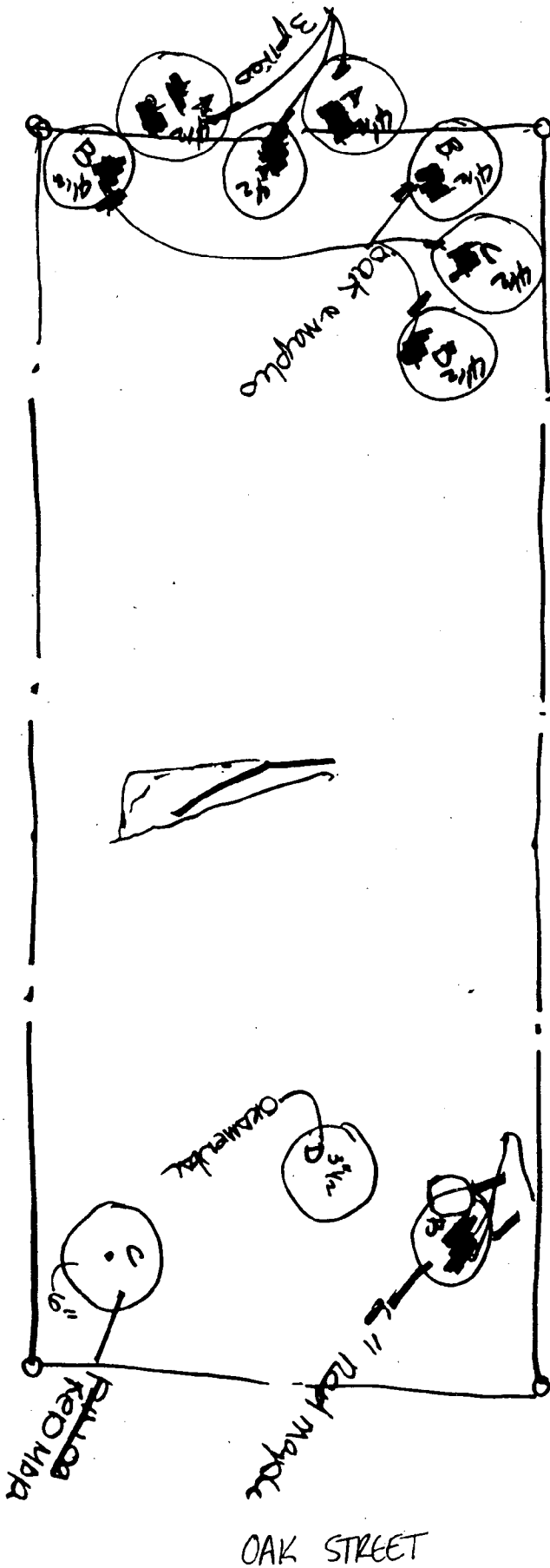
Sincerely,



Patricia Parker
Historic Preservation
Planner

Enclosure

cc: Rosalee Chiara, LAP
L. Saylor
Chris Kepferle
Steve & Jill Kramer
Jeffrey & Bonnie Adler
Brooks Robinson, Development Review Division
Kathy Conlon, Environmental Planning



APPROVED
 Montgomery County
 Historic Preservation Commission

James L. Marcus
 8/18/95



Given to ^{8/3}
coordinate
reply.
M

ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

FILE NUMBER: 950867 DATE RECEIVED: 07/31/95

CORRESPONDENCE TYPE: letter DATE OF LETTER: 07/31/95

AGENDA DATE:

TO: ~~M~~ussmann/Marcus/Robinson/Conlon/Shaneman

FROM: Bonnie Adler

SUBJECT:

Letter concerns Allegro development - 10111 Meadowneck Court, Sil.Sp. -
concerns re trees.



TRANSMITTED TO:

BH

COPIES TO:

See above

DATE DUE:

[] PREPARE REPLY FOR CHAIRMAN'S SIGNATURE

[] REPLY; CC TO CHAIRMAN

REMARKS FROM CHAIRMAN'S OFFICE:

Staff to handle.

PLANNING DIRECTOR'S OFFICE

DATE RECEIVED BY PDO:

DATE SENT TO DIVISION:

RESPONSIBLE STAFF:

DIVISION:

REMARKS FROM DIRECTOR'S OFFICE:

8/14
77I
R.

45867

31

Post-It™ brand fax transmittal memo 7671		# of pages > 5
To	William Hussmann n	From Bonnie Adler
Co.	M.C. Y&P Comm.	Co.
Dept.		Phone # 703-308-8523
Fax #	301-495-1306	Fax # 703-308-8773

10105 Meadowneck Court
 Silver Spring, MD 20910
 31 July 1995

Subject: Allegro Development - Phyllis Michaels Application for a HAWP and a Building Permit for lot 44, @ 10111 Meadowneck Court

Addressees: By Facsimile (list at end)

In reference to a hearing held Wednesday July 26, 1995, I have the following concerns:

- 1). Large Trees (5, 10" trees required in the Opinion of 6/6/95) need to be planted:

Large trees should be planted as discussed by the commission members at that hearing. If 5, 10" trees cannot fit onto the lot, I suggest 3, 10" trees in the backyard, 3, 6" trees in the side yard (2 on the south side) and front yard (one in the front, to the left or right of the driveway). As an alternative, 7, 8" trees could be planted as evidenced in my yard after I complied with an HPC requirement back in 1990. Not only is it possible, this lot will be less steeply sloped after the hill is excavated and the soil removed for the house, than compared to the lot at 10105 Meadowneck Court (my home). This isn't hard to visualize, all you need to do is determine the final elevation from the applicant's grading plan for the lot. A final approved grading plan was a condition of permit from the Commission's Opinion dated 6/6/95. Please spend some time reviewing this application and make an educated determination.

- 2). Applicant argued for less than the 15 trees required for Lot 43 based on the lack of locations to plant such trees:

I'd like to also point out that the trees planted on the applicant's other lot are not the 5, 6" and 5, 3" and 5, understory trees as required in the conditions of the HAWP determined on 8/17/94. They are all 3" and 4" trees allowed by Park and Planning which was decided outside of the hearing process. The neighborhood was unable to provide effective comment on that decision. I'd like to understand why a secondary hearing was not held to change the permit/HAWP conditions as promised to me by Gwen Marcus.

In addition, if the applicant planted larger trees, there would be no need for the multitude of trees suggested in the tree plan. Also, as one Commissioner pointed out, the County does not regulate trees smaller than 6" caliper, so the desire of the homeowner to remove any trees after placed by the applicant is of real concern. If smaller trees were allowed to be planted, and the homeowner decided to remove them, the neighborhood would lose these trees, even if we had the "patience to watch a 3" caliper tree grow" as that commissioner stated.

- 3). Trees can be planted prior to construction, if need be, to accommodate the HPC requirement:

Trees for lot 44 can be planted prior to construction. In fact if the applicant take the time and care to remove the soil from site it would allow for tree locations in the rear and sides of this lot. Large trees can be delivered by tree spade w/o breaking up the concrete, however, when the 80,000 lb. concrete truck delivers the cement for the basement walls and slab, the driveway will be broken at that time. In addition, this driveway is under investigation by DOT and may be removed as well after DOT determines that the slope of the pre-existing driveway was altered.

- 4). Trees can be sited in the front, back and sides to accommodate the HPC requirement:

The large trees can be put in the front, by reconfiguring the driveway to accommodate them. Perhaps the applicant can spend some time with the engineer to adjust the shape of the driveway so tree can be sited to the left of the garage in front. The driveway at 10107 Meadowneck was adjusted to accommodate the existing tree. Too much time is focused on allowing the applicant to get out of the tree replacement requirement. You all need to give this lot some more thought and think through all the possible options.

- 5). Trees can be delivered by other means than a tree spade truck:

A bobcat or a backhoe can dig the hole for a tree in the back or side of the lot/or house very easily. A 6" or 8" tree can be brought in on a loader, even after the walls are up, if the applicant forgets to do so prior to pouring the cement foundation walls.

- 6). The lot dimensions are inaccurately represented:

This lot is 50' across, minus the width of the house (30'), leaves 20' minus the left side yard (8') gives the right side yard 12' of space (not 10' as identified) to maneuver vehicles. Twelve feet is more than adequate to accommodate a tree truck, backhoe, bobcat, or crane.

- 7). The tree IS 46" in diameter (DBH) as measured on the low side of the lot:

In fact, the original grade surrounding the Oak tree has been altered on the uphill side when the lot owner had his home/lot excavated and the dirt piled up against the trunk causing this massive slope. Look at this tree and measure the DBH on the low side. It more closely approximates 48" versus the 38" possibly measured on the uphill side.

- 8). The neighbors want large trees to replace the cooling and shading provided by the Oak we will lose:

Don't let the neighborhood lose the value of 8" or 10" trees by allowing the applicant to plant 3" and 4" trees. A forest of saplings or a "tree farm" (as suggested by the Commission) is not what the neighbors deserve after losing the massive specimen oak tree.

- 9). Why my house is smaller:

My husband, the builder of the other 3 Victorians on the street had 3 varying size plans for these lots. As such, he decided to apply for the largest building permit for all three lots. This was done to ensure that if he chose to build smaller homes, (and he did), he'd have less of a problem asking for a reduction if the larger version was already approved. After researching the neighborhood and determining the market value of existing comparable homes, he chose to build smaller homes. The builder chose to use misleading information to support her claim that our home is larger.

- 10). Trees protection zones are needed:

Tulip poplars (liriodendron sp.) are extremely sensitive species and cannot withstand root compaction. This information is widely known and the 3 trees located at 10109 Meadowneck located just over the property line from the lot to be developed will be severely impacted. In fact it was this reasoning that the HPC used to require that we plant my 8" on my lot at 10105 Meadowneck Court back in 1990. We had a tulip poplar tree located very close to the truck traffic for construction and we were told to remove the tree because the construction impacts would kill it. That tree was 7' from the house and truck/loader traffic would impact the roots. A safe zone, we were told would be 12-20' and it was not possible to maintain that distance. I'm confident that a 3' protection zone is not large enough. I suggest that an independent licensed arborist look at this site and determine a safe zone for the tulip poplars near the property line at 10109 Meadowneck Court. These trees are the last of the few remaining tall trees we have left on our street. Please try to ensure their survival.

11). The deceptive tactics used for this lot development have been documented:

My home at 10105 was used to show larger massing, when the applicant homes are approximately 150 square feet larger than my home (see item 9, above)

Additionally, the applicant used a panorama photo, shown at the hearing, that depicts the proposed home to be lower in elevation than my home at 10105 Meadowneck Court. In fact, my home is approximately 8' taller because the street slopes downhill about 8-10' and my home's basement/driveway, are clearly seen in that photo as being built up higher than the successive homes down into the Court.

The tree is not 38" diameter but larger, and was measured in a different location to indicate this massive oak to be a smaller tree (see item 7, above).

The applicant's arborist claims that the 3" trees grow just as fast in a few years as the 10" trees, and survive better. Not only is this not quite true, it's been shown that my 8" caliper tree has not died nor showed any decline since it was planted 3 years ago. It has adapted very well. (see 1, above)

The applicant indicates that the driveway cannot bear the load of a tree spade truck, yet the concrete driveway will be broken either after removal of the large tree with the trucks and their loads, or after delivery of the cement for the basement walls and slab (see item 3, above).

My neighbor called 2 trees companies to determine if a spade could be used to deliver a 10" tree. He was told that there are no problems delivering a tree onto that grade. In fact, the tree spade truck can deliver trees onto hillsides and terraces 10-12' above grade using the mechanical arms on the truck.

The applicant stated in the 7/26/95 hearing that the way construction occurs, is that all the dirt is piled up in the back of the lot and then used later to add around the home as backfill. Of course, this is the frequently used method, however, dirt can be hauled away to allow a place for these trees and not stored on-site. Many builders sell their clean fill dirt and barter to take some back after construction for their backfill. Perhaps the applicant needs to explore all the options available in order to comply with the large 8-10" tree planting requirement. It has and can be done. (see 1, above)

It appears that this applicant is trying to get out of the requirement for the larger trees, like Mr. Kramer said on 7/26/95, only to save money. Were she a resident of the street, I'm sure her concerns would equal the neighbor's. Please don't let us lose out on protecting the remaining trees we have or allowing us to lose these larger trees to a developer wishes.

Thank you.

Bonnie Adler
Bonnie Adler

Addressees:

Gwen Marcus
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Brooks Robinson
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Kathy Conlon
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Malcolm Shaneman
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

William Haussman, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: 8/18/95

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit Application - Approval of
Application/ Release of Other Required Permits

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

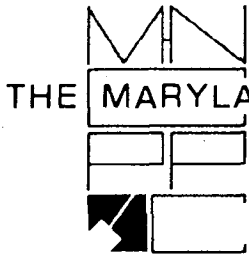
You may now apply for a county building permit from the Department of Environmental Protection (DEP), at 250 Hungerford Drive, Second Floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DEP before work can begin.

When you file for your building permit at DEP, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DEP. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DEP at 217-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 495-4570.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DEP/Field Services at 217-6240 of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: 8/19/95

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit

The Montgomery Historic Preservation Commission has reviewed the attached application for a Historic Area Work Permit. The application was:

Approved Denied

Approved with Conditions: _____

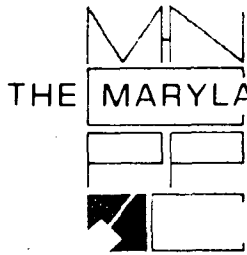
SEE ATTACHED MEMO

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT(HAWP).

Applicant: PHYLLIS MICHAELS / ALLEGRO DEVELOPMENT

Address: 10111 MEADOWNECK COURT / LOT 44

***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

August 18, 1995

Phyllis Michaels, President
Allegro Development, Inc.
P.O. Box 57
Kensington, Maryland 20814

Dear Ms. Michaels:

On July 26, 1995, you appeared before the Historic Preservation Commission (HPC) seeking approval of a Historic Area Work Permit (HAWP) for new construction of a single-family dwelling on property addressed 10111 Meadowneck Court (Lot 44). At that meeting, the HPC approved your application provided that certain conditions were met. These conditions discussed at the meeting were:

- 1) Three trees of large caliper (up to 10") should be planted on site.
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- 3) Three to five small trees (approximately 3.5" in caliper) should be planted on site.
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- 5) The size, species, and location of the trees should be finally determined by HPC staff with advice from an M-NCPPC arborist.

At the meeting, the HPC made it clear that the design of the new house was approved and that the only issue to be resolved was the replanting of trees.

On August 1, 1995, you and your tree expert met with Kathy Conlon, Environmental Planning staff, Brooks Robinson, Development Review Division staff, Gwen Marcus and myself, Historic Preservation staff.

At this meeting, we discussed the possibilities for tree replanting on the property. During this discussion, it became clear that there are limited locations for tree replanting on the site due to the size and location of the approved house. Planting large trees (6-10" caliper) on the back portion of the lot before construction is impossible as it is your intent to store excavated foundation dirt in this area and then to extensively regrade. Planting large trees (6-10" caliper) in the front portion of the property is difficult because of 1.) the proximity of the approved house to the front building line and the public utility easement (PUE); 2.) the need to retain sufficient distance from existing trees so as not to disturb their root systems; and 3.) the need to create a substantial swale on the east side of the building so that adjacent properties are not affected by water runoff.

Given these considerations and given the advice of Cathy Conlon and Brooks Robinson, the M-NCPPC tree experts, the following replanting plan was agreed upon:

1) Planting of new trees will include no less than 50" of caliper on site. The Planning Board set forth this requirement.

2) Two 6" red maples will be planted in the front yard. One will be on the west side of the lot, near an existing tree (caliper unknown) that is to remain and is to be protected. The other one will be on the east side of the lot. If possible, it is to be planted entirely on your property and outside the PUE. However, if this location will make it impossible to grade out an appropriate slope for the swale which will carry water runoff away from your site, then you must seek the approval of the utility companies to plant this tree at the front of the property within the PUE.

After extensive discussion with the M-NCPPC tree experts, staff feels that 6" is the largest caliper that can be accommodated in the front yard, given the requirements to protect the existing tree and to address stormwater runoff. The holes that would need to be dug for larger caliper trees would require significant redesign of the approved house, driveway, and entry steps - it was not staff's understanding that the HPC wished to have these features redesigned.

Neighbors had suggested that larger tree specimens could be planted in a hole dug for a 6" caliper tree. However, the M-NCPPC arborist does not feel that a hole dug for a 6" caliper tree could accommodate the ball of a larger tree, i.e. a 10" caliper tree.

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6) The double-width garage door opening indicated on the proposed plans will be changed to two single-width garage door openings. The community had requested this change to decrease the monumentality of such a large opening facing the public right-of-way.

With this replanting plan, the total caliper planted on your site will be 51.5". Please be aware that I have had several discussions with nearby property owners in Meadowneck Court and with the Local Advisory Panel (LAP) representative. Your neighbors are very concerned about the loss of tree cover and the necessity for substantial replacement.

With this letter and the re-planting plan described above, I will send your approved HAWP on to DEP, in anticipation of your application for a County building permit. The described trees must be planted prior to occupancy of the new house. Any changes from this plan would require that you come back before the HPC to request approval of a revision.

Please understand that the Montgomery County Historic Preservation Ordinance states "In the event that any party is aggrieved by a decision of the commission, within 30 days from the date on which the commission's decision is made public, such party aggrieved may appeal to the Board of Appeals which will review the commission's decision de novo." The date of this letter represents the date on which the HPC's decision is made public.

If you have any further questions, please call me at (301)495-4570.

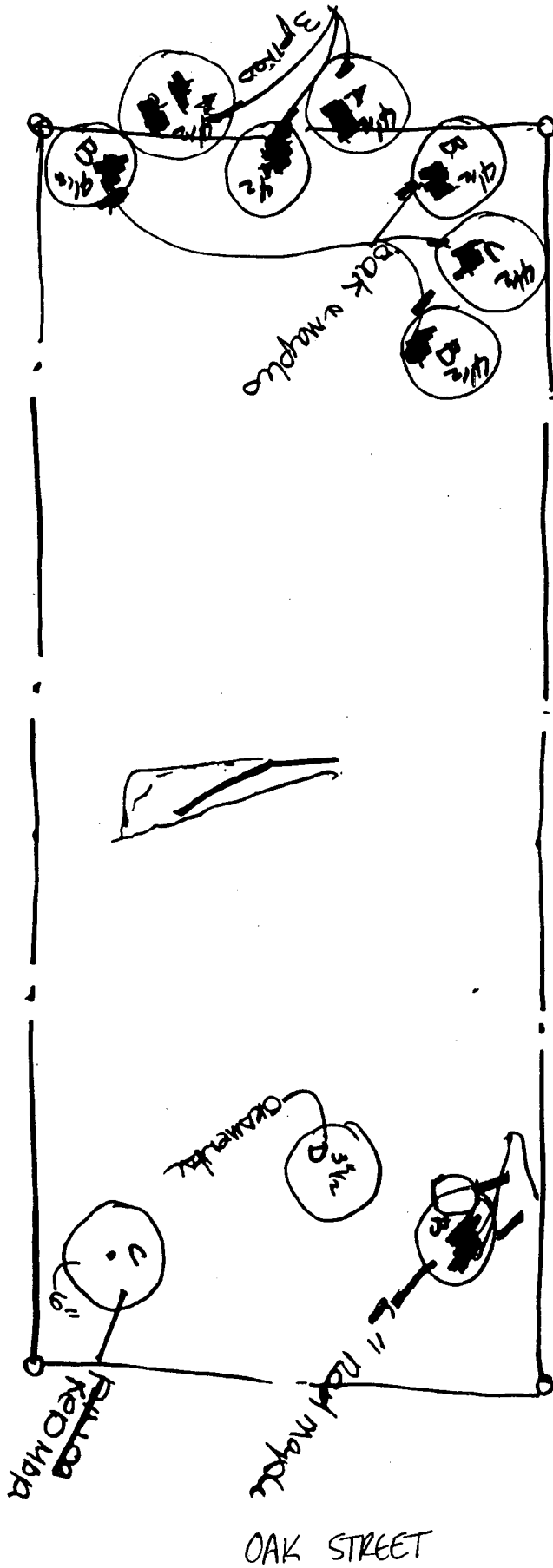
Sincerely,



Patricia Parker
Historic Preservation
Planner

Enclosure

cc: Rosalee Chiara, LAP
L. Saylor
Chris Kepferle
Steve & Jill Kramer
Jeffrey & Bonnie Adler
Brooks Robinson, Development Review Division
Kathy Conlon, Environmental Planning



APPROVED
 Montgomery County
 Historic Preservation Commission
James L. Marcus
 8/18/95





Historic Preservation Commission

APPLICATION FOR HISTORIC AREA WORK PERMIT

CONTACT PERSON PHILIP MICHAELS
 TAX ACCOUNT # Lot 44 & 45 # K22547 (Centre Park) DAYTIME TELEPHONE NO. 301-504-4039
 NAME OF PROPERTY OWNER BEVERLY LUCKY SAYLOR DAYTIME TELEPHONE NO. 301-588-3343
 ADDRESS 10118 CAPITAL VIEW AVE SILVER SPRING MD 20910
 CITY STATE ZIP CODE
 CONTRACTOR ALLEGRO DEVELOPMENT INC TELEPHONE NO. 301-504-4039
 CONTRACTOR REGISTRATION NUMBER 3248
 AGENT FOR OWNER NOT APPLICABLE DAYTIME TELEPHONE NO. ()

LOCATION OF BUILDING/PREMISE
 HOUSE NUMBER 10111 STREET MEADOWNECKS COURT
 TOWN/CITY SILVER SPRING NEAREST CROSS STREET LEO STREET
 LOT 44 BLOCK 1 SUBDIVISION CAPITOL VIEW PARK
 LIBER FOLIO PARCEL

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CIRCLE ALL APPLICABLE: Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Room Addition Woodburning Stove
 Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other
 1B. CONSTRUCTION COST ESTIMATE \$ Save Price \$370,000
 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL 01 WSSC 02 () SEPTIC 03 () OTHER _____
 2B. TYPE OF WATER SUPPLY 01 WSSC 02 () WELL 03 () OTHER _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

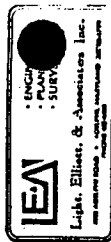
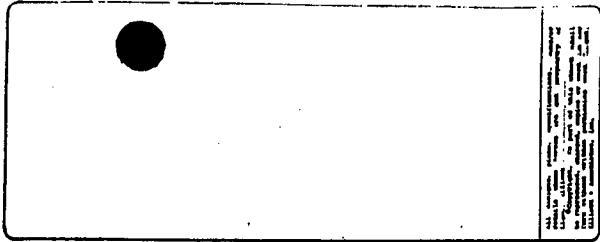
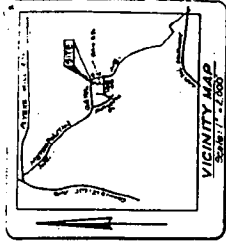
3A. HEIGHT _____ feet _____ inches
 3B. INDICATE WHETHER THE FENCE OR RETAINING WALL IS TO BE CONSTRUCTED ON ONE OF THE FOLLOWING LOCATIONS:
 On party line/property line _____ Entirely on land of owner _____ On public right of way/easement _____

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE APPLICATION IS CORRECT, AND THAT THE CONSTRUCTION WILL COMPLY WITH PLANS APPROVED BY ALL AGENCIES LISTED AND I HEREBY ACKNOWLEDGE AND ACCEPT THIS TO BE A CONDITION FOR THE ISSUANCE OF THIS PERMIT.

Signature of owner or authorized agent Philip Michaels Date June 1, 1995
ALLEGRO DEVELOPMENT INC

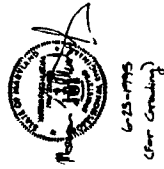
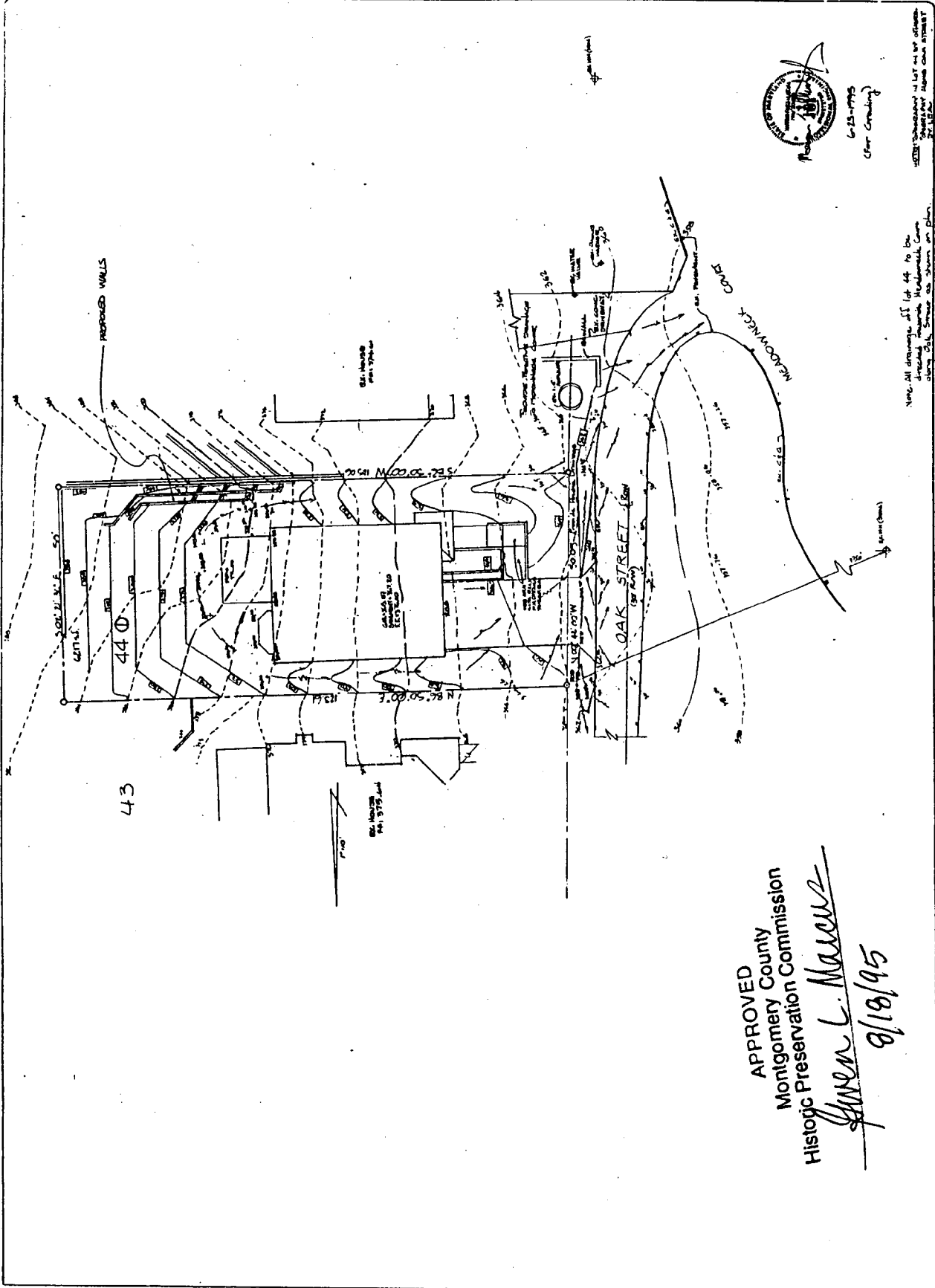
APPROVED [Signature] For Chairperson, Historic Preservation Commission
 DISAPPROVED _____ Signature _____ Date August 13, 1995

APPLICATION/PERMIT NO: 931-70038 DATE FILED: _____ DATE ISSUED: _____



DATE	12/10/95
BY	JPM
CHECKED	SA
APPROVED	

PROPOSED GRADING PLAN	
DATE	12/10/95
BY	JPM
CHECKED	SA
APPROVED	
PROJECT	CAPITAL VIEW PARK
LOCATION	MONTGOMERY COUNTY, MARYLAND
SCALE	1" = 10'
SHEET NO.	1 OF 1
FILE NO.	152518

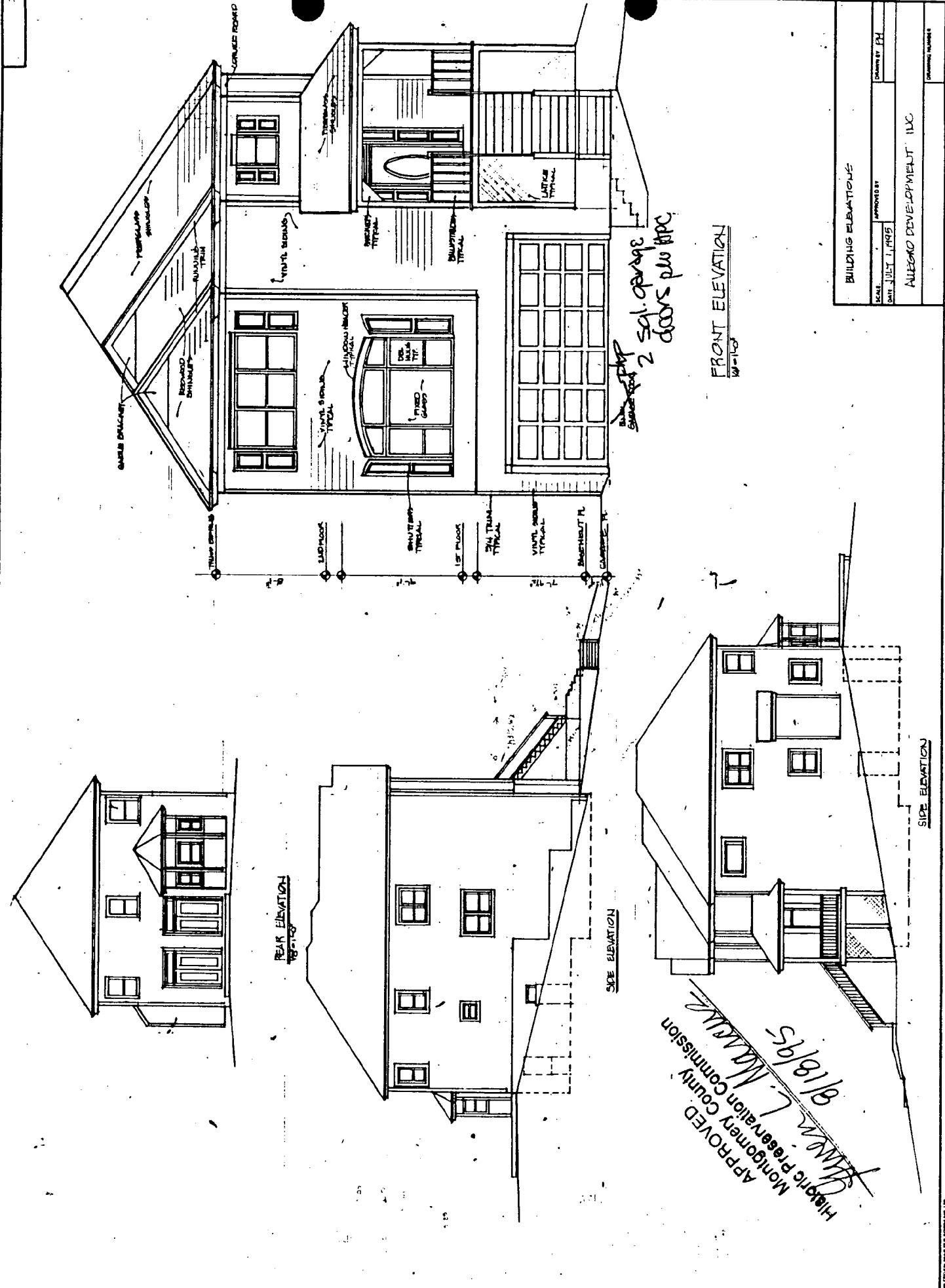


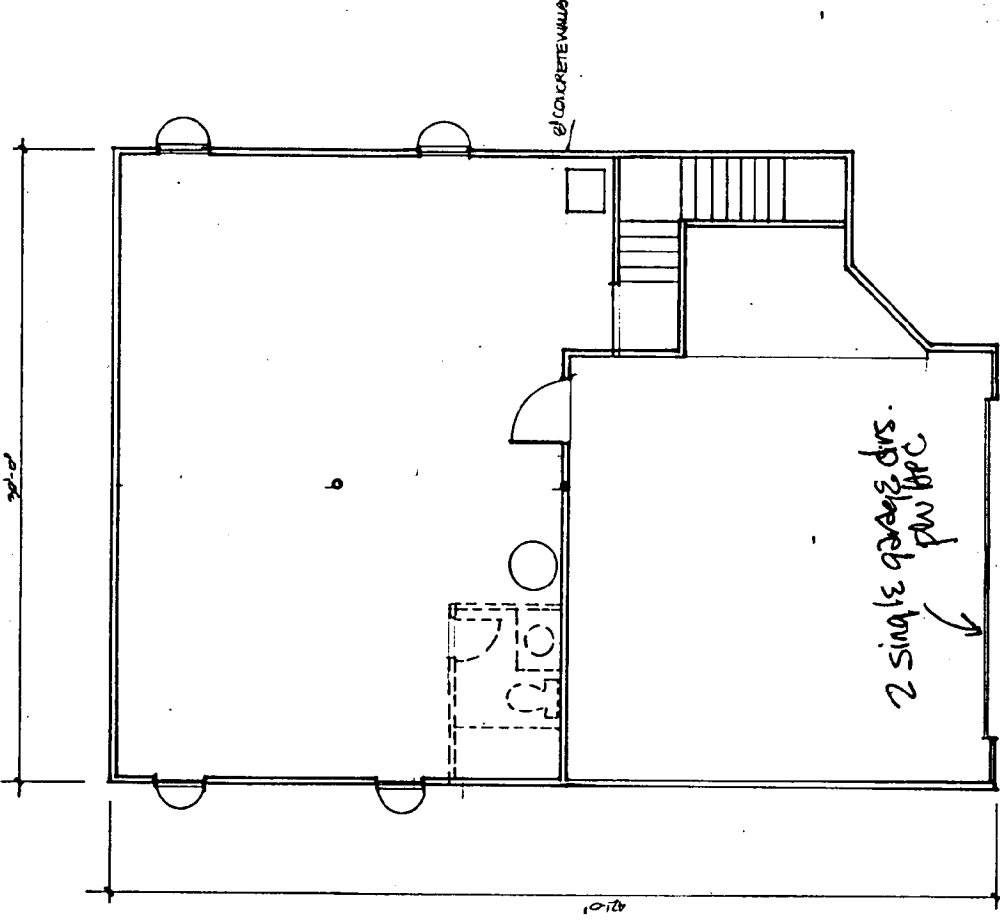
6-23-1995
Clear Grading

NOTE: All drawings off lot 44 to be checked against Maryland Code along with Survey as shown on Plan.

APPROVED
Montgomery County
Historic Preservation Commission

James L. Maxwell
9/18/95

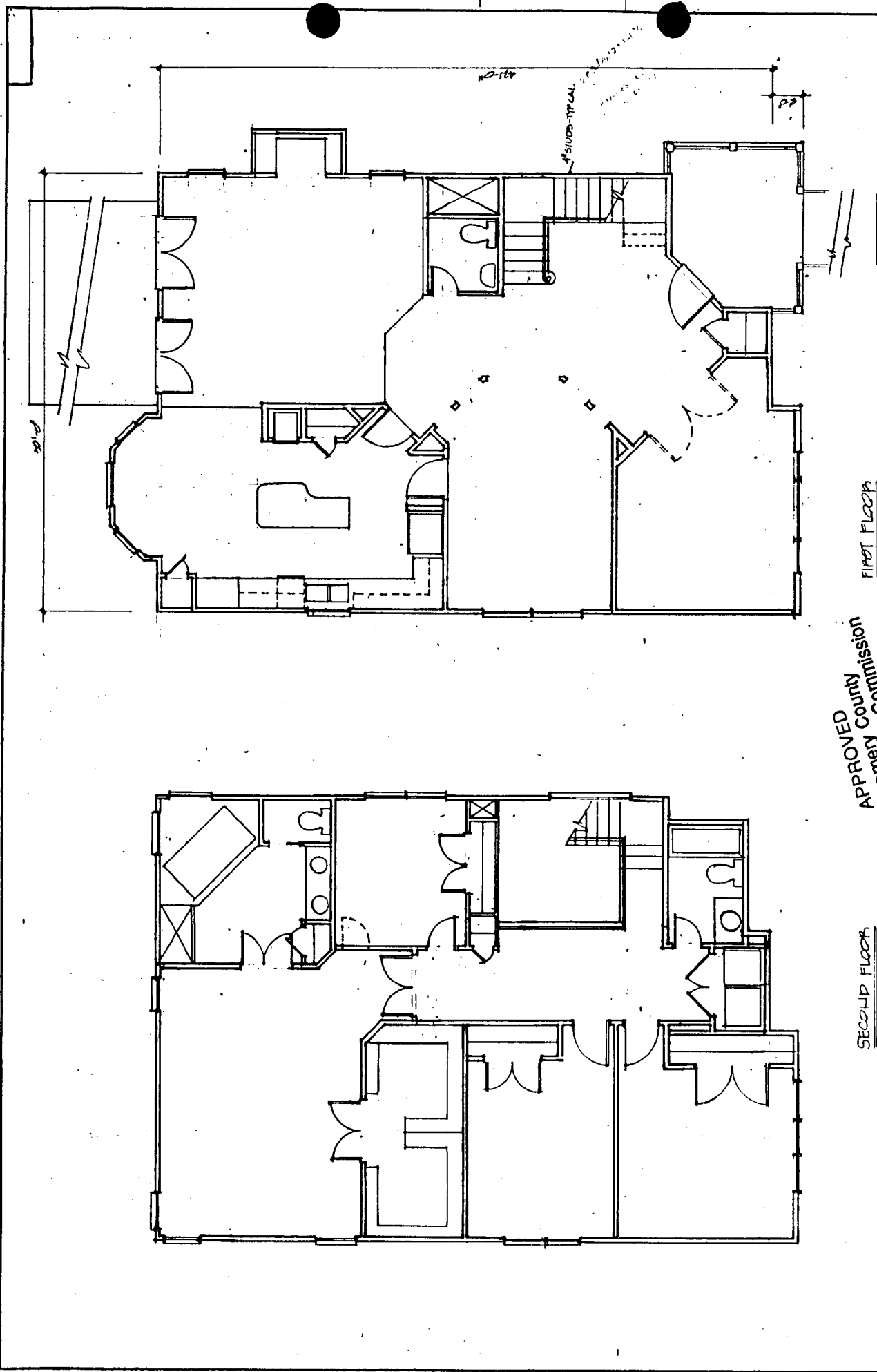




BASEMENT GARAGE FLOOR PLAN
1/8" = 1'-0"

FLOOR PLAN	
SCALE DATE: JUNE 26, 1998	APPROVED BY [Signature]
ALLEGRO DEVELOPMENT INC.	
DRAWING NUMBER	

APPROVED
Historic Preservation
Montgomery County
Commission
[Signature]
8/18/95

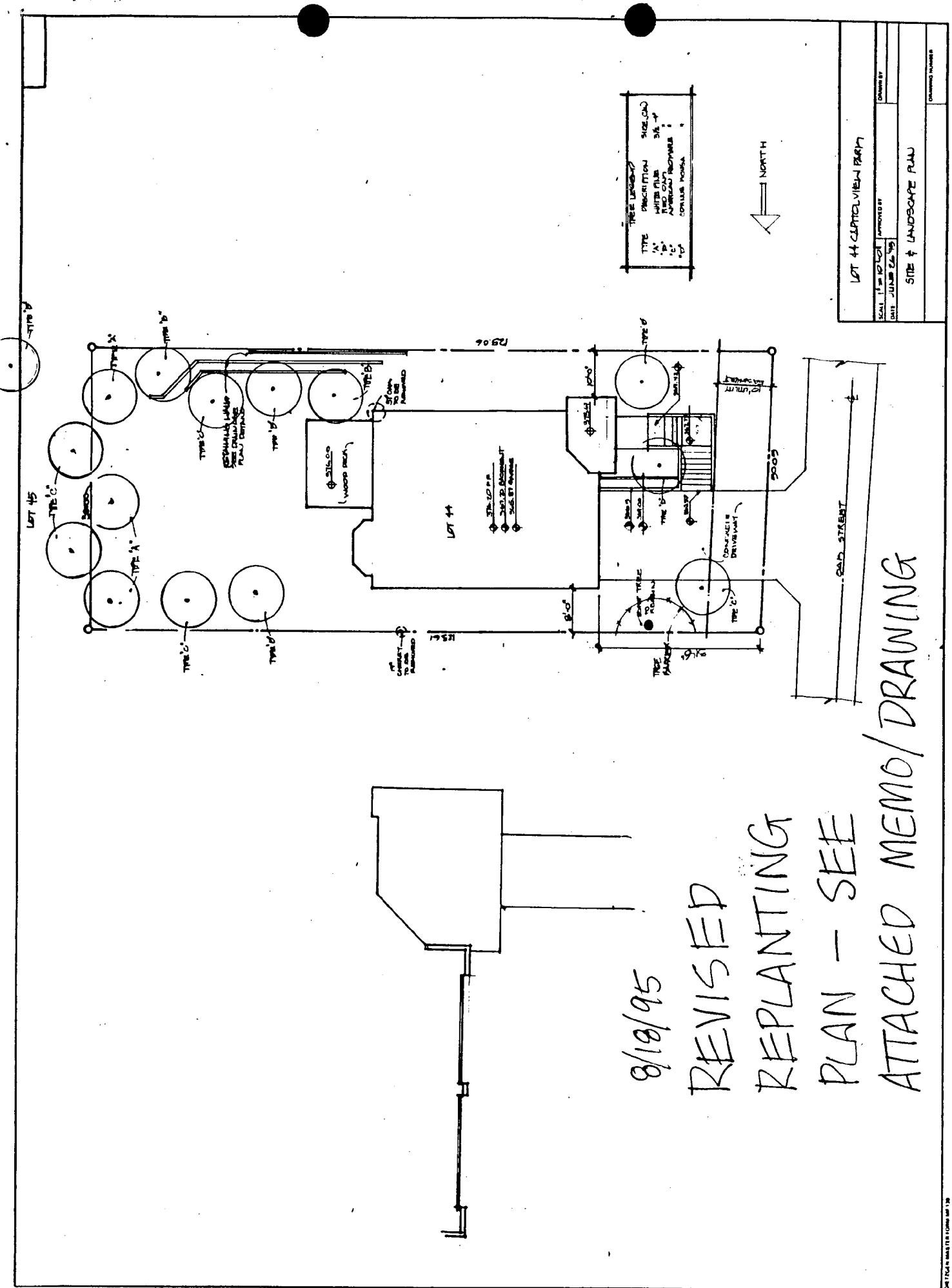


FLOOR PLANS	
SCALE: 1/4" = 1'-0"	DATE: 08/18/95
DRAWN BY: JUDIE ZARAS	PROJECT NO.:
ALLEGRI DEVELOPMENT, LLC	
DRAWING NUMBER:	

APPROVED
 Montgomery County
 Historic Preservation Commission
 JENNIFER L. MORAN
 8/18/95

SECOND FLOOR
 1/4" = 1'-0"

FIRST FLOOR
 1/4" = 1'-0"



8/18/95

REVISED
 REPLANTING
 PLAN - SEE
 ATTACHED MEMO/DRAWING

TYPE	DESCRIPTION	SIZE (L) x (W)
'A'	WHITE PINE	12'
'B'	AMERICAN SYPHORE	12'
'C'	CORALLA MOSSA	10'



LOT 44 CLAYTONVIEW FARM

SCALE: 1" = 10'-0" APPROVED BY: _____

DATE: JUL 18 26 1995

SITE & LANDSCAPE PLAN

DRAWING NUMBER: _____

HAWP APPLICATION ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MR LARIC K BECKMAN
10116 CAPITAL VIEW AVE
SILVER SPRING, MD
20910

LOT 37/1

MR & MRS LUCKY SAYLOR
10118 CAPITAL VIEW AVE
SILVER SPRING, MD 20910

LOT 45

MS MARIA GONZALEZ ET AL
203 SUMMIT HALL RD
GAITHERSBURG MD
20877

LOT 42/1

MR CHRIS KEPFERLE
10113 MEADOWNECK CT.
SILVER SPRING, MD
20910

LOT 43

MR & MRS STEVE KRAMER
10109 MEADOWNECK COURT
SILVER SPRING, MD
20901

LOT 38

MR & MRS VICTOR SUSSMAN
10128 MEADOWNECK CT.
SILVER SPRING, MD
20910

LOT 36

MR & MRS POMPIU TER
VERZAKU
10124 MEADOWNECK CT
SILVER SPRING, MD
20910

LOT 35

MS. MARY S PHELAN
10126 MEADOWNECK CT
SILVER SPRING, MD
20910

LOT 32

MS PHYLLIS A. WALTER
10116 MEADOWNECK CT
SILVER SPRING, MD
20906

LOT 31

MS ROSALEE C. GORMAN
10112 MEADOWNECK CT.
SILVER SPRING, MD
20910

LOT 30

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MS CATHLEEN A FREIN
10108 Meadowneck Ct.
SILVER SPRING MD
20910

Lot 29

MR + MRS Glenn Fuller
10104 Meadowneck Ct.
SILVER SPRING MD
20910

Lot 28

MR & MRS JEFFREY ADLER
~~10109 Anthony Street~~
10105 Meadowneck Ct
SILVER SPRING MD
20910

MS AMY EISENSTADT
10107 Meadowneck Ct.
SILVER SPRING MD
20910

MR. Kevin D. Prince
MRS. Karen N. Berger
3113 Leo Street
SILVER SPRING, MD
20910

Lot 27

Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20814

July 2, 1995

Ms. Pat Parker
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Lot 44 Capitol View Park

Dear Ms. Parker:

Enclosed for your review is the application and supporting documentation for a Historical Work Permit for the above referenced lot. Included in this package is an approved drainage and tree replacement plan which has been approved by the Development Review Division of the MNCPPC during the lot subdivision process. I have reviewed the Capitol View Master Plan and this lot has been developed to be consistent with the requirements of this district for spatial resources. The two major considerations for developing unimproved parcels of land is that the project contribute visually and aesthetically to the historic district and be regarded as an extension of the environmental settings of the significant historic resources. The homes which are contiguous to this property and in the general neighborhood are all not contributing resources and have no historical significance with the exception of one bungalow house at 10120 Capitol View Avenue which has been determined to have minor historical value.

The design of this home contributes visually and esthetically to the historical district by replicating authentic Victorian homes of the late 1800's. The use of shutters, running trim, gable and porch brackets, and cornice detailing is consistent with Victorian homes of this era and is an architectural contribution to the district. The materials used including vinyl siding and fiberglass shingles is consistent with the other non-contributing resources in the area.

The design of this home honors the environmental setting by building a home which is consistent with the neighborhood. The square footage, massing of this home, and the tree plan all are consistent with the existing homes which have been recently built and approved by the HPC. The matrix below compares the square footage of this proposed project with two existing homes in the neighborhood, the home which I just completed and is owned by the Kepferle's at 10113 and the home at 10105 which is owned by the Adler's. This proposed project and the one at 10113 are both slightly smaller than the Adler home. I have enclosed a copy of the permit drawings of 10105 for your use and a copy of the home at 10113 should be in your files.

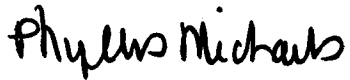
	10111 Proposed	10113 Kepferle	10105 Adler
First Floor	1232	1280	1230
Second Floor	1267	1224	1200
Basement/Garage	1204	1251	1179
Covered Porch	96	100	260
TOTAL	3788	3855	3869
Rear Porch /Patio	192	168	192
GROSS TOTAL	3967	4023	4061

page 2 of 2

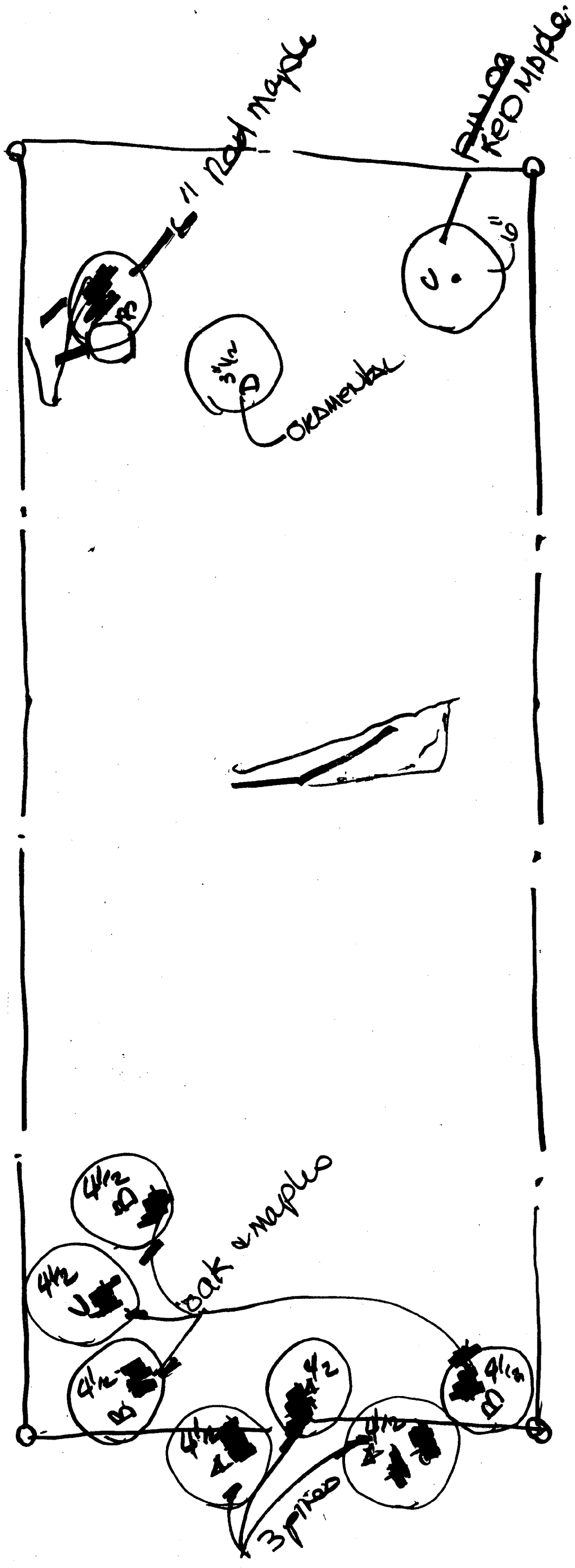
The massing of this proposed home is consistent with the other homes with respect to side, front and rear yard setbacks as established by Montgomery County and reflects the front yard setbacks established by the other existing homes. This tree plan which has been approved during the subdivision process of this lot honors the canopy replacement of an existing tree by placing a majority of the new trees in the rear yard of lot 44, adds a buffer to the rear yard of the one contributing resource located at 10120 Capitol View Avenue and respects the environmental setting of the adjoining neighbors by placing three trees in the front yard giving the front yard a total of four trees. This is greater than most homes which have only one or two trees in their front yard.

Please don't hesitate to contact me should you have any questions regarding this submission.

Sincerely,

A handwritten signature in black ink that reads "Phyllis Michaels". The signature is written in a cursive, flowing style.

Phyllis Michaels
President

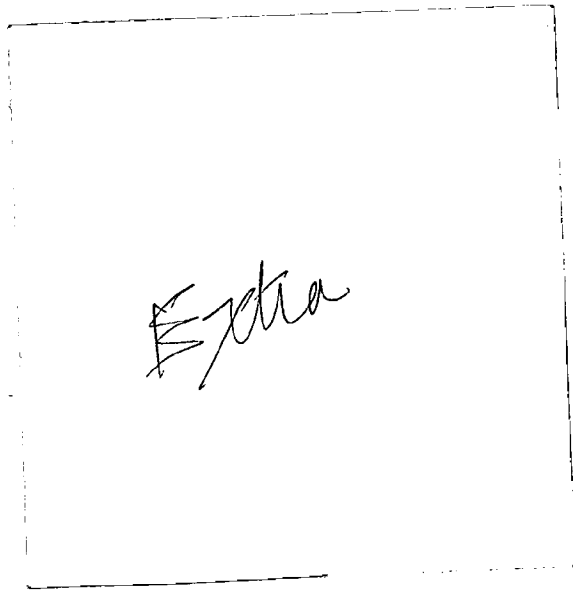


$$\begin{array}{r}
 1 - 3 \frac{1}{2}'' \quad 3 \\
 2 - 6'' \quad 6 \\
 \hline
 8 - 4 \frac{1}{2}'' \quad 30 \\
 4 \frac{1}{2}'' \quad 8 \cdot 6''
 \end{array}$$

$$\begin{array}{r}
 4 \frac{1}{2}'' \\
 \hline
 16 \\
 34
 \end{array}$$

$$\begin{array}{r}
 4 \cdot 5 \\
 \hline
 34
 \end{array}$$

$$\begin{array}{r}
 4 \cdot 5 \\
 \hline
 47
 \end{array}$$



8/3/95-

Rosalee Chava - (282) 739-5130

O.K.

H. ~~Payton~~ This is a sample as the conditions - if we are at the limit
larger trees in front good -

Community feels soil erosion is a problem so 6" good in front.

Post-It™ brand fax transmittal memo 7671		# of pages > 5
To Gwen Marcus	From Bonnie Adler	
Co.	Co.	
Dept. HPC-PDC	Phone # 703-308-8523	
Fax # 301-495-1307	Fax # 703-308-8773	

10105 Meadowneck Court
Silver Spring, MD 20910
31 July 1995

Subject: Allegro Development - Phyllis Michaels Application for a HAWP and a Building Permit for lot 44, @ 10111 Meadowneck Court

Addressees: By Facsimile (list at end)

In reference to a hearing held Wednesday July 26, 1995, I have the following concerns:

- 1). Large Trees (5, 10" trees required in the Opinion of 6/6/95) need to be planted:

Large trees should be planted as discussed by the commission members at that hearing. If 5, 10" trees cannot fit onto the lot, I suggest 3, 10" trees in the backyard, 3, 6" trees in the side yard (2 on the south side) and front yard (one in the front, to the left or right of the driveway). As an alternative, 7, 8" trees could be planted as evidenced in my yard after I complied with an HPC requirement back in 1990. Not only is it possible, this lot will be less steeply sloped after the hill is excavated and the soil removed for the house, than compared to the lot at 10105 Meadowneck Court (my home). This isn't hard to visualize, all you need to do is determine the final elevation from the applicant's grading plan for the lot. A final approved grading plan was a condition of permit from the Commission's Opinion dated 6/6/95. Please spend some time reviewing this application and make an educated determination.

- 2). Applicant argued for less than the 15 trees required for Lot 43 based on the lack of locations to plant such trees:

I'd like to also point out that the trees planted on the applicant's other lot are not the 5, 6" and 5, 3" and 5, understory trees as required in the conditions of the HAWP determined on 8/17/94. They are all 3" and 4" trees allowed by Park and Planning which was decided outside of the hearing process. The neighborhood was unable to provide effective comment on that decision. I'd like to understand why a secondary hearing was not held to change the permit/HAWP conditions as promised to me by Gwen Marcus.

In addition, if the applicant planted larger trees, there would be no need for the multitude of trees suggested in the tree plan. Also, as one Commissioner pointed out, the County does not regulate trees smaller than 6" caliper, so the desire of the homeowner to remove any trees after placed by the applicant is of real concern. If smaller trees were allowed to be planted, and the homeowner decided to remove them, the neighborhood would lose these trees, even if we had the "patience to watch a 3" caliper tree grow" as that commissioner stated.

- 3). Trees can be planted prior to construction, if need be, to accommodate the HPC requirement:

Trees for lot 44 can be planted prior to construction. In fact if the applicant take the time and care to remove the soil from site it would allow for tree locations in the rear and sides of this lot. Large trees can be delivered by tree spade w/o breaking up the concrete, however, when the 80,000 lb. concrete truck delivers the cement for the basement walls and slab, the driveway will be broken at that time. In addition, this driveway is under investigation by DOT and may be removed as well after DOT determines that the slope of the pre-existing driveway was altered.

- 4). Trees can be sited in the front, back and sides to accommodate the HPC requirement:

The large trees can be put in the front, by reconfiguring the driveway to accommodate them. Perhaps the applicant can spend some time with the engineer to adjust the shape of the driveway so tree can be sited to the left of the garage in front. The driveway at 10107 Meadowneck was adjusted to accommodate the existing tree. Too much time is focused on allowing the applicant to get out of the tree replacement requirement. You all need to give this lot some more thought and think through all the possible options.

- 5). Trees can be delivered by other means than a tree spade truck:

A bobcat or a backhoe can dig the hole for a tree in the back or side of the lot/or house very easily. A 6" or 8" tree can be brought in on a loader, even after the walls are up, if the applicant forgets to do so prior to pouring the cement foundation walls.

- 6). The lot dimensions are inaccurately represented:

This lot is 50' across, minus the width of the house (30'), leaves 20' minus the left side yard (8') gives the right side yard 12' of space (not 10' as identified) to maneuver vehicles. Twelve feet is more than adequate to accommodate a tree truck, backhoe, bobcat, or crane.

- 7). The tree IS 46" in diameter (DBH) as measured on the low side of the lot:

In fact, the original grade surrounding the Oak tree has been altered on the uphill side when the lot owner had his home/lot excavated and the dirt piled up against the trunk causing this massive slope. Look at this tree and measure the DBH on the low side. It more closely approximates 48" versus the 38" possibly measured on the uphill side.

- 8). The neighbors want large trees to replace the cooling and shading provided by the Oak we will lose:

Don't let the neighborhood lose the value of 8" or 10" trees by allowing the applicant to plant 3" and 4" trees. A forest of saplings or a "tree farm" (as suggested by the Commission) is not what the neighbors deserve after losing the massive specimen oak tree.

- 9). Why my house is smaller:

My husband, the builder of the other 3 Victorians on the street had 3 varying size plans for these lots. As such, he decided to apply for the largest building permit for all three lots. This was done to ensure that if he chose to build smaller homes, (and he did), he'd have less of a problem asking for a reduction if the larger version was already approved. After researching the neighborhood and determining the market value of existing comparable homes, he chose to build smaller homes. The builder chose to use misleading information to support her claim that our home is larger.

- 10). Trees protection zones are needed:

Tulip poplars (Liriodendron sp.) are extremely sensitive species and cannot withstand root compaction. This information is widely known and the 3 trees located at 10109 Meadowneck located just over the property line from the lot to be developed will be severely impacted. In fact it was this reasoning that the HPC used to require that we plant my 8" on my lot at 10105 Meadowneck Court back in 1990. We had a tulip poplar tree located very close to the truck traffic for construction and we were told to remove the tree because the construction impacts would kill it. That tree was 7' from the house and truck/loader traffic would impact the roots. A safe zone, we were told would be 12-20' and it was not possible to maintain that distance. I'm confident that a 3' protection zone is not large enough. I suggest that an independent licensed arborist look at this site and determine a safe zone for the tulip poplars near the property line at 10109 Meadowneck Court. These trees are the last of the few remaining tall trees we have left on our street. Please try to ensure their survival.

11). The deceptive tactics used for this lot development have been documented:

My home at 10105 was used to show larger massing, when the applicant homes are approximately 150 square feet larger than my home (see item 9, above)

Additionally, the applicant used a panorama photo, shown at the hearing, that depicts the proposed home to be lower in elevation than my home at 10105 Meadowneck Court. In fact, my home is approximately 8' taller because the street slopes downhill about 8-10' and my home's basement/driveway, are clearly seen in that photo as being built up higher than the successive homes down into the court.

The tree is not 38" diameter but larger, and was measured in a different location to indicate this massive oak to be a smaller tree (see item 7, above).

The applicant's arborist claims that the 3" trees grow just as fast in a few years as the 10" trees, and survive better. Not only is this not quite true, it's been shown that my 8" caliper tree has not died nor showed any decline since it was planted 3 years ago. It has adapted very well. (see 1, above)

The applicant indicates that the driveway cannot bear the load of a tree spade truck, yet the concrete driveway will be broken either after removal of the large tree with the trucks and their loads, or after delivery of the cement for the basement walls and slab (see item 3, above).

My neighbor called 2 trees companies to determine if a spade could be used to deliver a 10" tree. He was told that there are no problems delivering a tree onto that grade. In fact, the tree spade truck can deliver trees onto hillsides and terraces 10-12' above grade using the mechanical arms on the truck.

The applicant stated in the 7/26/95 hearing that the way construction occurs, is that all the dirt is piled up in the back of the lot and then used later to add around the home as backfill. Of course, this is the frequently used method, however, dirt can be hauled away to allow a place for these trees and not stored on-site. Many builders sell their clean fill dirt and barter to take some back after construction for their backfill. Perhaps the applicant needs to explore all the options available in order to comply with the large 8-10" tree planting requirement. It has and can be done. (see 1, above)

It appears that this applicant is trying to get out of the requirement for the larger trees, like Mr. Kramer said on 7/26/95, only to save money. Were she a resident of the street, I'm sure her concerns would equal the neighbor's. Please don't let us lose out on protecting the remaining trees we have or allowing us to lose these larger trees to a developer wishes.

Thank you.

Bonnie Adler
Bonnie Adler

Addressees:

Gwen Marcus
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Brooks Robinson
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

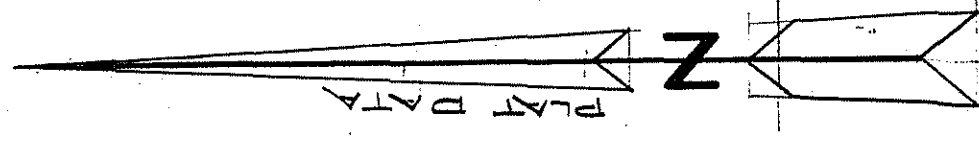
Kathy Conlon
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Malcolm Shaneman
Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910-3760

William Haussman, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

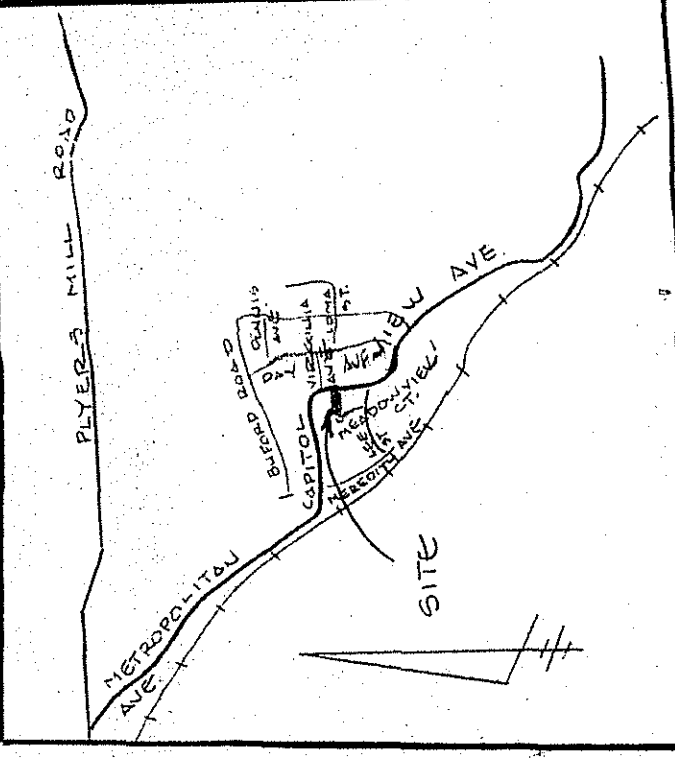
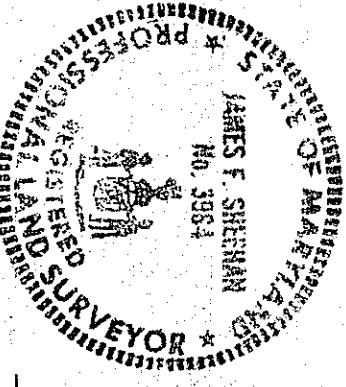
PLAN NOTES

1. BOUNDARY FROM EXISTING LAND RECORDS
2. TOPOGRAPHY FROM FIELD SURVEY
3. STREET MAP 33C11
4. 1/8" = 200' SHEET - 213 - NW - 3
5. TAX MAP HP - 563
6. TOTAL AREA = 13,467 \pm
7. PUBLIC WATER & SEWER (W/MSU)
8. PROPERTY ZONED R-60
9. PROPOSED NUMBER OF LOTS = 2
10. PROPOSED USE SINGLE FAMILY
11. NO SPECIAL TAXING DISTRICT
12. UTILITY COMPANIES - PERCO, C&P, WASHINGTON GAS
13. WATERSHED - ROCK CREEK



I hereby certify that this preliminary plan and drainage study is correct and fully meets the Montgomery County Dept. of Transportation Code requirements. And is accurate in accordance with the existing and available records.

James F. Sherman



VICINITY MAP
SCALE: 1" = 2000'

PRELIMINARY PLAN

LOTS 44 & 45 BLOCK 1

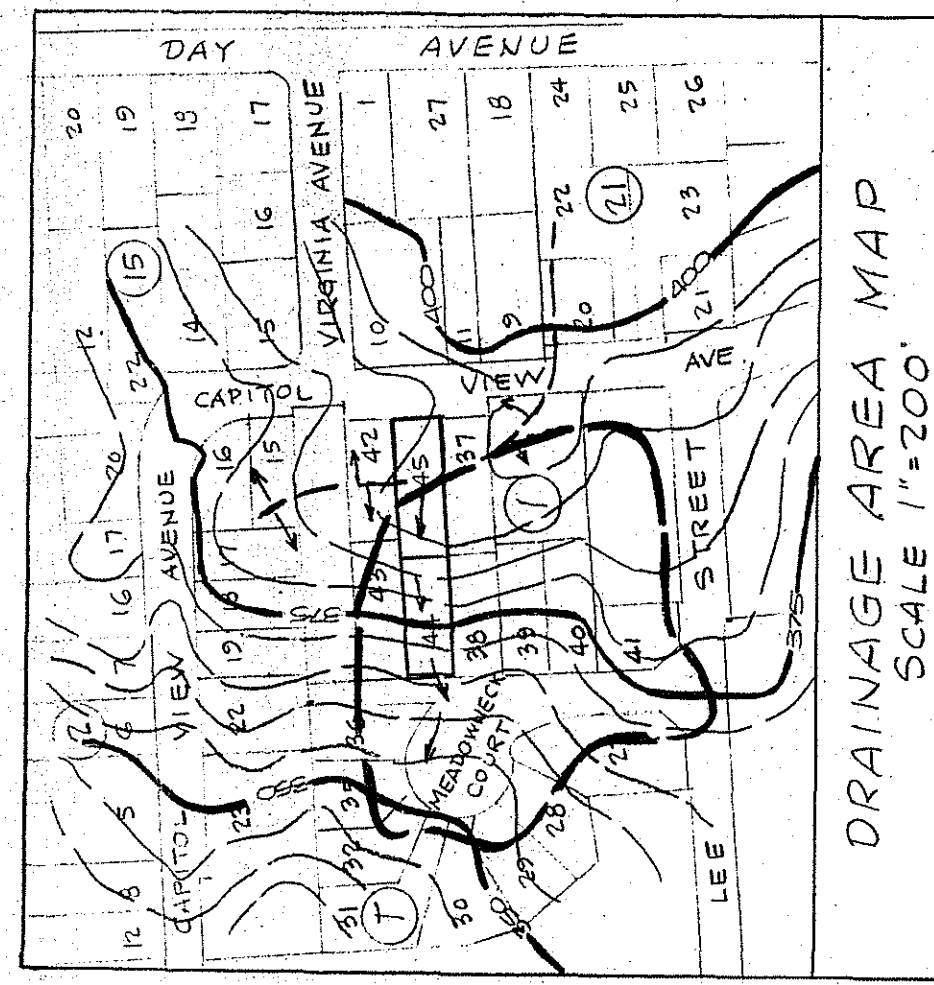
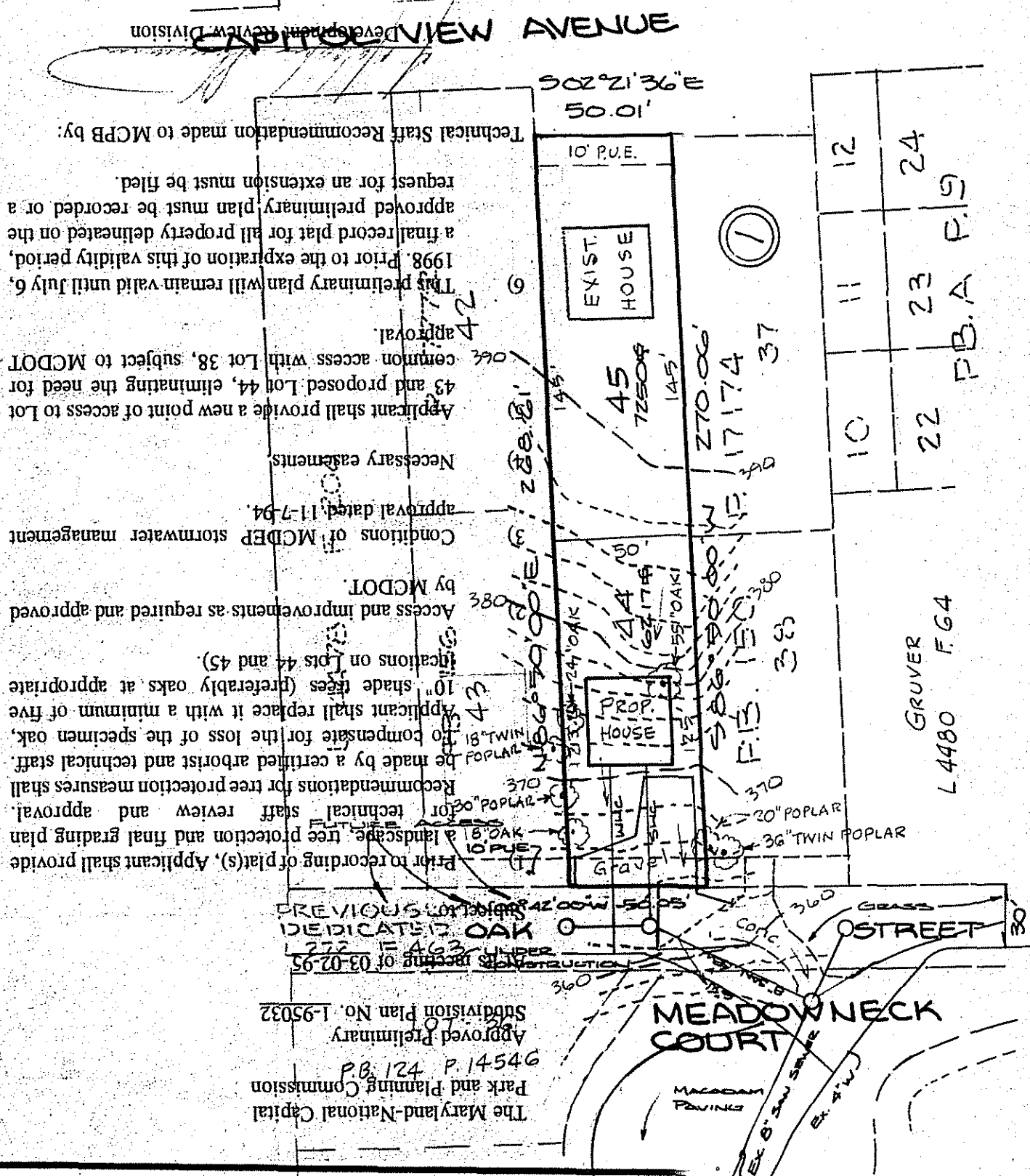
CAPITOL VIEW PARK

ELECTION DISTRICT NO. 13
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50'



ENGINEERS • PLANNERS • SURVEYORS
GEO-TECHNICAL • ENVIRONMENTAL
MATERIALS CONSULTANTS • FACILITIES

319 GIST AVENUE
SILVER SPRING, MARYLAND
(301) 588-3343



DRAINAGE AREA MAP
SCALE 1" = 200'

DRAINAGE AREA : 2.6 AC.
RUNOFF COEFFICIENT : 0.5165
TIME OF CONCENTRATION : 0.11 HR
10-YR RAINFALL INTENSITY : 6.62 IN/HR
10-YR FLOW : 8.9 CFS
SPREAD : 6.75 FT.

Technical Staff Recommendation made to MCPB by:
request for an extension plan must be filed.
approved preliminary plan must be recorded on the
a final record plat for all property delineated on the
1998. Prior to the expiration of this validity period,
This preliminary plan will remain valid until July 6,
43 and proposed Lot 44, eliminating the need for
Applicant shall provide a new point of access to Lot
43 and proposed Lot 44, subject to MCDOT
approval.
Necessary easements
Access and improvements as required and approved
by MCDOT.
Conditions of MCDP stormwater management
approval dated 11-7-94.

The Maryland-National Capital
Park and Planning Commission
Approved Preliminary
Subdivision Plan No. 1-95032
P.B. 124 P. 14546

OWNERS: Beverly I. & L.E. Saylor
10118 Capitol View Avenue
Silver Spring, Maryland 20910

PHONE: (301) 588-3343

DEPARTMENT OF HEALTH
MONTGOMERY COUNTY MARYLAND
APPROVED: _____ HEALTH OFFICER

DEPARTMENT OF TRANSPORTATION
MONTGOMERY COUNTY MARYLAND
APPROVED: _____

DIRECTOR

CHAIRMAN
SECRETARY-TREASURER

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD
APPROVED: _____

M.A.C.P. & P.C. RECORD FILE NO. 1-95001-E

Todd Bolton

ASSOCIATES, Inc.


Integrating
Nature with Development.

July 25, 1995

Historic Preservation Commission
re. Lot 44 Oak Street
Capitol View Historic District

All but one of the trees on this lot are on or along the northern boundary. The single tree is a large, 38 inch d.b.h., White Oak which must be removed for any home construction to occur. One of the trees, an eighteen inch d.b.h. Black Cherry should be removed prior to construction for safety reasons. White currently appearing in good health the Oak is not in the best condition. There is a large cavity, probably resulting from a wound more than 20 years ago. There are also indications of Hypoxylon butt rot and Armillaria root rot. While the tree may survive with these problems for several years, it has entered a period of decline.

I am unsure who provided the measurement for the White Oak, reported in the Historical Preservation Commission Staff Report, of 50 inches but the d.b.h. is only 38 inches. The method used to determine the d.b.h. is the accepted norm for the arboriculture industry, recognized in courts nationwide, and followed by the organizations listed on Copy sheet 1. This is a copy of the cover of the book from which the illustrations were copied.

A replacement planting plan has been agreed to with MNCPPC. It includes 15 3.5 - 4" cal. trees. 3 evergreens as a visual border along the rear property line, 1 ornamental in the front, 3 large shade tree on the parcel remaining with the original home, and the remaining 8 large shade trees spread throughout the property. These 8 trees have been located, primarily, in response to neighbors concerns regarding visibility of the new home. Nursery trees are generally greater than the minimum size given, but even if they are only 3.5 inches the combined caliper will equal 52.5 inches to replace 38.

The requirement of three 6" cal. trees will be of little benefit over time. It is accepted as a rule of thumb, within the arboricultural and nursery industries, that recovery from transplant shock takes a year per cal. inch. That is, it will probably be 5 or 6 years before the larger cal. trees regain good health and start producing normal yearly growth. If the 3.5 - 4" cal. trees were well planted I would not be surprised to find them equaling the canopy size of the 6 inchers within 8 to 10 years.

During one of my site visits I took an informal inventory of trees within the lots along Meadowneck Court. With two exceptions, the previous lot developed by Allegro and a lot with an extensive row of Pines for screening purposes, the average number of trees on the lots is between 4 and 5. In my professional opinion, as an arborist and landscape designer, requiring the planting of 15 trees is excessive. It will lead to stressed unhealthy conditions for the trees and severe inconvenience for the future homeowner.

Respectfully



Todd M. Bolton

FIELD SURVEYS WOODLAND PRESERVATION WETLAND DELINEATION LANDSCAPE PLANNING
4100 INGOMAR STREET NW WASHINGTON DC 20015 202/966-8286

Printed on recycled paper

Todd Bolton

ASSOCIATES, Inc.



Integrating
Nature with Development

- * Multi-discipline knowledge and experience
 - Practiced in pre-development site assessment
 - Knowledgeable of construction practices
 - Adept at impact minimization planning
 - ISA Certified Arborist
 - Trained in wetland delineation and mitigation planning

Consultant/Planner: 1990 to present, self employed, specializing in forest delineation and woodland preservation planning as required by Maryland state and county regulations, over 30 plans approved.

Part time plan reviewer for Fairfax Co. Park Authority, Environmental Services Division, October 1993 to present. Responsible for commenting on possible harmful environmental impacts to adjoining Park Authority property and or connected watersheds.

Landscape Management: June 1983 to February 1988 and March 1989 to February 1990, employed by design build landscape firms as installation foreman and designer/salesman. Developed a residential design build division for an existing commercial landscape maintenance company.

Arborist Inspector: March 1988 to March 1989, for Fairfax County Virginia, supervised tree preservation on approximately one hundred construction sites at any given time. Verified clearing and grading limits prior to the start of construction, ensured compliance with county code regarding tree protection and site landscaping, and assisted builders in solving problems that arose due to inaccurate or inadequate site design and grading plans.

Restaurant Management: 1972, 1977 to 1983, responsibilities included organizing and supervising crews of ten to sixteen people, for serving up to 400 customers per shift. Duties also included bookkeeping, ordering supplies, and maintaining inventory control.

Additional construction experience was gained during 4 years, in several trades, during the early 1970s.

Education

- Enrolled at UDC, 3.8 gpa., Environmental Science.
- Thirty out of thirty two, credits in The George Washington University Landscape Design Certificate Program.
- Completed Maryland Tree Preservation Training Program.

FIELD SURVEYS WOODLAND PRESERVATION WETLAND DELINEATION LANDSCAPE PLANNING
4100 INGOMAR STREET NW WASHINGTON DC 20015 202/666-8286

Printed on recycled paper

7-25-1995 6:22PM FROM CLEARWATER LANDSCAPE 3015900536

P. 2



Ms. Phyllis Michaels
Allegro Development
P.O. Box 57
Kensington, Maryland 20895

July 19, 1995

Re : Capital View Park - Lot # 44

Dear Phyllis,

We are concerned about possible damage to the concrete driveway caused by the tree spading operations as per our discussions. The combined weight of our truck and the size of the trees to be installed leads us to believe that significant damage could result in the areas crossed by the truck or at the pressure points where the hydraulic arms will rest. We will need a letter from you releasing us from all liability for any damage caused by our spade truck or other equipment.

If you have any questions, or would like to discuss other options for installation of smaller plant material, please do not hesitate to call.

Sincerely,

MICHAEL S. REMPE

Michael S. Rempe
President

LIGHT, ELLIOTT & ASSOCIATES, Inc.

Serving the Washington Metropolitan Area Since 1957

8808 ADELPHI ROAD
ADELPHI, MARYLAND 20783
Telephone 422-8080
Fax 422-8086



• ENGINEERS
• PLANNERS
• SURVEYORS

866 CHANDLER COURT
WALDORF, MARYLAND 20604
Telephone 843-4827
Fax 843-4828

Ms. Phyllis Michaels	DATE July 26, 1995 JOB NO.
5225 Pookhill Road, #1810-N	RE: Floor Elevations
Bethesda, Maryland 20814	
ATTENTION :	

GENTLEMEN :

WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER THE FOLLOWING ITEMS :

- TRACINGS PRINTS COMPUTATIONS DESCRIPTIONS SPECIFICATIONS
- APPLICATIONS COPY OF LETTER _____

VIA : MAIL INSURED BY HAND MESSENGER PICK UP

FAX FROM : (301) 422-6086 TO : (301) 564-9028

COPIES	DATE OR NUMBER	DESCRIPTION

THESE ARE TRANSMITTED AS CHECKED BELOW :

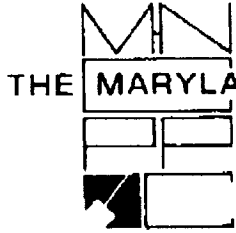
- AS APPROVED BY _____ FOR APPROVAL
- AS SUBMITTED FOR APPROVAL TO _____ FOR REVIEW
- AS REQUESTED BY _____ FOR YOUR USE
- PLEASE RETURN TO LIGHT, ELLIOTT & ASSOC., Inc. AFTER USING _____

REMARKS : Elevations of house is 377.53, finished floor of 10105 Meadow Neck Court. If you have any further questions do not hesitate to call to contact me at (301) 422-6080. Thank-you.

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

CC :

SIGNED *Marwan F. Mustafa*
Marwan F. Mustafa



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

July 18, 1995

Ms. Phyllis Michaels
Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20895

Dear Ms. Michaels:

Per our phone conversation of today, I am writing this letter to document that prior to release of a building permit for Lot 44, Capitol View Park we need additional information as part of our approval of the grading plan. Specifically, we need to see details and cross-sections for the proposed retaining walls and an engineer's certification that the grading and construction of walls on this lot will not impact the existing walls on the adjacent lot to the south.

Please contact Brooks Robinson or myself if you have any questions regarding these requirements.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Conlon".

Cathy Conlon
Environmental Planning Division

cc: File 1-95032
Darren Robinson



ENGINEERS
PLANNERS
SURVEYORS

Light, Elliott, & Associates, Inc.

8508 ADELPHI ROAD • ADELPHI, MARYLAND 20783-1799 • PHONE 301-422-6080 • FAX 301-422-6086 • 1-800-246-6081

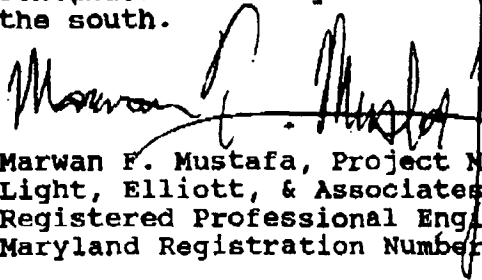
July 25, 1995

MNCP&PC
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: File # 1-95032
Capitol View Park

To whom it may concern:

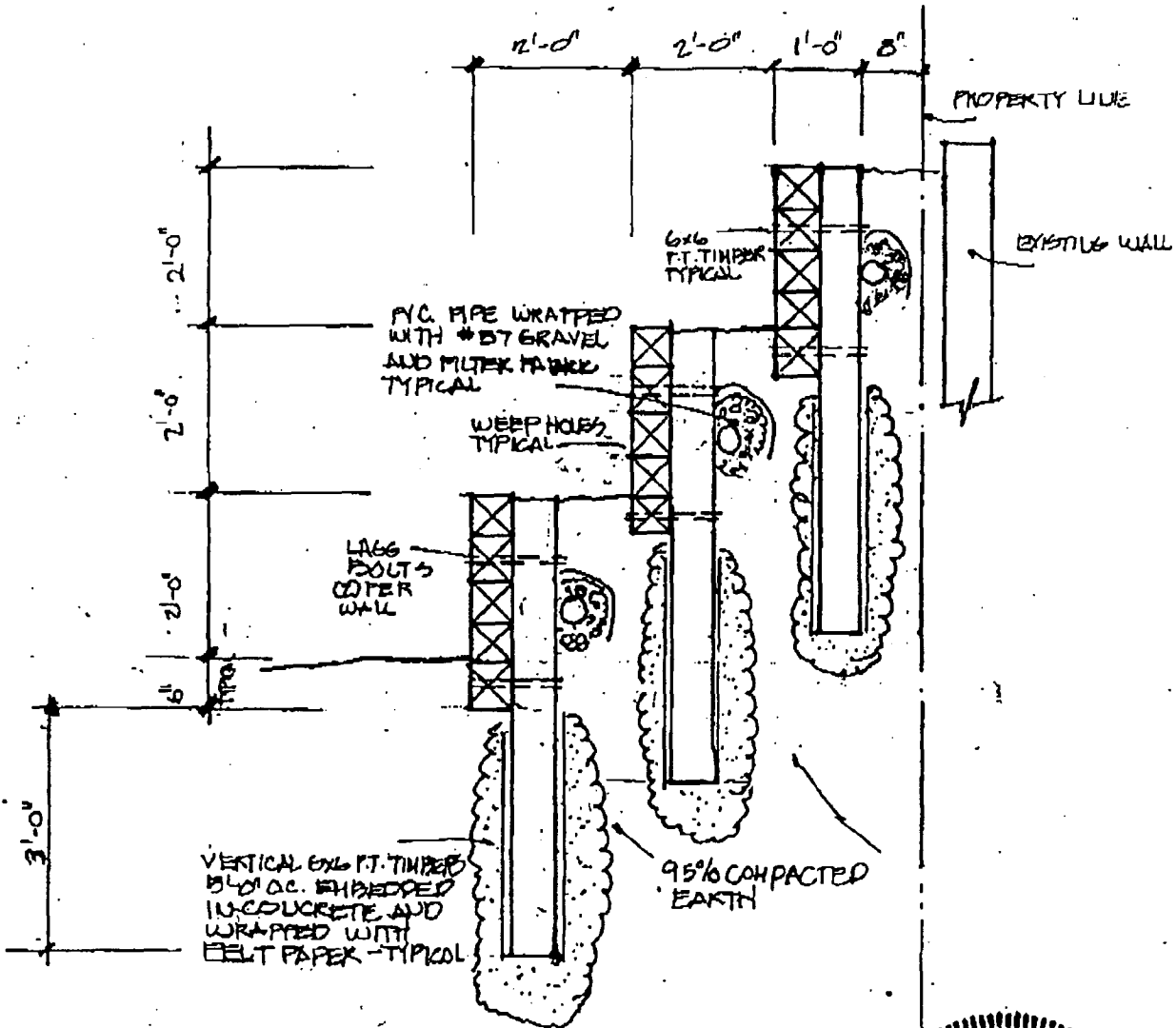
I hereby certify that the proposed retaining wall on the above referenced site will not impact the existing walls on the adjacent lot to the south as a result of the grading and construction involved in placing them as shown on the project's plans. This certification is based on the assumption that the existing walls on the lot to the south do not have any structural members which encroach into the subject site. If, after work has begun, such is discovered, measures as appropriate shall be taken to ensure the continued stability of the existing walls on the adjacent wall to the south.

 7-25-1995
Marwan F. Mustafa, Project Manager
Light, Elliott, & Associates, Incorporated
Registered Professional Engineer
Maryland Registration Number 20423



ESTABLISHED 1957 SERVING GREATER METROPOLITAN AREA
BRANCH OFFICE

953 CHANDLER COURT • WALDORF, MARYLAND 20604 • PHONE 301-843-4927 • 301-843-7592 • FAX 301-843-8589



RETAINING WALL - WALL SECTION
 1/2" = 1'-0"

FOR WALL DESIGN ONLY

7.25.1995

Marwan Faris Mustafa



LIGHT, ELLIOTT & ASSOCIATES, INC
 8508 Adelphi Road
 Adelphi, Maryland 20783
 Phone 301-422-6080
 Fax 422-6088

ENI • ENGINEERS
 • PLANNERS
 • SURVEYORS
 1-800-246-6081

863 Chandler Court
 Waldorf, Maryland 20604
 Phone 301-843-4927
 Fax 843-4928

BKI			
Job No.	Liber / Folio	File Number	

removal of the 50" oak tree on the lot. Ms. Michaels represents that it is impossible to get the proper equipment on the back of the lot to plant this size tree and she proposes to plant 15 smaller trees instead. We assume that she has requested modification or waiver of the subdivision plan and that the planning board concurs with her assessment that the proper equipment cannot be used. If not, we urge the Commission to explore the possibility of bringing the equipment from the top of the lot instead of up the slope. Alternatively, we concur with the condition of the HPC staff report that the 3 trees proposed for the front of the house be at least 6". We do not agree with the staff report on the storm drainage issue. Several neighbors have experienced severe back yard flooding, a condition that did not exist before Ms. Michaels built her first house and in fact, Ms. Michaels is working with the Sussmans to try correct problems they are experiencing. The tree plan is crucial in erosion control as well as in aesthetic aspects. Although Ms. Michaels indicated that the oak tree has some problems, one LAP member stated that the tree was not in danger of dying and that, in her opinion, it should last 30 or 40 years if undisturbed. We strongly urge the Commission to carefully consider any alteration of the original subdivision plan and to condition approval of the project accordingly.

In summary, the group felt that Ms. Michaels had considered our comments and has attempted to include them in her proposal. We appreciate this consideration as well as the opportunity to discuss her plans before the hearing.

Comments on case number 31/7-95C; Construction on Meadowneck Court

Several months ago I filed comments on behalf of several residents of Meadowneck Court expressing concern about plans to construct a house on the last remaining lot facing the court. These comments were forwarded to Phyllis Michaels, the builder of the proposed house. Last Sunday Ms. Michaels met with several residents and with members of the Local Advisory Panel to discuss her plans and how she tried to accommodate neighborhood concerns. The general feeling of the group is that Ms. Michaels has considered our comments and although she has not acceded to all of our requests, her plans represent a satisfactory compromise. Specifically, the primary issues are discussed below.

House size

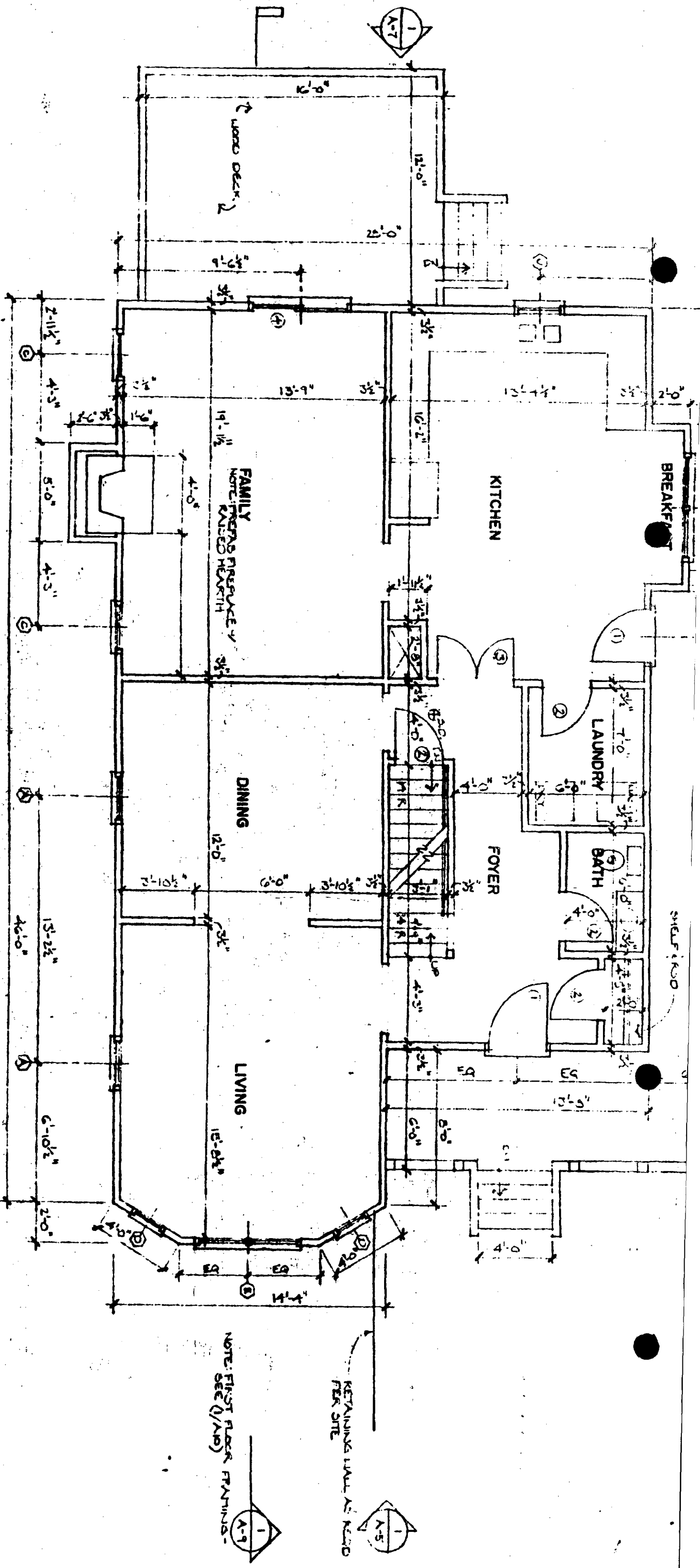
Although the size of the proposed house is approximately the same as her other recently constructed house, Ms. Michaels has attempted to incorporate several features that will hopefully lessen the visual impact. These include the use of "hip" roof design and a plan that appears to "stagger" the sections of the front to break up the facade. We are still concerned about the proposal for a two car garage and a large door. This door is not in keeping with the design of the house and does operate to make the house appear wider. At the suggestion of one member of the group, Ms. Michaels indicated that she would seriously consider using two garage doors with a post in the middle, similar to a "carriage house" look that would be more in keeping with Victorian architecture and would make the house appear narrower. We urge the Commission to explore this possibility with the builder and to perhaps condition approval on its implementation. Any other suggestions for limiting the visual impact of this structure would be appreciated. As we pointed out in previous comments, this house will close in the open area of the court and if it is too massive, the new structures will look more like attached row houses than single family dwellings. We also note the observation of one member of the group that a house that is substantially lower than the existing new homes will look out of place. However, residents in the older, smaller homes point out that perhaps all of the new houses are too large for the neighborhood and that HPC should have required smaller structures.

Detailing

Ms. Michaels explained that she incorporated the use of shutters in her proposal to be compatible with many of the other houses that have shutters. She also has eliminated much of the "gingerbread" detailing to which the neighbors objected. We asked about the proposed color and were told that this had not been decided but with less detail, we feel that the general appearance will be less spotty. We urge the Commission and Ms. Michaels to consider a more muted palate for this house. We do feel that Ms. Michaels has tried to accommodate our concerns in this area.

Trees

The original subdivision plan required planting five 10" trees to mitigate the effect of the



DOOR SCHEDULE

- 1 3'-0" x 6'-6"
- 2 2'-6" x 6'-6"
- 3 (2) 2'-0" x 6'-8"
- 4 6'-8" x 6'-8" SLIDER
- 5 3'-0" x 6'-8" RPTD
- 6 4'-8" x 7'-0" OVERHEAD GARAGE
- 7 (1) 2'-6" x 6'-8"
- 8 2'-4" x 6'-8"

WINDOW SCHEDULE

- A (1) 2'-8" x 4'-6"
- B (3) 2'-5" x 4'-6"
- C (4) 2'-8" x 3'-2"
- D (1) 2'-8" x 4'-6"
- E (4) 2'-8" x 4'-6"
- F (1) 2'-8" x 2'-8"
- G
- H

FIRST FLOOR PLAN

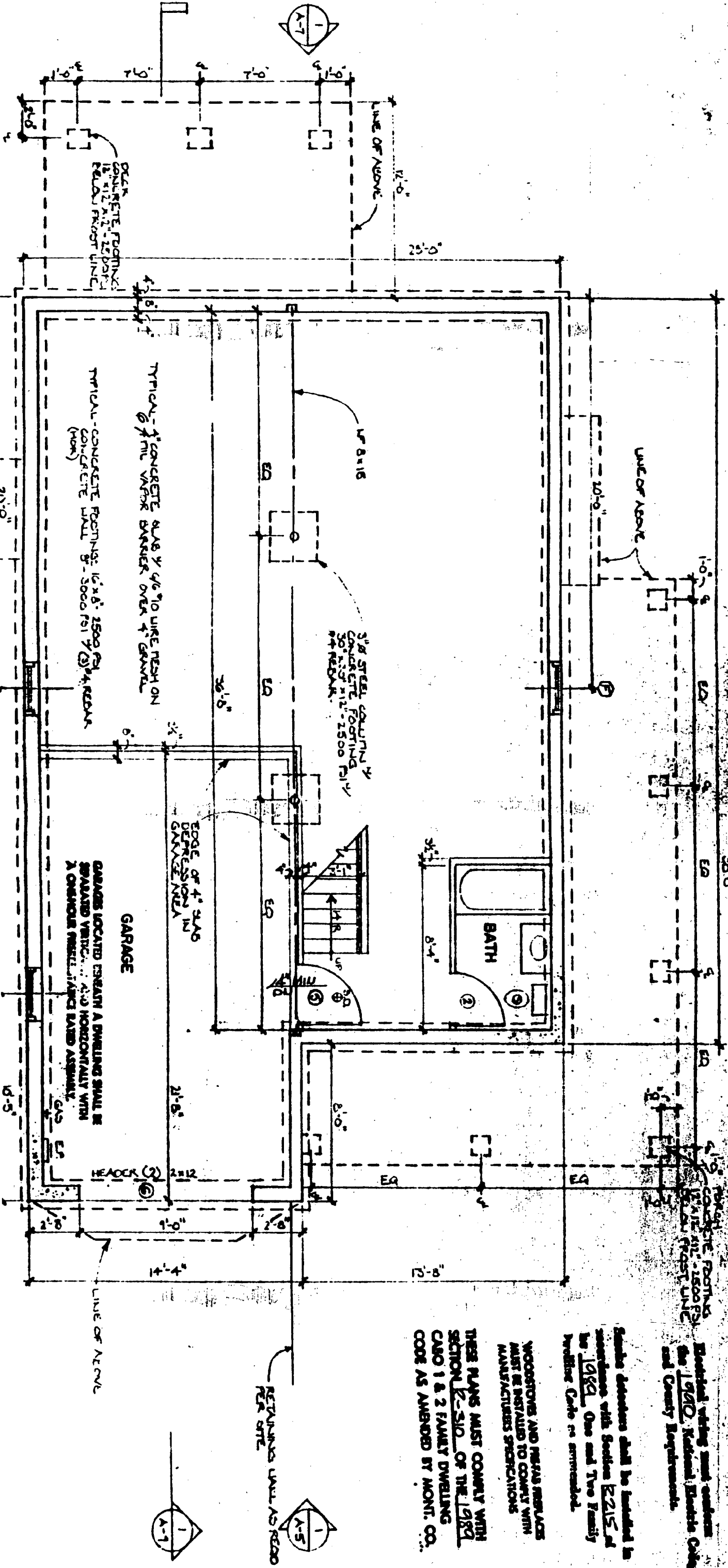
ADUR Home



NOTE: FIRST FLOOR FRAMING - REMAINING WALL AS PER SITE

REMAINING WALL AS PER SITE

10105 Headpack Ct



NOTE
 EACH BEDROOM SHALL HAVE AT LEAST ONE WINDOW
 WHOSE CLEAR OPENING IS A MINIMUM OF FIVE
 SQUARE FEET. THE MINIMUM CLEAR WIDTH SHALL BE
 20" AND THE MINIMUM CLEAR HEIGHT SHALL BE 22"
 Section R-211 of the One and Two Family Dwelling Code.

**GENERAL STRUCTURAL
 ARRANGEMENT APPROVED
 SUBJECT TO FURTHER
 APPROVAL OF CONSTRUCTION**

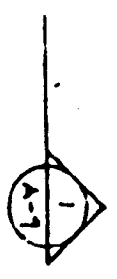
MONTGOMERY COUNTY GOVERNMENT
 Department of Environmental Protection
 Division of Construction Codes Enforcement
 Approved Edmondson
 Date 6/14/91

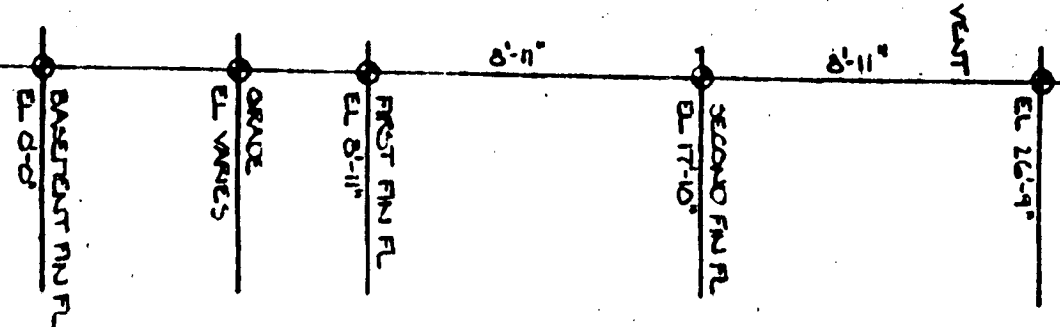
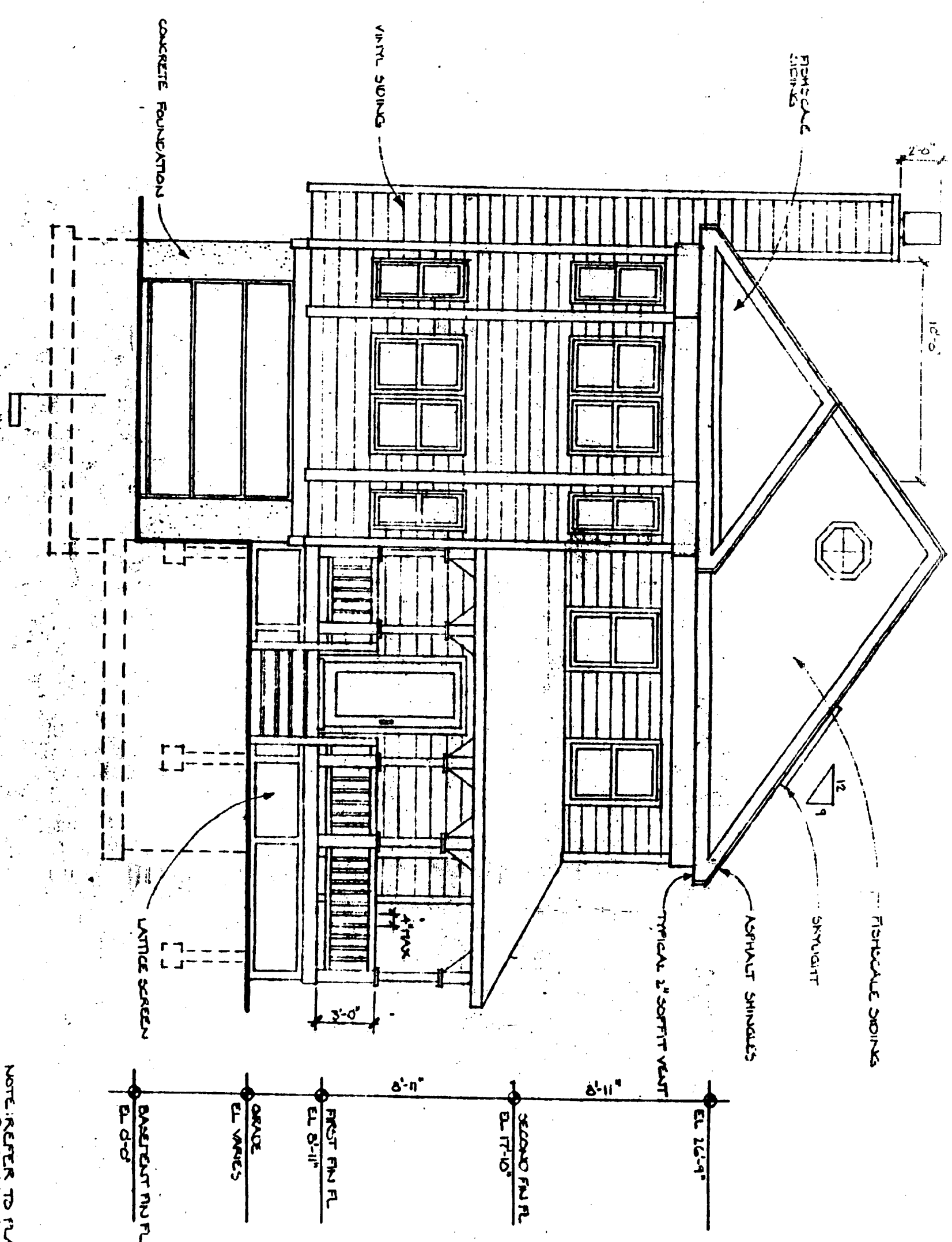
Structural Notes shall be located in
 accordance with Section E215 of
 the 1989 National Building Code
 and County Requirements.

Roofing sections shall be located in
 accordance with Section E215 of
 the 1989 National Building Code
 and County Requirements.

WOODSTOVE AND HEAT EXCHANGERS
 MUST BE INSTALLED TO COMPLY WITH
 MANUFACTURERS SPECIFICATIONS

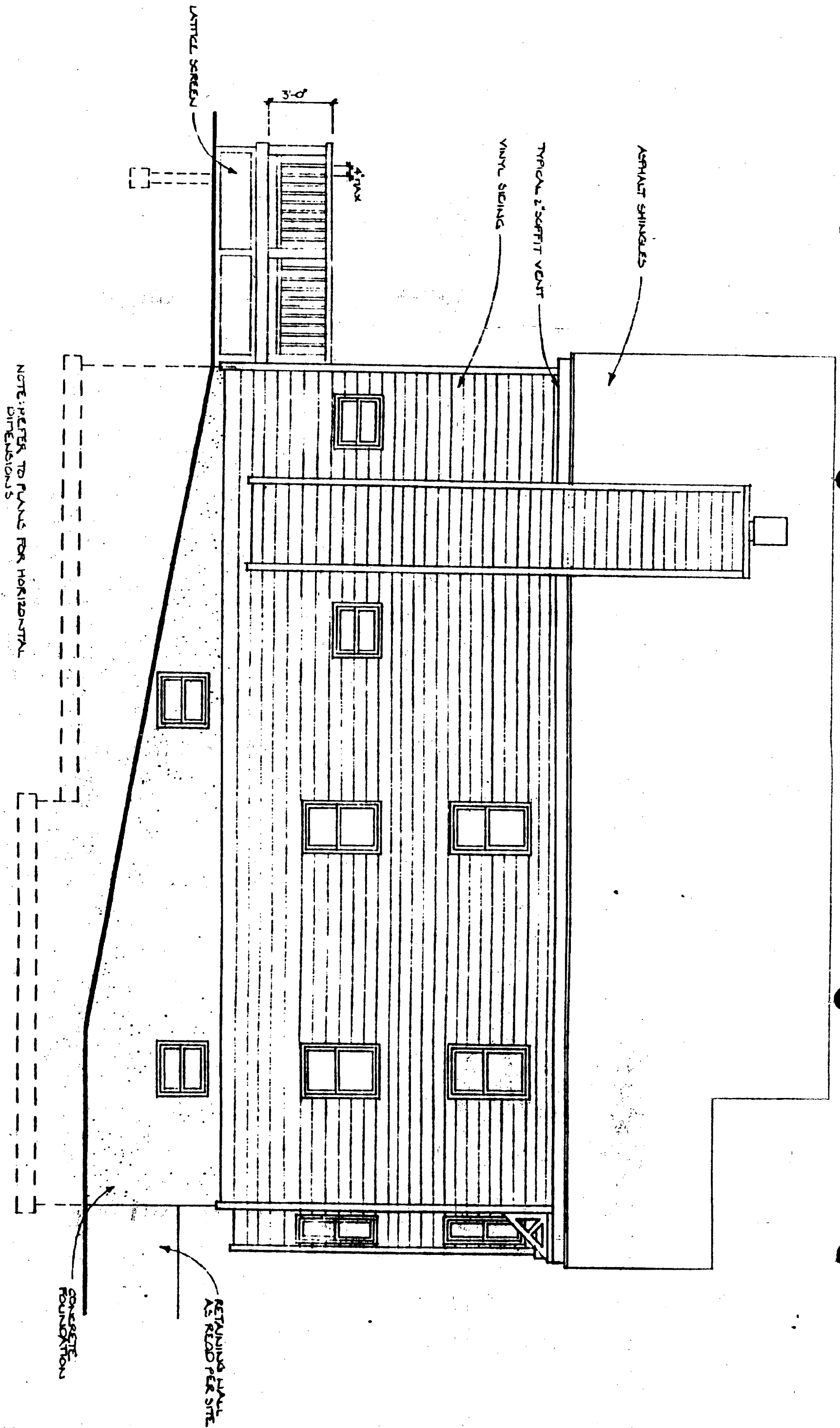
THESE PLANS MUST COMPLY WITH
 SECTION E-510 OF THE 1989
 CODE AS AMENDED BY MONT. CO.



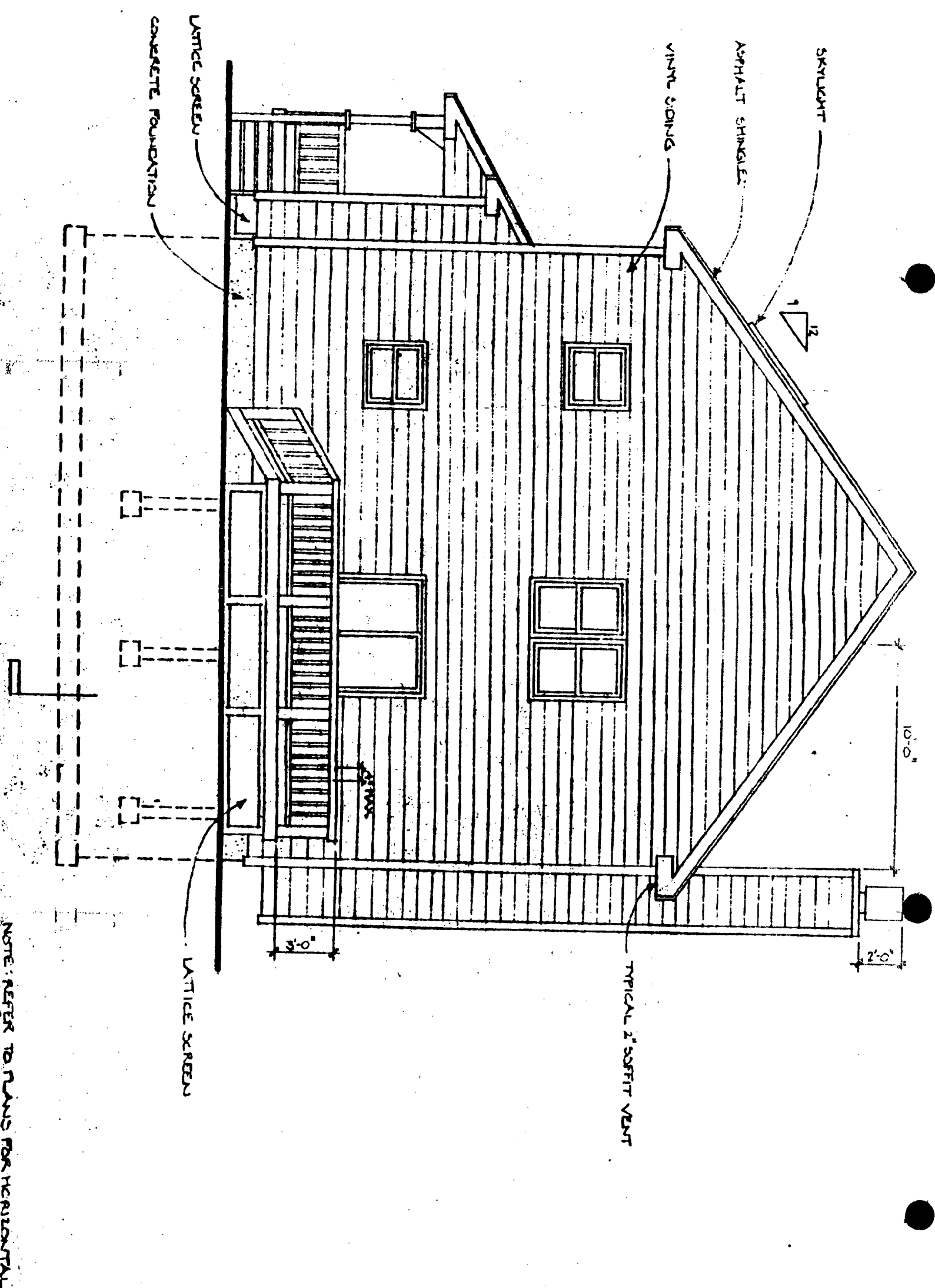


NOTE: REFER TO PLANS FOR HORIZONTAL DIMENSIONS

1 ELEVATION
ANS 1728-F-07



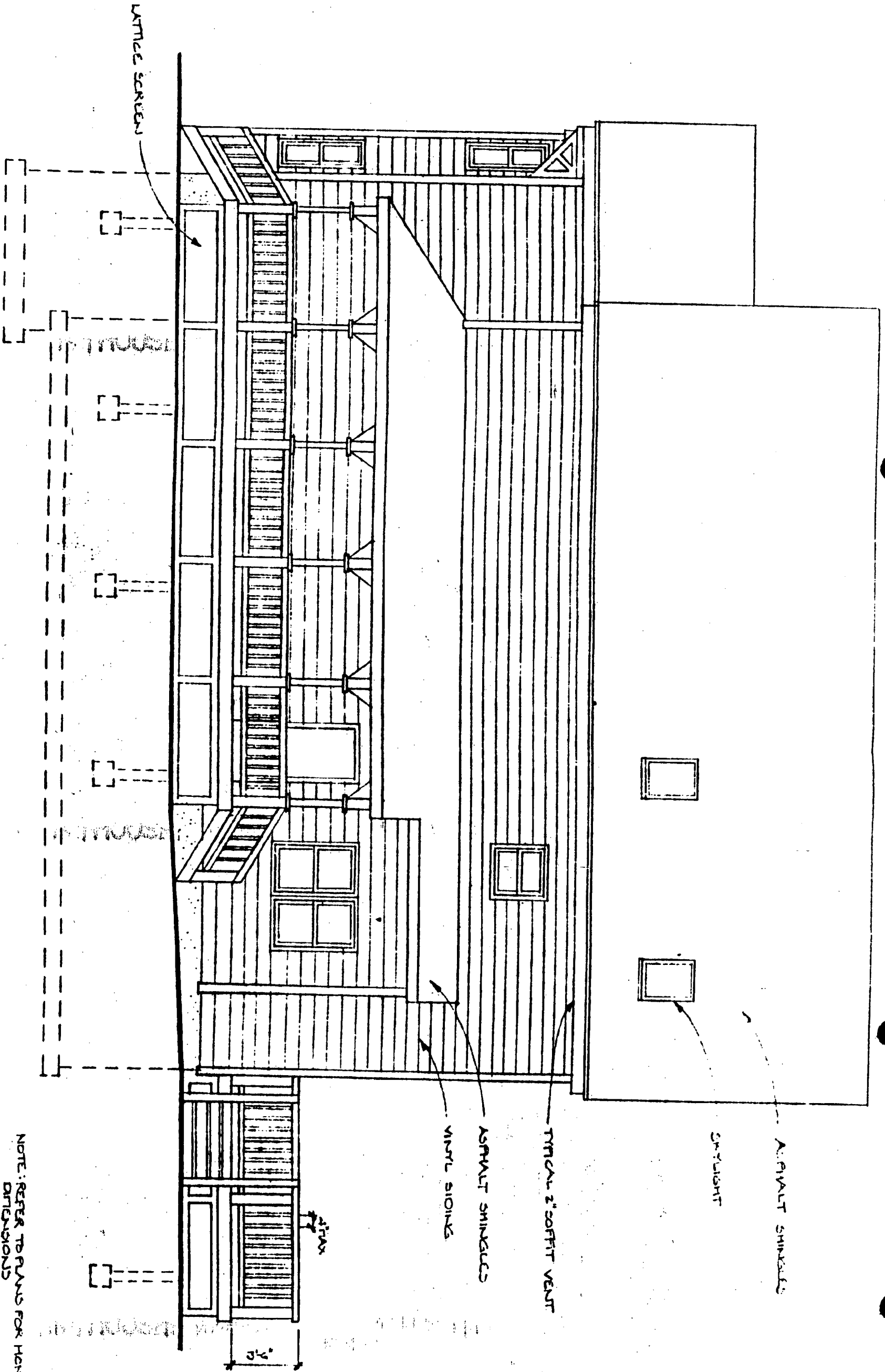
1
A-C
ELEVATION
1/4" = 1'-0"



1 ELEVATION
A-7 1/2"=1'-0"

Job	9102
Sheet	A-7
Date	5/29/9
Scale	
Drawn	

ADLER CONSTRUCTION GROUP, INC
HOUSE TYPE B-1



ELEVATION

NOTE: REFER TO PLANS FOR HORIZONTAL DIMENSIONS

Sheet	1 of 1
Date	
Scale	
Drawn	

Plan for
10105 Meadowcreek
—
CF

Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20814

July 2, 1995

Ms. Pat Parker
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Lot 44 Capitol View Park

Dear Ms. Parker:

Enclosed for your review is the application and supporting documentation for a Historical Work Permit for the above referenced lot. Included in this package is an approved drainage and tree replacement plan which has been approved by the Development Review Division of the MNCPPC during the lot subdivision process. I have reviewed the Capitol View Master Plan and this lot has been developed to be consistent with the requirements of this district for spatial resources. The two major considerations for developing unimproved parcels of land is that the project contribute visually and aesthetically to the historic district and be regarded as an extension of the environmental settings of the significant historic resources. The homes which are contiguous to this property and in the general neighborhood are all not contributing resources and have no historical significance with the exception of one bungalow house at 10120 Capitol View Avenue which has been determined to have minor historical value.

The design of this home contributes visually and esthetically to the historical district by replicating authentic Victorian homes of the late 1800's. The use of shutters, running trim, gable and porch brackets, and cornice detailing is consistent with Victorian homes of this era and is an architectural contribution to the district. The materials used including vinyl siding and fiberglass shingles is consistent with the other non-contributing resources in the area.

The design of this home honors the environmental setting by building a home which is consistent with the neighborhood. The square footage, massing of this home, and the tree plan all are consistent with the existing homes which have been recently built and approved by the HPC. The matrix below compares the square footage of this proposed project with two existing homes in the neighborhood, the home which I just completed and is owned by the Kepferle's at 10113 and the home at 10105 which is owned by the Alder's. This proposed project and the one at 10113 are both slightly smaller than the Adler home. I have enclosed a copy of the permit drawings of 10105 for your use and a copy of the home at 10113 should be in your files.

	10111 Proposed	10113 Kepferle	proposed 10105 Adler	<u>actual</u>
First Floor	2499	2504	2430	2352
Second Floor	1232	1224	1230	
Basement/Garage	1267	1251	1200	
Covered Porch	1204	1179	1179	
TOTAL	3788	3855	3869	
Rear Porch /Patio	96	100	260	
GROSS TOTAL	192	168	192	
	3967	4023	4061	

[Square foot living area 2500 proposed 10111
proposed 2400 Adler home
actual 2352 " "]

HANSON & DEN OUTER, LTD.



CIVIL ENGINEERS & LAND SURVEYORS
 LAND PLANNING CONSULTANTS
 172 ROLLINS AVE., ROCKVILLE, MD. 20852
 301-881-6770

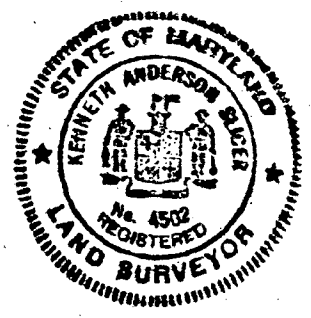
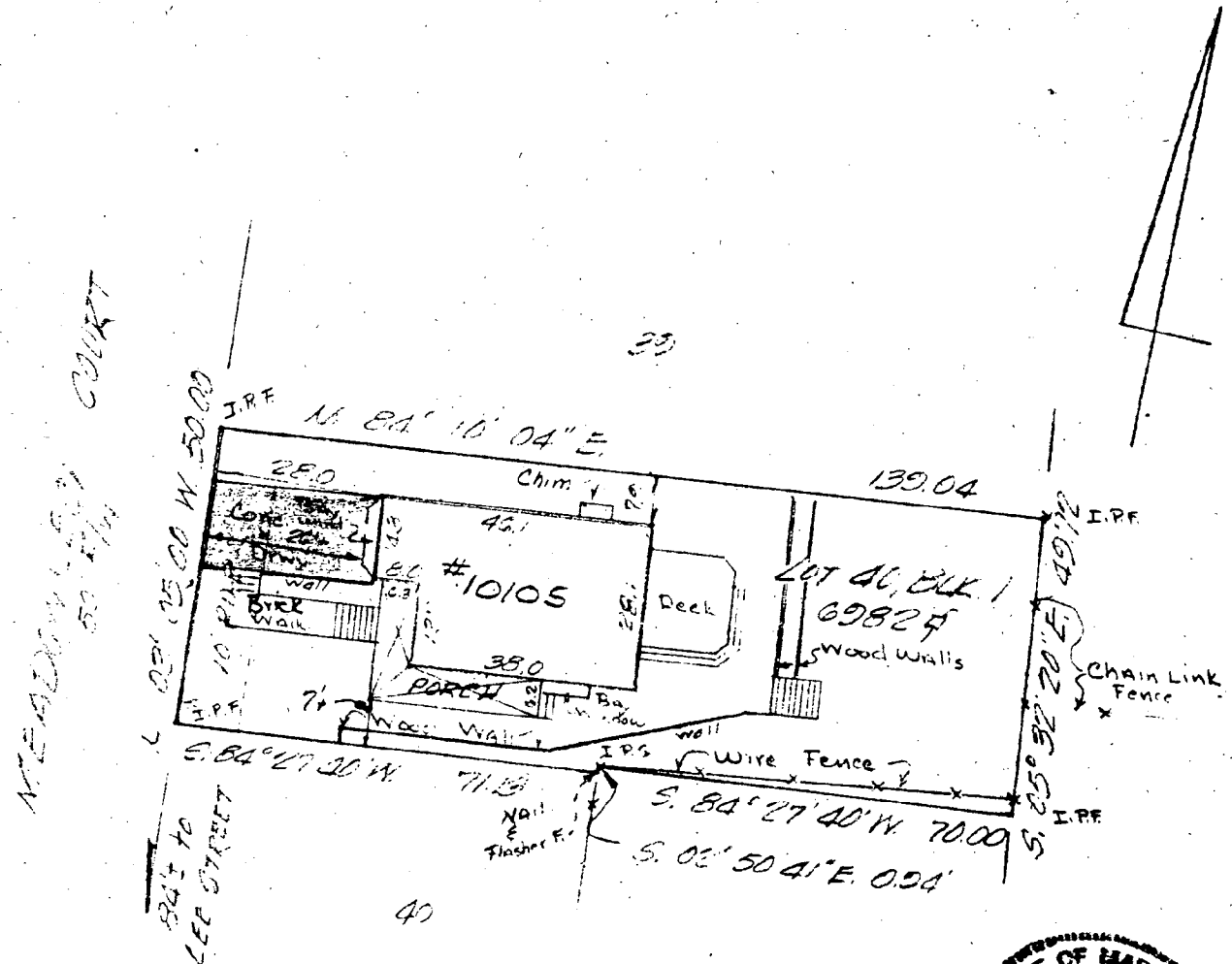
HOUSE LOCATION PLAT

LOT 40 BLOCK 1

CAPITOL VIEW PARK

COUNTY OF MONTGOMERY PLAT BK. 152 PLAT NO. 1732A

Permit No. 9105030065 Address 10105 Meadow Creek Court, Silver Spring, Md. 20910



NOTE: Existence of property corners not guaranteed by this plat.

SURVEYOR'S CERTIFICATION

I hereby certify that the property delineated hereon is in accordance with the Plat of Subdivision and/or deed of record, that the improvements were located by accepted field practices and include permanent visible structures and encroachments, if any. This Plat is not for determining property lines, but prepared for exclusive use of present owners of property and also those who purchase, mortgage, or guarantee the title thereto, within six months from date hereof, and as to them I warrant the accuracy of the Plat.

Kenneth Anderson
 Professional Land Surveyor No. 4502

Job No.	79741
Case No.	
Scale:	1" = 30'
DATES	
Wall Ck:	7-2-91
Final Loc:	7-16-92
Recert:	12-15-92

APPRAISAL OF

A SINGLE FAMILY RESIDENCE

LOCATION : 10105 MEADOW NECK COURT
SILVER SPRING, MD 20910

CLIENT : EASTERN MORTGAGE CORPORATION
11350 MC CORMICK ROAD, SUITE 300 HUNT VALLEY, MD

AS OF DATE : NOV. 5, 1991

APPRAISER : PAM PITTMAN

of Appraisal is to estimate Market Value as defined in Certification & Statement of Limiting Conditions.

BUILDING SKETCH (SHOW GROSS LIVING AREA ABOVE GRADE)
Freddie Mac/Fannie Mac, show only square foot calculations & cost approach comments.

Table with columns for area (28, 8, etc.), quantity (X), and value (2,128.00, 224.00, 2,352.00)

ESTIMATED REPRODUCTION COST - NEW - OF IMPROVEMENTS:

Table listing costs for Dwelling (2,352), Bsmnt (868), FIREPLACE, APPLIANCES, Special Energy Efficient Items (INCL ABOVE), Decks/Patios (DECK/COV POR), Garage/Carport (308), and Depreciation (0).

BASEMENT:
1176 - 308 (BUILT IN GARAGE) = 868 SQ. FT.

GARAGE:
14 X 22 = 308 SQ. FT.

(Not Required by Freddie Mac and Fannie Mac)

Does property conform to applicable HUD/VA property standards?
If No, explain:

Construction Warranty [X] Yes [] No
Name of Warranty Program BUILDER'S WARRANTY
Warranty Coverage Expires 1 YEAR

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties.

Large table comparing subject property (10105 MEADOW NECK) with three comparables (10310 MEREDITH AVE, 9915 CAPITOL VIEW, 10804 MELVIN GROVE) across various attributes like address, price, location, and features.

Comments on Sales Comparison: ALL 3 COMPS ARE SETTLED SALES OF NEW OR NEARLY NEW HOUSES SIMILAR IN DESIGN, UTILITY AND APPEAL TO SUBJECT. ALL SUPPORT MARKET VALUE ESTIMATE OF SUBJECT.

INDICATED VALUE BY SALES COMPARISON APPROACH
INDICATED VALUE BY INCOME APPROACH (If Applicable) Estimated Market Rent \$ 0 /Mo. x Gross Rent Multiplier 0 = \$ 0*
This appraisal is made [] "as is" [] subject to the repairs, alterations, inspections or conditions listed below [X] completion per plans and specifications.

Final Reconciliation: CONSTRUCTION IS NEW AND THIS IS THE HIGHEST AND BEST USE OF THE LAND. THE COST APPROACH IS SUPPORTIVE OF THE SALES COMPARISON APPROACH.

This appraisal is based upon the above requirements, the certification, contingent and limiting conditions, and Market Value definition that are stated in
[] FmHA, HUD &/or VA instructions.
[X] Freddie Mac Form 439 (Rev.7/86) / Fannie Mae Form 1004B (Rev.7/86) filed with client
I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THIS SUBJECT PROPERTY AS OF NOV. 5 19 91 to be \$
I (We) certify: that to the best of my (our) knowledge and belief the facts and data used herein are true and correct; that I (we) personally inspected the subject property, both inside and out, and have made an exterior inspection of all comparable sales cited in this report; and that I (we) have no undisclosed interest, present or prospective therein.

APPRaiser(S) Signature PAM PITIMAN REVIEW APPRAISER Signature (If applicable) Name Inspect Property

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: Lot 44, Oak Street Meeting Date: 7/26/95
Resource: Capitol View Park Historic District HAWP: New Construction
Case Number: 31/7-95C Tax Credit: No
Public Notice: 07/12/95 Report Date: 7/19/95
Applicant: Allegro Development, Inc./ Phyllis Michaels, Pres. Staff: Patricia Parker
PROPOSAL: Construct single-family house RECOMMEND: Approval w/
condition

BACKGROUND

This proposal to construct a frame, two-story single-family home with basement would be located off Meadowneck Court within the Capitol View Park Historic District. The lot is accessed via a new street, not yet built - Oak Street. The unimproved lot is surrounded by other recent **non-contributing** structures. This lot location is spatially and visually separated from historic resources within the historic district.

The proposal includes a tree survey. During the subdivision process there was substantial discussion about the proposed removal of a significant oak tree and the need to provide careful grading of the site. The Planning Board approved the subdivision with the condition that five (5) 10" caliper trees be planted to mitigate the loss of a documented 50" oak tree situated at the crest of the slope. The applicant has recently requested staff approval to provide fifteen (15) 3" shade trees in lieu of five trees of more substantial caliper. The applicant made this request because a mechanical spade used to plant the trees could not mount the existing slope.

Staff has received several comments from the community and has included written comments received as a part of the Staff Report (See attached). Staff has also consulted other M-NCPPC Staff in environmental and subdivision review as a basis for this writing. The grading plan submitted for Lot 44 has not yet met approval. More information is required which concerns the applicant's proposal to place retaining walls to provide drainage. Proper construction of retaining walls could direct surface water from the back to the front of the property and out to Meadowneck Court as required.

Staff at DEP and DOT are of the opinion that this proposal will not exacerbate the stormwater management problems. Cure of current drainage problems are not the responsibility of this applicant. The insufficiency of an SHA inlet nearby should be the responsibility of the State Highway Administration (SHA).

STAFF DISCUSSION

The applicant proposes to construct a frame two-story single-family house with basement, front porch, rear wood deck and garage. The garage would have a double-width opening facing the public street. The structure would be 30'-0" wide by 42'-0" long. The structure would have a floor area of approximately 2500 square feet on two floors. The house, as proposed, would be sheathed in vinyl siding. Roofing shingles would be fiberglass.

Drawings submitted as a part of this plan indicate that the house would be serviced by a concrete driveway abutting the structure in the front yard of the property. A wood deck would be constructed at the rear of the house and a 10' x 10' porch on the front facade. The house is set back 31'-6" from the front property line and the plan provides 8' and 10' sideyard setbacks. The elevations, plans and material submission are consistent with existing houses on this street and with those constructed after the Historic District was created.

Staff feels that the HPC should focus on issues of size, scale and massing and tree loss - all issues which affect the streetscape and the Historic District as a whole.

Lot 44 is surrounded on three sides by **non-contributing, out-of-period** structures. Within the district and at the rear of the property and facing Capitol View Avenue are two structures built between 1917-1935. The lots which face Meadowneck Court, opposite this property, are improved with structures lower in height than this proposal. But several lots to the south of the property and the recently constructed house on Lot 43 to the north (reviewed by the HPC on August 17, 1994) are about the same height as this proposed house and they are of very similar architectural design.

Several comments were received from the community. The community wants to see a house constructed that is smaller than the one at 10113 Meadowneck (Lot 43), has a one-car garage and is simpler in design. Staff observes that the applicant has considered these comments but chose to propose a house approximately the same size as 10113 Meadowneck, with a two-car garage and which is simpler in design. Therefore, this proposal does not meet most of the community's concerns.

The community has expressed concern about the size of the house because of the topography of the lot. The applicant proposes a house that is 2,499 square feet on two floors. The footprint would be slightly larger than 1200 square feet. the

house recently approved by the HPC was 2,504 square feet and the footprint was 1280 square feet. Therefore, this proposal is about the same size as 10113 Meadowneck Court (Lot 43) and slightly larger than 10105 Meadowneck Court which is also adjacent to the subject property. 10105 Meadowneck Court is 2430 square feet on two floors and has a footprint of 1230 square feet.

The applicant has chosen to work to reduce the amount of perceived mass by siting the house at the same floor elevation and posterior to the front face of the porch of the adjacent property. Although the applicant does not propose a smaller house than the adjacent houses, staff feels that the issue of compatibility is addressed. And this property is spatially separated from historic resources within the Capitol View Park Historic District.

The lot is steeply sloped and the applicant proposes to situate a house including the porch somewhat back from the face of the front porch of the adjacent property and approximately at the same basement floor elevation at the existing house at 10105 Meadowneck Court even though the grade is very steep. These features could address some of the community's concerns about the appearance of the house from the streetscape.

Staff feels that the applicant has attempted to break up the mass of the house on both the principal elevation and the south elevation - both of these elevations are very visible from the public right-of-way. Staff also feels that this proposal is less ornate than the recently constructed house by this same developer at 10113 Meadowneck Court. Therefore, staff feels that the applicant's proposal is compatible and consistent with other new construction in the immediate area.

Three (3) trees would be planted in the front yard in addition to an existing tree to the north which would remain. In the rear, nine (9) trees would be planted on the property and three (3) trees would be situated on Lot 45. All the new plantings would be 3-1/2" in caliper. This proposal also indicates removal of two (2) trees - a cherry tree at the north property line and a substantial 50" oak tree to permit siting of the house. Staff in M-NCPPC/Environmental feels that the health of the cherry tree is not good because it has already been adversely impacted by grading. They recommend removal of this tree specimen. The removal of the 50" tree specimen however should require a tree replanting plan.

Staff has considered the applicant's comments and request for revision of the conditions established by the Planning Board. With respect to reforestation, staff recommends that 50" of tree caliper be planted on the applicant's property. The three (3) trees proposed for planting in the front yard should be a minimum of 6" in caliper.

Nine (9) trees of 3-1/2" caliper could be planted in the rear yard and others could then be planted on Lot 45 for further screening from historic resources which face Capitol View Avenue. The total caliper on site would be 49.5" with additional trees as shown at the rear on Lot 45 for screening. The plantings at the rear should be mixed with both evergreen and deciduous trees.

STAFF RECOMMENDATION

With condition, staff recommends that the HPC approve the HAWP. A review of the applicant's proposal indicates structures of similar size, scale and mass as some of the other properties immediate to the site. Again, although some houses facing Meadowneck Court are lower in scale, there is precedent for the height of the proposed house. The applicant has attempted to lower the profile of the proposed structure.

Meadowneck Court consists of non-contributing structures - there is no historic preservation impact on the historic district other than the removal of trees (abundance of trees is a characteristic of the historic district).

Therefore, staff recommends that the Commission find the proposal consistent with the purposes of Chapter 24A, particularly 24A-8(b)2:

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site, or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter;

and with Standards #9 and #10:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired; and

with condition:

1) Three trees to be planted in the front yard, facing Meadowneck Court, shall be a minimum of 6" in caliper. Replacement of the total caliper of 50" shall occur within this lot.

LAW FIRM

SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
KARL L. ECKER
DAVID A. PORDY+
DAVID D. FREISHTAT
MARTIN P. SCHAFFER
CHRISTOPHER C. ROBERTS
JEFFREY A. SHANE
EDWARD M. HANSON, JR.
DAVID M. KOCHANSKI
WALTER A. OLENIEWSKI
JAMES M. KEFAUVER
LAWRENCE L. BELL
REBECCA OSHOWAY
ROBERT B. CANTER
EDWARD F. SCHIFF+
PHILIP J. McNUTT+
DANIEL S. KRAKOWER
KEVIN P. KENNEDY
JAMES P. SULLIVAN
ALAN B. STERNSTEIN
NANCY P. REGELIN
SAMUEL M. SPIRITOS+
RICHARD J. MELNICK
ASHLEY JOEL GARDNER
JAMES M. HOFFMAN

WRITERS DIRECT DIAL

301-230-5206

11921 ROCKVILLE PIKE, THIRD FLOOR
ROCKVILLE, MARYLAND 20852-2743

(301) 230-5200

TELECOPIER (301) 230-2891

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MICHAEL J. FROELICH
WILLIAM C. DAVIS, III
JAMES A. POWERS+
ELIZABETH N. SHOMAKER
MICHAEL V. NAKAMURA
PAUL A. BELLEGARDE
GREGORY J. RUPERT+
SANDRA E. BRUSCA
JONATHAN M. FORSTER+
DOUGLAS K. HIRSCH
PATRICK M. MARTYN+
KIM VITI
JOAN A. PISARCHIK+
STEVEN M. CURWIN+
HOLLOWAY B. LEFKOWITZ
JOHN J. MCKENNA, JR.
KARL J. PROTIL, JR.+
MANISHA S. DESHMUKH

OF COUNSEL

LAWRENCE JAY EISENBERG
SOLOMON L. MARGOLIS
FRED S. SOMMER
WILLIAM R. KING
HARRY K. SCHWARTZ+

ADMITTED IN MARYLAND AND
D.C. EXCEPT AS INDICATED
+ VIRGINIA ALSO
• MARYLAND ONLY
• MARYLAND AND VIRGINIA
ONLY
• D.C. ONLY

July 14, 1995

Ms. Patricia E. Hayes Parker
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Lot 44; Capital View Park
Our File No. 02-138-002

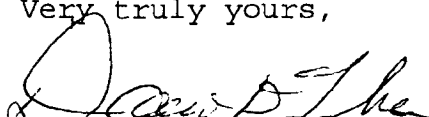
Dear Ms. Parker:

Please be advised that this Firm has been retained to represent Allegro Development, Incorporated in the application for an Historic Area Work Permit for the captioned lot.

Please address a copy of all correspondence to me. I would also appreciate if you would allow me to meet with you prior to your preparation of your staff report to discuss any issues you might have identified.

Thank you for your assistance.

Very truly yours,


David D. Freishtat

cc: Ms. Phyllis Michaels

DDF/cat/02138.LTR

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # Lot 44 & 45 #122547 (entire parcel) CONTACT PERSON PHILIP MICHAELS
 NAME OF PROPERTY OWNER BEVERLY + ~~FRANK~~ SAYLOR DAYTIME TELEPHONE NO. 301 564 4039
 ADDRESS 10118 CAPITAL VIEW AVE SILVER SPRING MD 20910
 CONTRACTOR ALLEGRO DEVELOPMENT INC TELEPHONE NO. 301 564 4039
 CITY STATE ZIP CODE
 CONTRACTOR REGISTRATION NUMBER 3248
 AGENT FOR OWNER NOT APPLICABLE DAYTIME TELEPHONE NO. ()

LOCATION OF BUILDING/PREMISE

HOUSE NUMBER 10111 STREET MEADOWNECKS COURT
 TOWN/CITY SILVER SPRING NEAREST CROSS STREET LEE STREET
 LOT 44 BLOCK 1 SUBDIVISION CAPITOL VIEW PARK
 LIBER _____ FOLIO _____ PARCEL _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CIRCLE ALL APPLICABLE: CIRCLE ALL APPLICABLE: A/C Slab Room Addition
 Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
 Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other _____
- 1B. CONSTRUCTION COST ESTIMATE \$ Sale Price \$370,000
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

- 2A. TYPE OF SEWAGE DISPOSAL 01 WSSC 02 () SEPTIC 03 () OTHER _____
- 2B. TYPE OF WATER SUPPLY 01 WSSC 02 () WELL 03 () OTHER _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 3A. HEIGHT _____ feet _____ inches
- 3B. INDICATE WHETHER THE FENCE OR RETAINING WALL IS TO BE CONSTRUCTED ON ONE OF THE FOLLOWING LOCATIONS:
 On party line/property line _____ Entirely on land of owner _____ On public right of way/easement _____

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE APPLICATION IS CORRECT, AND THAT THE CONSTRUCTION WILL COMPLY WITH PLANS APPROVED BY ALL AGENCIES LISTED AND I HEREBY ACKNOWLEDGE AND ACCEPT THIS TO BE A CONDITION FOR THE ISSUANCE OF THIS PERMIT.

Philip Michaels President June 1, 1995
 Signature of owner or authorized agent Date
ALLEGRO DEVELOPMENT INC

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS
MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

SEE ATTACHED LETTER

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

SEE ATTACHED LETTER

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" X 17". Plans on 8 1/2" X 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. **An existing and a proposed elevation drawing of each facade affected by the proposed work is required.**

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20814

July 2, 1995

Ms. Pat Parker
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Lot 44 Capitol View Park

Dear Ms. Parker:

Enclosed for your review is the application and supporting documentation for a Historical Work Permit for the above referenced lot. Included in this package is an approved drainage and tree replacement plan which has been approved by the Development Review Division of the MNCPPC during the lot subdivision process. I have reviewed the Capitol View Master Plan and this lot has been developed to be consistent with the requirements of this district for spatial resources. The two major considerations for developing unimproved parcels of land is that the project contribute visually and aesthetically to the historic district and be regarded as an extension of the environmental settings of the significant historic resources. The homes which are contiguous to this property and in the general neighborhood are all not contributing resources and have no historical significance with the exception of one bungalow house at 10120 Capitol View Avenue which has been determined to have minor historical value.

The design of this home contributes visually and esthetically to the historical district by replicating authentic Victorian homes of the late 1800's. The use of shutters, running trim, gable and porch brackets, and cornice detailing is consistent with Victorian homes of this era and is an architectural contribution to the district. The materials used including vinyl siding and fiberglass shingles is consistent with the other non-contributing resources in the area.

The design of this home honors the environmental setting by building a home which is consistent with the neighborhood. The square footage, massing of this home, and the tree plan all are consistent with the existing homes which have been recently built and approved by the HPC. The matrix below compares the square footage of this proposed project with two existing homes in the neighborhood, the home which I just completed and is owned by the Kepferle's at 10113 and the home at 10105 which is owned by the Adler's. This proposed project and the one at 10113 are both slightly smaller than the Adler home. I have enclosed a copy of the permit drawings of 10105 for your use and a copy of the home at 10113 should be in your files

	10111 Proposed	10113 Kepferle	10105 Adler
First Floor	1232	1280	1230
Second Floor	1267	1224	1200
Basement/Garage	1204	1251	1179
Covered Porch	96	100	260
TOTAL	3788	3855	3869
Rear Porch /Patio	192	168	192
GROSS TOTAL	3967	4023	4061



page 2 of 2

The massing of this proposed home is consistent with the other homes with respect to side, front and rear yard setbacks as established by Montgomery County and reflects the front yard setbacks established by the other existing homes. This tree plan which has been approved during the subdivision process of this lot honors the canopy replacement of an existing tree by placing a majority of the new trees in the rear yard of lot 44. adds a buffer to the rear yard of the one contributing resource located at 10120 Capitol View Avenue and respects the environmental setting of the adjoining neighbors by placing three trees in the front yard giving the front yard a total of four trees. This is greater than most homes which have only one or two trees in their front yard.

Please don't hesitate to contact me should you have any questions regarding this submission.

Sincerely,

Phyllis Michaels

Phyllis Michaels
President

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MR LARIC K BECKMAN
10116 CAPITAL VIEW AVE
SILVER SPRING, MD
20910

MR & MRS VICTOR SUSSMAN
10128 Meadowneck Ct.
SILVER SPRING, MD
20910

Lot 37/1

Lot 36

MR & MRS LUCKY SAYLOR
10118 CAPITAL VIEW AVE
SILVER SPRING, MD 20910

MR & MRS POMPIU TER.
VERZAKU
10124 Meadowneck Ct
SILVER SPRING, MD
20910

Lot 45

Lot 35

MS MARIA GONZALEZ ET AL
203 SUMMIT HALL RD
GAITHERSBURG MD
20877

MS. MARYS PHELAN
10126 Meadowneck Ct
SILVER SPRING, MD
20910

Lot 42/1

Lot 32

MR CHRIS KEPFERLE
10113 Meadowneck Ct.
SILVER SPRING, MD
20910

MS PHYLLIS A. WALTER
10116 Meadowneck Ct
SILVER SPRING, MD
209106

Lot 43

Lot 31

MR & MRS STEVE KRAMER
10109 Meadowneck Ct
SILVER SPRING, MD
20901

MS ROSALIE C. GORMAN
10112 Meadowneck Ct.
SILVER SPRING, MD
20910

Lot 38

Lot 30

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MS CATHLEEN A FREIN
10108 Meadowneck Ct.
SILVER SPRING MD
20910

Lot 29

MR + MRS Glenn Fuller
10104 Meadowneck Ct.
SILVER SPRING MD
20910

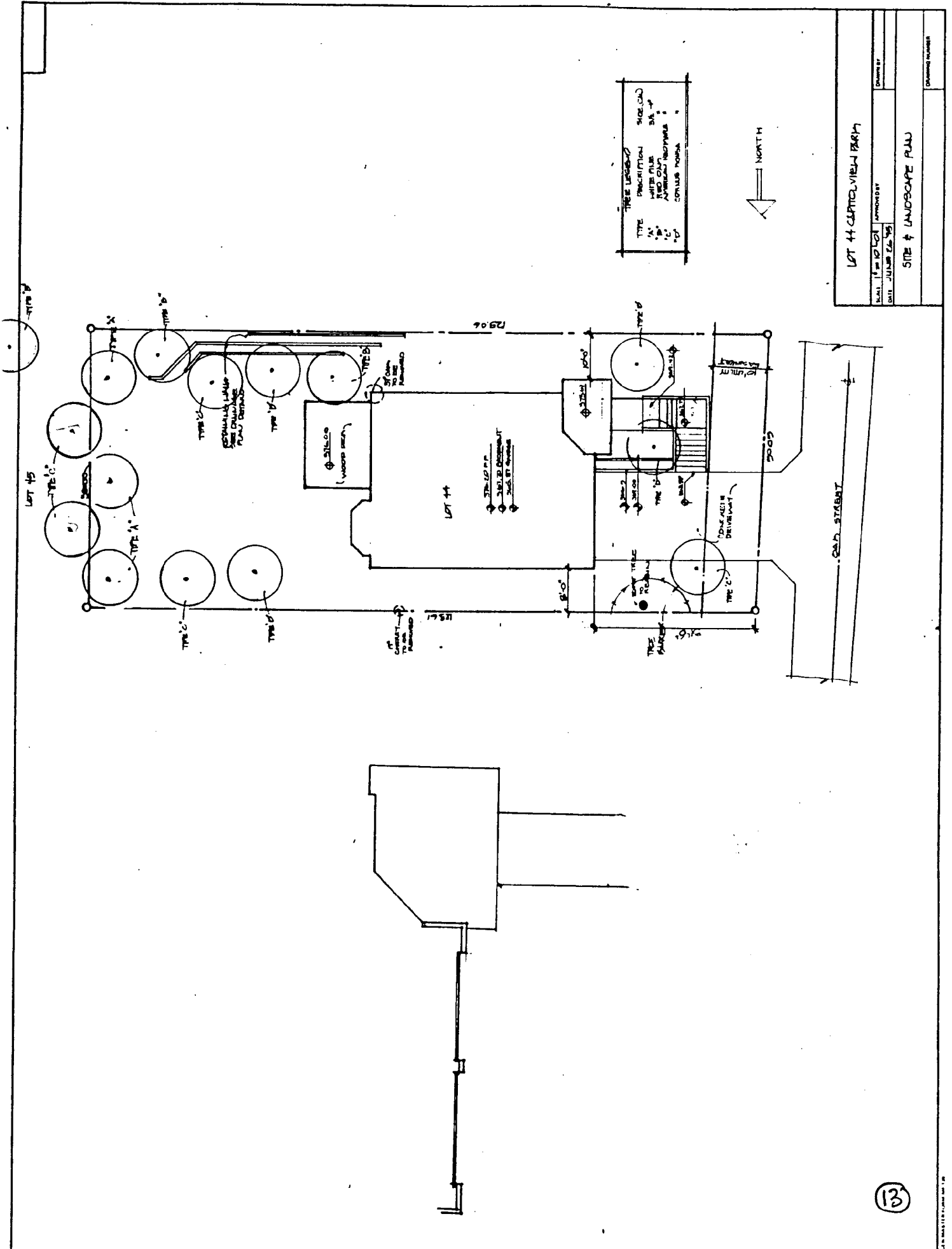
Lot 28

MR & MRS JEFFREY ADLER
~~10109 Anthony Street~~
10105 Meadowneck Ct
SILVER SPRING MD
20910

MS AMY EISENSTADT
10107 Meadowneck Ct.
SILVER SPRING MD
20910

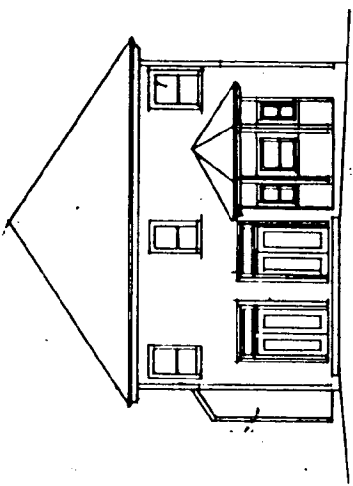
MR. Kevin D. Prince
MRS. Karen N Berger
3113 Lee Street
SILVER SPRING, MD
20910

Lot 27

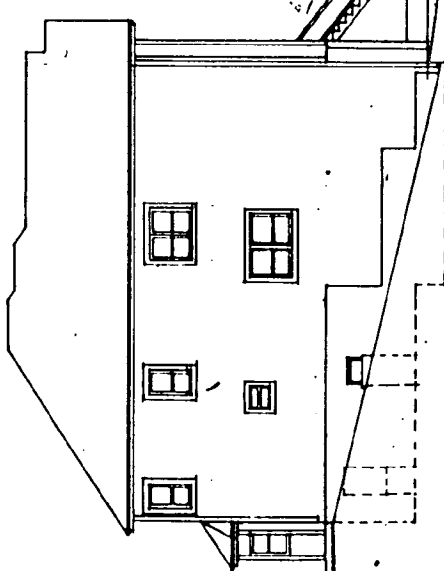


TYPE	DESCRIPTION	SIZE	QTY
"A"	WIDE PINE	30' x 40'	1
"B"	RED OAK	20' x 30'	1
"C"	AMERICAN BEECH	15' x 20'	1
"D"	CONIFER NORFOLK	10' x 15'	1

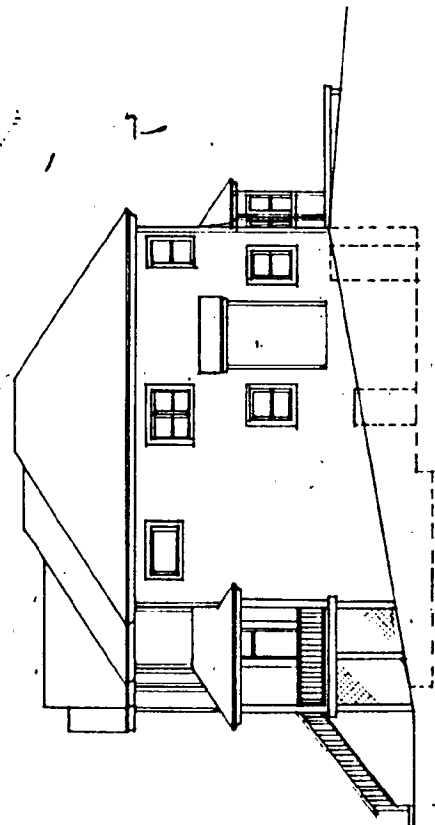
LOT 44 CAPITALVIEW PARK	
DATE: 10/10/91	PROJECT: LANDSCAPE
DATE: JUNE 24, 91	SITE & LANDSCAPE PLAN
DRAWING NUMBER	



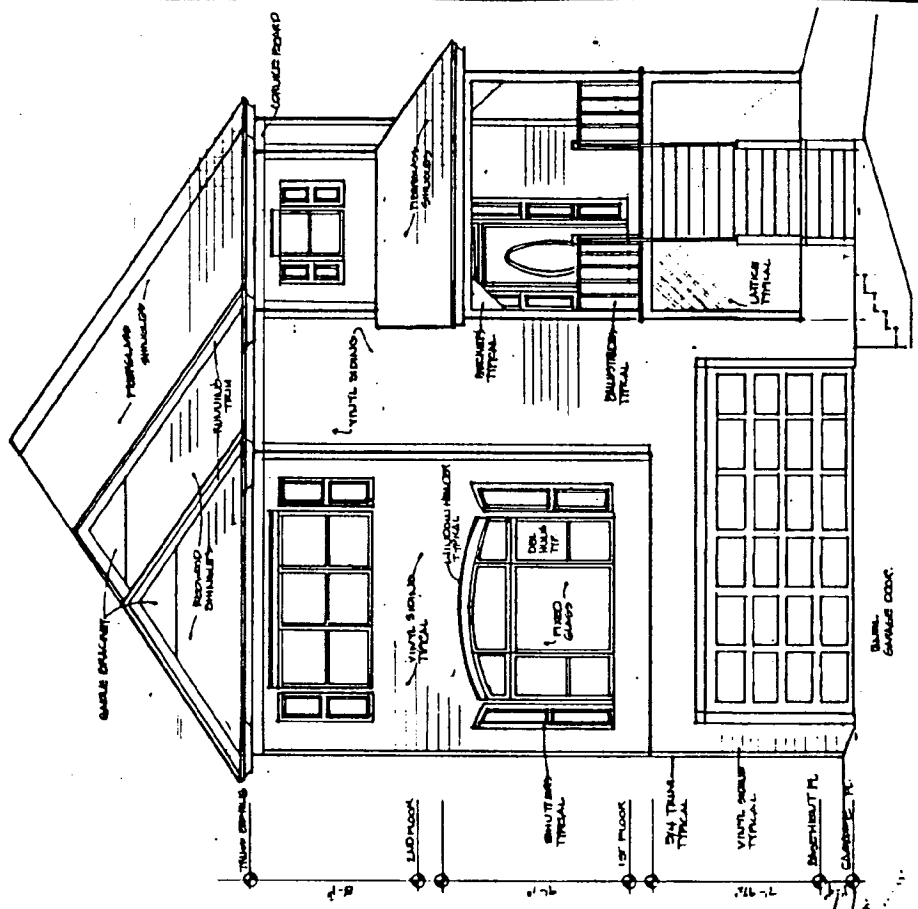
REAR ELEVATION
1/4" = 1'-0"



SIDE ELEVATION

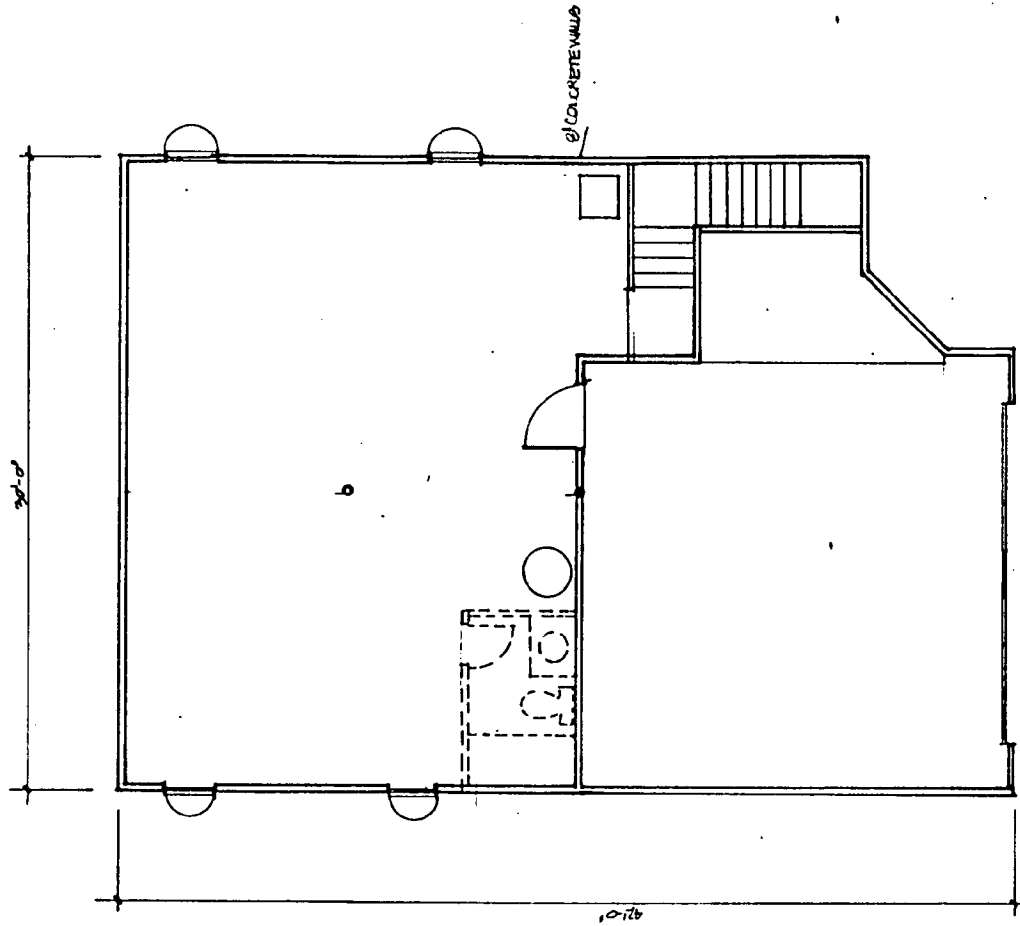


SIDE ELEVATION



FRONT ELEVATION
1/4" = 1'-0"

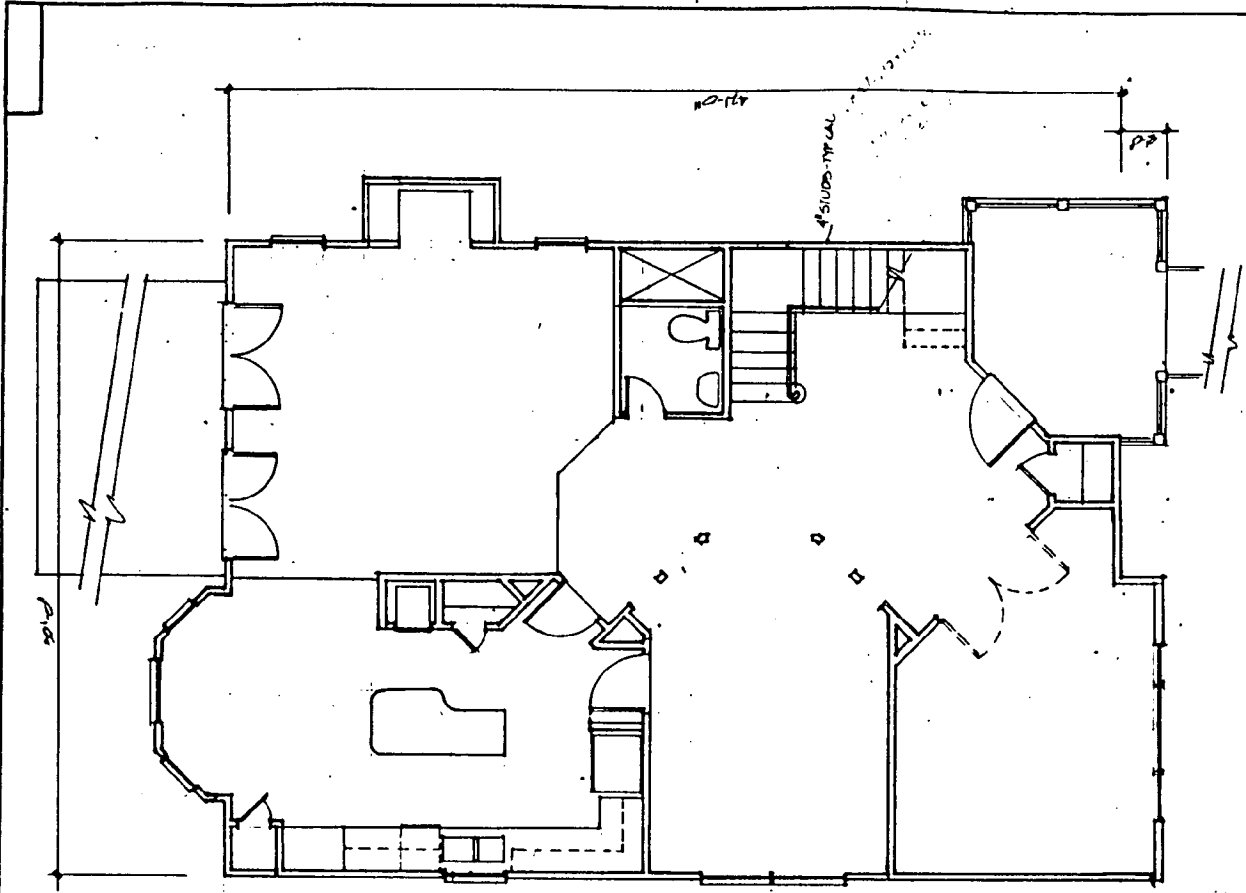
BUILDING ELEVATIONS	
SCALE	DATE
APPROVED BY	DATE
ALEXANDER DEVELOPMENT, INC.	
DRAWING NUMBER	



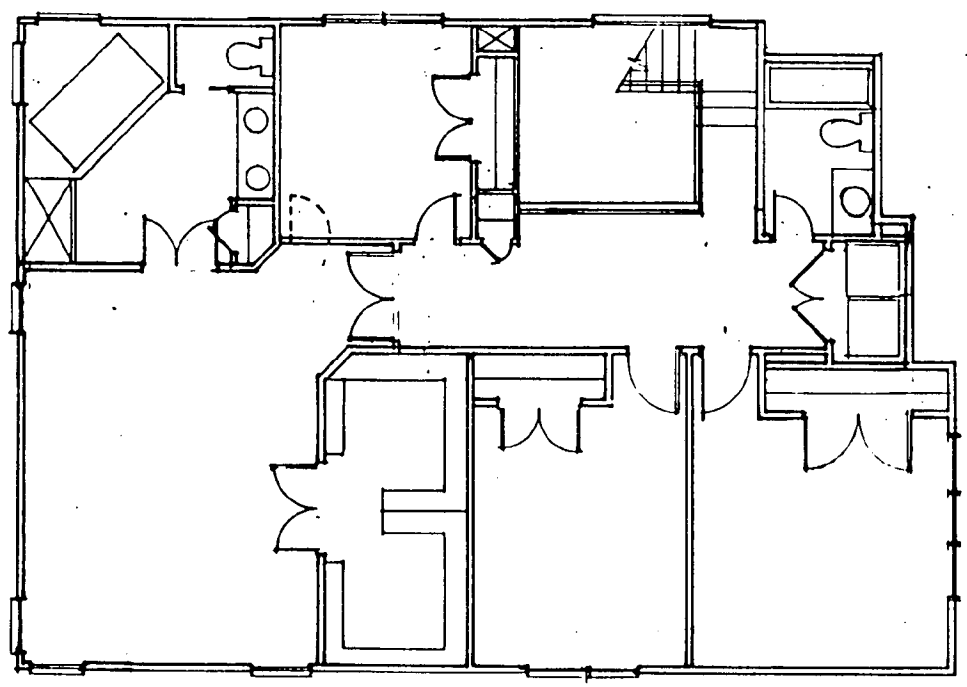
BASEMENT GARAGE FLOOR PLAN
1/8" = 1'-0"

FLOOR PLAN	
SCALE	APPROVED BY
DATE: JUNE 26, 1978	ALLEGRO DEVELOPMENT, INC.
DRAWING NUMBER	





FIRST FLOOR
1/4" = 1'-0"



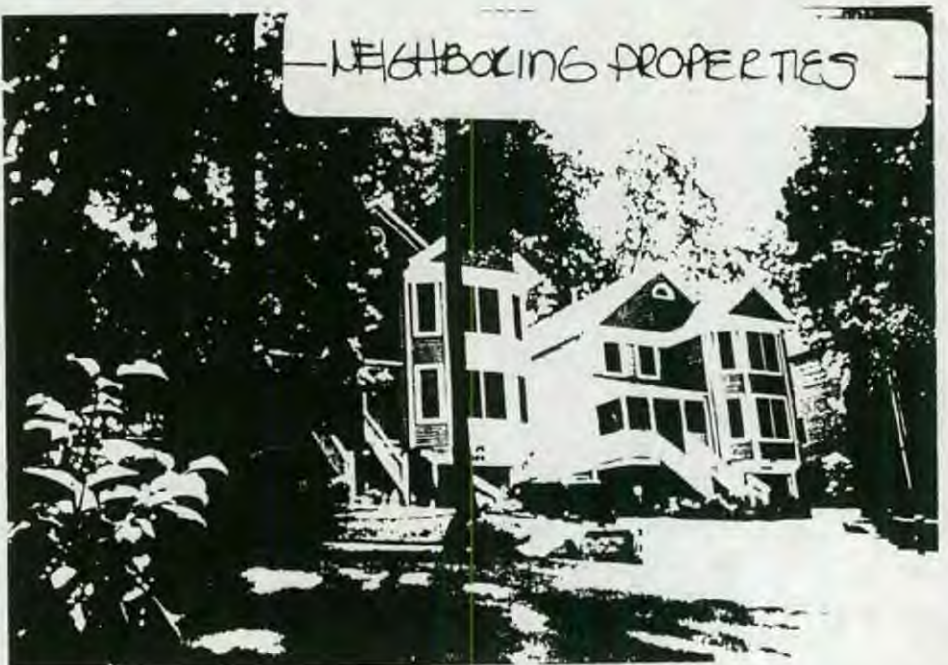
SECOND FLOOR
1/4" = 1'-0"

FLOOR PLANS	
SCALE: 1/4" = 1'-0"	DATE: 10/20/08
DESIGNER: ALLEGRU DEVELOPMENT, INC.	
PROJECT NO. 08-001	

— NEIGHBORING PROPERTIES —



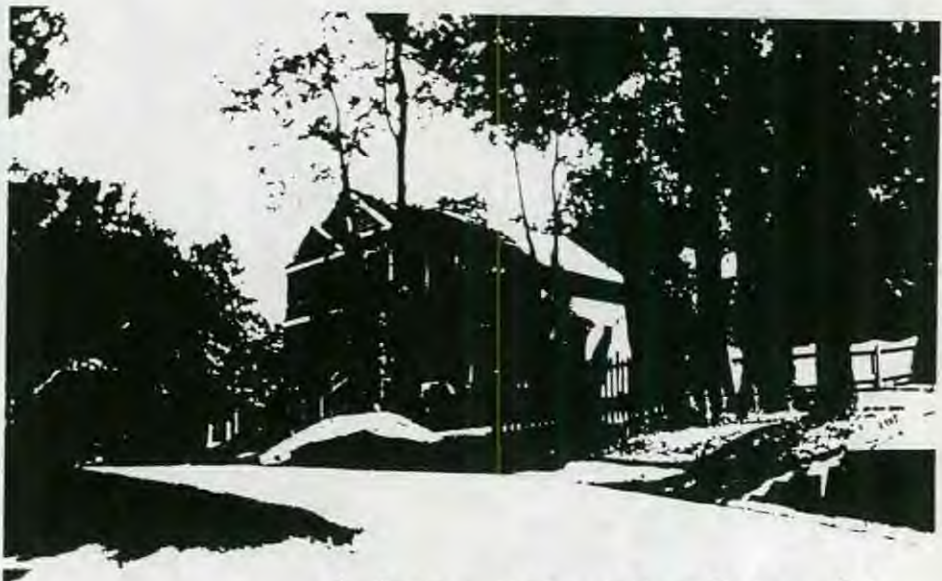
— NEIGHBORING PROPERTIES —



— NEIGHBORING PROPERTIES —



--NEIGHBORING PROPERTIES--

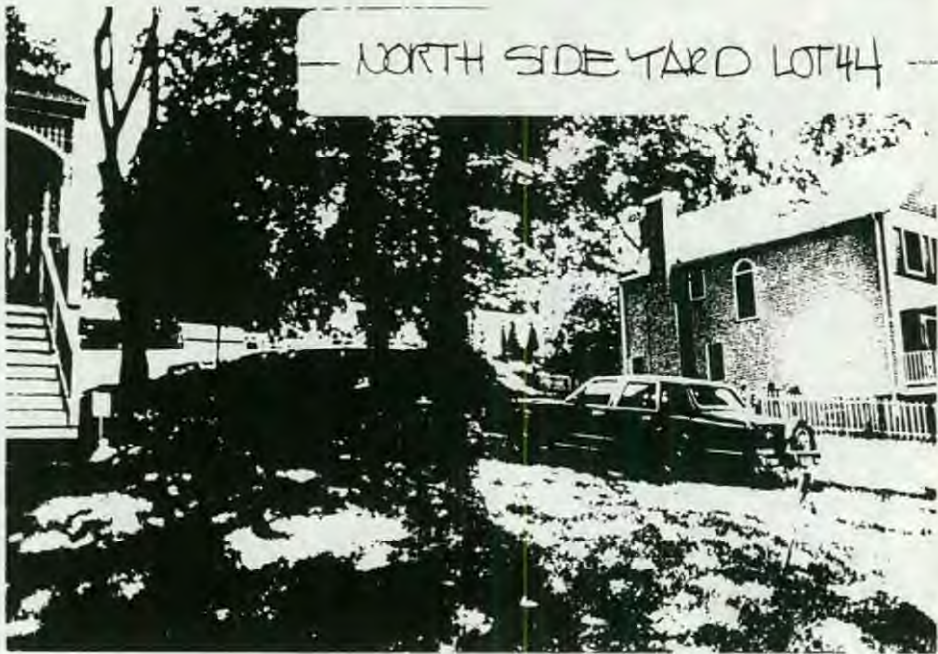


--LEFT SIDE YARD LOT 44--



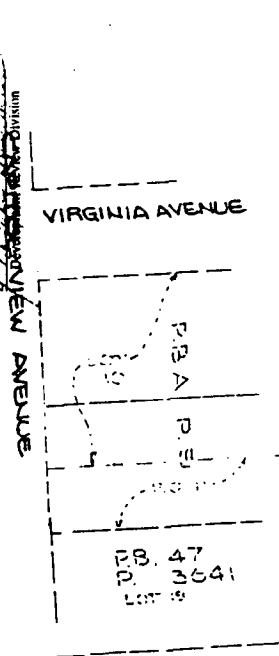
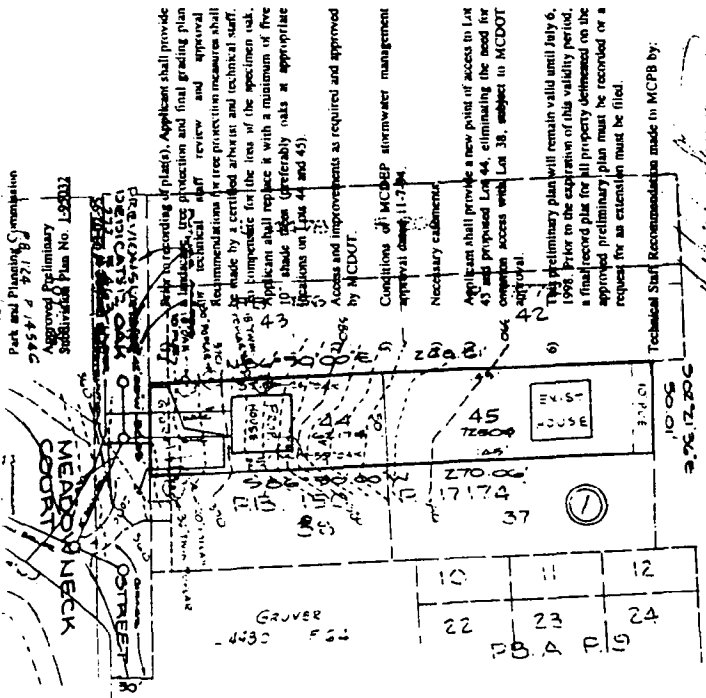
REAR YARD - LOT 44

— NORTH SIDE YARD LOT 44 —



— FRONT YARD LOT 44 —





PLAN NOTES

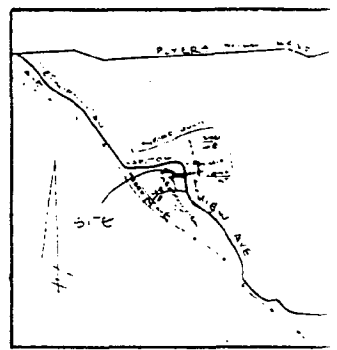
1. SHOWS THE EXISTING AND PROPOSED RECORD
2. SHOWS THE EXISTING AND PROPOSED RECORD
3. SHOWS THE EXISTING AND PROPOSED RECORD
4. SHOWS THE EXISTING AND PROPOSED RECORD
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10. SHOWS THE EXISTING AND PROPOSED RECORD
11. SHOWS THE EXISTING AND PROPOSED RECORD
12. SHOWS THE EXISTING AND PROPOSED RECORD

I hereby certify that this preliminary plan and drainage study is correct and fully meets the Montgomery County Dept. of Transportation Code requirements. And is accurate in accordance with the existing and available records.

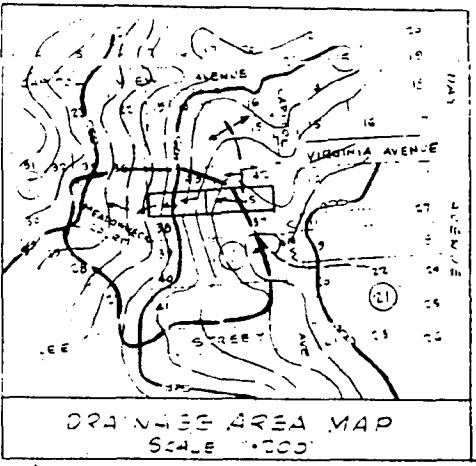


James Z. Shihon

OWNERS: Beverly I. & L.E. Saylor
 10118 Capitol View Avenue
 Silver Spring, Maryland 20910
 PHONE: (301) 588-3343



VICINITY MAP
 SCALE 1" = 200'



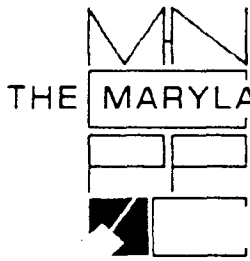
LEGEND:
 DRAINAGE AREA: 1.25 GAL
 ROUGHNESS COEFFICIENT: 0.015
 TIME OF CONCENTRATION: 1.5 MIN
 TIME OF TRAVEL: 1.5 MIN
 TIME OF FLOW: 1.5 MIN
 SPEED: 1.5 FT/S

MONTGOMERY COUNTY MARYLAND DEPARTMENT OF TRANSPORTATION APPROVED:	DEPARTMENT OF HEALTH MONTGOMERY COUNTY MARYLAND APPROVED:
DIRECTOR	HEALTH OFFICER
MONTGOMERY COUNTY NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD APPROVED:	
CHAIRMAN	SECRETARY TREASURER

PRELIMINARY PLAN
 LOTS 44 & 45 BLOCK 1
CAPITOL VIEW PARK
 ELECTION DISTRICT 1013
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 50' MAY 1994

THE TECH GROUP, INC.

ENGINEERS • PLANNERS • SURVEYORS
 GEOTECHNICAL • ENVIRONMENTAL
 MATERIALS CONSULTANTS • FACILITIES
 315 GIST AVENUE
 SILVER SPRING MARYLAND
 (301) 588-2110



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

December 30, 1994

MEMORANDUM

TO: Joe Davis
Malcolm Shaneman
Development Review Division

FROM: Gwen Marcus, Historic Preservation Coordinator
Patricia Parker, Historic Preservation Planner *pkp*
Design, Zoning and Preservation

SUBJECT: Preliminary Plan #1-95032, Saylor Property

On December 21, 1994, the Historic Preservation Commission (HPC) met and reviewed a subdivision plan, Preliminary Plan #1-95032, the Saylor Property. The proposed subdivision involves Master Plan Site #31/7, the Capitol View Park Historic District.

The HPC recommended Preliminary Plan #1-95032 for approval with the following conditions:

1. Tree loss should be minimized. At the time of HAWP review, a tree save/protection plan which also identifies and locates all trees on the property to be saved and all trees proposed for removal shall be submitted to the HPC.
2. Use of impervious material shall be minimal.
3. A minimum front yard setback of 30' and all other required setbacks shall be maintained.

May 31, 1995

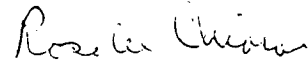
Phyllis Michaels
5225 Pooks Hill Rd.
#1810 N
Bethesda, Md 20814

Dear Ms. Michaels:

I am enclosing comments of some residents of Meadowneck Court regarding the building project we understand you are planning for the last lot in our neighborhood. Gwen Marcus of the Planning Commission suggested that we submit these to you before you complete your historic work permit application with the hope that neighborhood concerns could be factored into your plans.

We would be happy to discuss any of the points raised or any other aspects of your plans that will affect our neighborhood. Please contact me if you have any questions or wish to meet with us. Thank you.

Sincerely,



Rosalee Chiara
10112 Meadowneck Ct.
Silver Spring, Md 20910
(w) 202-739-0730
(h) 301-585-0626.

cc: Gwen Marcus
Montgomery County Planning Commission

COMMENTS OF RESIDENTS OF MEADOWNECK COURT

Some current residents of Meadowneck Court urge the Historic Preservation Commission (HPC) to carefully consider any building proposal for the last remaining lot facing our court. We understand that Montgomery County has approved the subdivision of this lot and that plans are now underway to develop it. We also understand that Phyllis Michaels is the builder planning the project. We are offering our comments to Ms. Michaels before submitting them to the Commission, at the suggestion of Gwen Marcus of the staff of HPC, in order to determine if there are any mutually acceptable solutions to our concerns.

The original seven houses on Meadowneck were constructed approximately 12 years ago and are relatively modest, traditionally styled homes set on various sized lots with surrounding trees. Three newer houses were built in the mid 1990's. The new houses are Victorian in style but with simple detailing and in muted colors. They are approximately 2500 square feet, larger than the older homes, and on somewhat smaller lots. In 1994, Ms. Michaels built a house on the Court that was significantly larger than any of the existing homes, is Victorian in style with very elaborate details and is colored bright pink, purple and blue. This house towers over the older houses in the Court and its cluttered architectural details are inconsistent with their simpler style. Because this is the last buildable lot to be developed and because any home built here will be visually highlighted due to the lot's central position, the current residents would like the Commission to impose several conditions on this project to assure that it is compatible with the character of the surrounding neighborhood.

First, we request the Commission to limit the size of the house to something between 2000 and 2200 square feet. The lot in question is quite narrow and although Ms. Michaels' first house was larger, if this one is the same size it will be so crowded that the image presented will be of attached town houses and not of single family dwellings. The lot is steeply sloped so that any house built there will look taller than the smaller, older structures and we urge that care be taken to minimize this effect. In keeping with this idea, we also request that the Commission limit the garage to a one car capacity. A two car garage door is so wide that its visual impact is larger than would be appropriate on this narrow lot.

Second, we request the Commission to condition its approval on a plan that will result in a house with simpler, cleaner lines that will be more compatible with the other structures. We realize that Ms. Michaels' first house is quite detailed but, as indicated previously, this new one will be the center focus of our small neighborhood and thus should be required to blend to a greater degree. We are not requesting that she be required to build in any particular style, but that her detailing be kept to a level consistent with the traditional, less cluttered look of the surrounding area.

Third, because the construction of both of Ms. Michaels' homes have resulted in the removal of many trees, we request that she be required to replace a significant number of trees to provide more visual screening and erosion control. We request that the project conform to something similar to the preliminary planting plan approved at the county subdivision hearing. Specifically, we request that the builder be required to plant 5 10 inch trees as well as a number of smaller plantings that will eventually grow to a size sufficient to control erosion

and restore the appearance of the neighborhood.

Finally, although we recognize that the Commission's authority in this area is limited, we request it to consider the issue of house color. All other houses on the court have subtle color schemes. Again, because the proposed house will be in the center of the court, a gaudily colored structure would be particularly jarring. We urge the Commission to require a muted color scheme in its approval.

FAX TRANSMITTAL COVER SHEET

Date: 7-23-95

Fax to: PAT PARKER

Business Phone: _____ Fax Number: 495-1307

Number of Pages Including Cover Page: _____

Fax Sent By: _____

Department: _____

Company: _____

Phone: _____

Special Instructions:

- ARBORIST LETTER
- " RESUME
- LANDSCAPE LETTER
- ELEVATION OF ADLER HOUSE - LIGHT ELLOTT.
- MNCCPC - CATHY COULIN
- LIGHT ELLOTT LETTER & DRAWING
- ~~MEETS CONTENTS ON SUNDAY MEETING (you have this)~~
IT IS OLD

UPDATE
TREE DRAINAGE PLAN APPROVAL

Todd Bolton ASSOCIATES, Inc.



Integrating
Nature with Development

July 25, 1995

Historic Preservation Commission
re. Lot 44 Oak Street
Capitol View Historic District

All but one of the trees on this lot are on or along the northern boundary. The single tree is a large, 38 inch d.b.h., White Oak which must be removed for any home construction to occur. One of the trees, an eighteen inch d.b.h. Black Cherry should be removed prior to construction for safety reasons. While currently appearing in good health the Oak is not in the best condition. There is a large cavity, probably resulting from a wound more than 20 years ago. There are also indications of Hypoxylon butt rot and Armillaria root rot. While the tree may survive with these problems for several years, it has entered a period of decline.

I am unsure who provided the measurement for the White Oak, reported in the Historical Preservation Commission Staff Report, of 50 inches but the d.b.h. is only 38 inches. The method used to determine the d.b.h. is the accepted norm for the arboriculture industry, recognized in courts nationwide, and followed by the organizations listed on Copy sheet 1. This is a copy of the cover of the book from which the illustrations were copied.

A replacement planting plan has been agreed to with MNCPPC. It includes 15 3.5 - 4" cal. trees. 3 evergreens as a visual border along the rear property line, 1 ornamental in the front, 3 large shade tree on the parcel remaining with the original home, and the remaining 8 large shade trees spread throughout the property. These 8 trees have been located, primarily, in response to neighbors concerns regarding visibility of the new home. Nursery trees are generally greater than the minimum size given, but even if they are only 3.5 inches the combined caliper will equal 52.5 inches to replace 38.

The requirement of three 6" cal. trees will be of little benefit over time. It is accepted as a rule of thumb, within the arboricultural and nursery industries, that recovery from transplant shock takes a year per cal. inch. That is, it will probably be 5 or 6 years before the larger cal. trees regain good health and start producing normal yearly growth. If the 3.5 - 4" cal. trees were well planted I would not be surprised to find them equaling the canopy size of the 6 inchers within 8 to 10 years.

During one of my site visits I took an informal inventory of trees within the lots along Meadowneck Court. With two exceptions, the previous lot developed by Allegro and a lot with an extensive row of Pines for screening purposes, the average number of trees on the lots is between 4 and 5. In my professional opinion, as an arborist and landscape designer, requiring the planting of 15 trees is excessive. It will lead to stressed unhealthy conditions for the trees and severe inconvenience for the future homeowner.

Respectfully

Todd M. Bolton

FIELD SURVEYS WOODLAND PRESERVATION WETLAND DELINEATION LANDSCAPE PLANNING
4100 INGOMAR STREET NW WASHINGTON DC 20015 202/696-8286

Printed on recycled paper

Todd Bolton

ASSOCIATES, Inc.



Integrating
Nature with Development

- * Multi-discipline knowledge and experience
 - Practiced in pre-development site assessment
 - Knowledgeable of construction practices
 - Adept at impact minimization planning
 - ISA Certified Arborist
 - Trained in wetland delineation and mitigation planning

Consultant/Planner: 1990 to present, self employed, specializing in forest delineation and woodland preservation planning as required by Maryland state and county regulations, over 30 plans approved.

Part time plan reviewer for Fairfax Co. Park Authority, Environmental Services Division, October 1993 to present. Responsible for commenting on possible harmful environmental impacts to adjoining Park Authority property and or connected watersheds.

Landscape Management: June 1983 to February 1988 and March 1989 to February 1990, employed by design build landscape firms as installation foreman and designer/salesman. Developed a residential design build division for an existing commercial landscape maintenance company.

Arborist Inspector: March 1988 to March 1989, for Fairfax County Virginia, supervised tree preservation on approximately one hundred construction sites at any given time. Verified clearing and grading limits prior to the start of construction, ensured compliance with county code regarding tree protection and site landscaping, and assisted builders in solving problems that arose due to inaccurate or inadequate site design and grading plans.

Restaurant Management: 1972, 1977 to 1983, responsibilities included organizing and supervising crews of ten to sixteen people, for serving up to 400 customers per shift. Duties also included bookkeeping, ordering supplies, and maintaining inventory control.

Additional construction experience was gained during 4 years, in several trades, during the early 1970s.

Education

- Enrolled at UDC, 3.8 gpa., Environmental Science.
- Thirty out of thirty two, credits in The George Washington University Landscape Design Certificate Program.
- Completed Maryland Tree Preservation Training Program.

FIELD SURVEYS WOODLAND PRESERVATION WETLAND DELINEATION LANDSCAPE PLANNING
4100 INGOMAN STREET NW WASHINGTON DC 20015 202/966-8286

Printed on recycled paper

07.26.95 01:46PM

7-25-1995 6:22PM

FROM CLEARWATER LANDSCAPE 3015900536

P. 2



Ms. Phyllis Michaels
Allegro Development
P.O. Box 57
Kensington, Maryland 20895

July 19, 1995

Re: Capital View Park - Lot # 44

Dear Phyllis,

We are concerned about possible damage to the concrete driveway caused by the tree spading operations as per our discussions. The combined weight of our truck and the size of the trees to be installed leads us to believe that significant damage could result in the areas crossed by the truck or at the pressure points where the hydraulic arms will rest. We will need a letter from you releasing us from all liability for any damage caused by our spade truck or other equipment.

If you have any questions, or would like to discuss other options for installation of smaller plant material, please do not hesitate to call.

Sincerely,

MICHAELS. REMPE

Michael S. Rempe
President

LIGHT, ELLIOTT & ASSOCIATES, Inc.

Serving the Washington Metropolitan Area Since 1957

8608 ADELPHI ROAD
ADELPHI, MARYLAND 20782
Telephone 422-8080
Fax 422-8088



• ENGINEERS
• PLANNERS
• SURVEYORS

880 CHANDLER COURT
FALDORF, MARYLAND 20604
Telephone 843-4827
Fax 843-4828

Ms. Phyllia Michaels	DATE July 26, 1995 JOB NO.
5225 Pookhill Road, #1810-N	RE : Floor Elevations
Bethesda, Maryland 20814	
ATTENTION :	

GENTLEMEN :

WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER THE FOLLOWING ITEMS :

- TRACINGS PRINTS COMPUTATIONS DESCRIPTIONS SPECIFICATIONS
- APPLICATIONS COPY OF LETTER _____

VIA : MAIL INSURED BY HAND MESSENGER PICK UP

FAX FROM : (301) 422-6086 TO : (301) 564-9028

COPIES	DATE OR NUMBER	DESCRIPTION

THESE ARE TRANSMITTED AS CHECKED BELOW :

- AS APPROVED BY _____ FOR APPROVAL
- AS SUBMITTED FOR APPROVAL TO _____ FOR REVIEW
- AS REQUESTED BY _____ FOR YOUR USE
- PLEASE RETURN TO LIGHT, ELLIOTT & ASSOC., Inc. AFTER USING _____

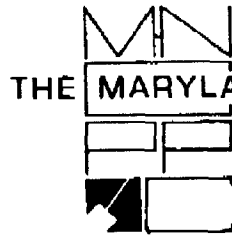
REMARKS : Elevations of house is 377.53, finished floor of 10105 Meadow Neck Court. If you have any further questions do not hesitate to call to contact me at (301) 422-6080. Thank you.

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

CC :

SIGNED

Marwan F. Mustafa
Marwan F. Mustafa



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

July 18, 1995

Ms. Phyllis Michaels
Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20895

Dear Ms. Michaels:

Per our phone conversation of today, I am writing this letter to document that prior to release of a building permit for Lot 44, Capitol View Park we need additional information as part of our approval of the grading plan. Specifically, we need to see details and cross-sections for the proposed retaining walls and an engineer's certification that the grading and construction of walls on this lot will not impact the existing walls on the adjacent lot to the south.

Please contact Brooks Robinson or myself if you have any questions regarding these requirements.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Conlon".

Cathy Conlon
Environmental Planning Division

cc: File 1-95032
Darren Robinson



ENGINEERS
PLANNERS
SURVEYORS

Light, Elliott, & Associates, Inc.

8508 ADELPHI ROAD • ADELPHI, MARYLAND 20783-1799 • PHONE 301-422-6080 • FAX 301-422-6086 • 1-800-246-6081

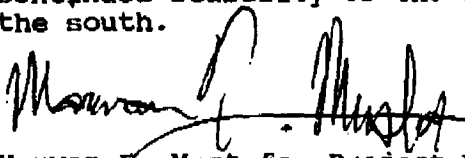
July 25, 1995

MNCP&PC
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

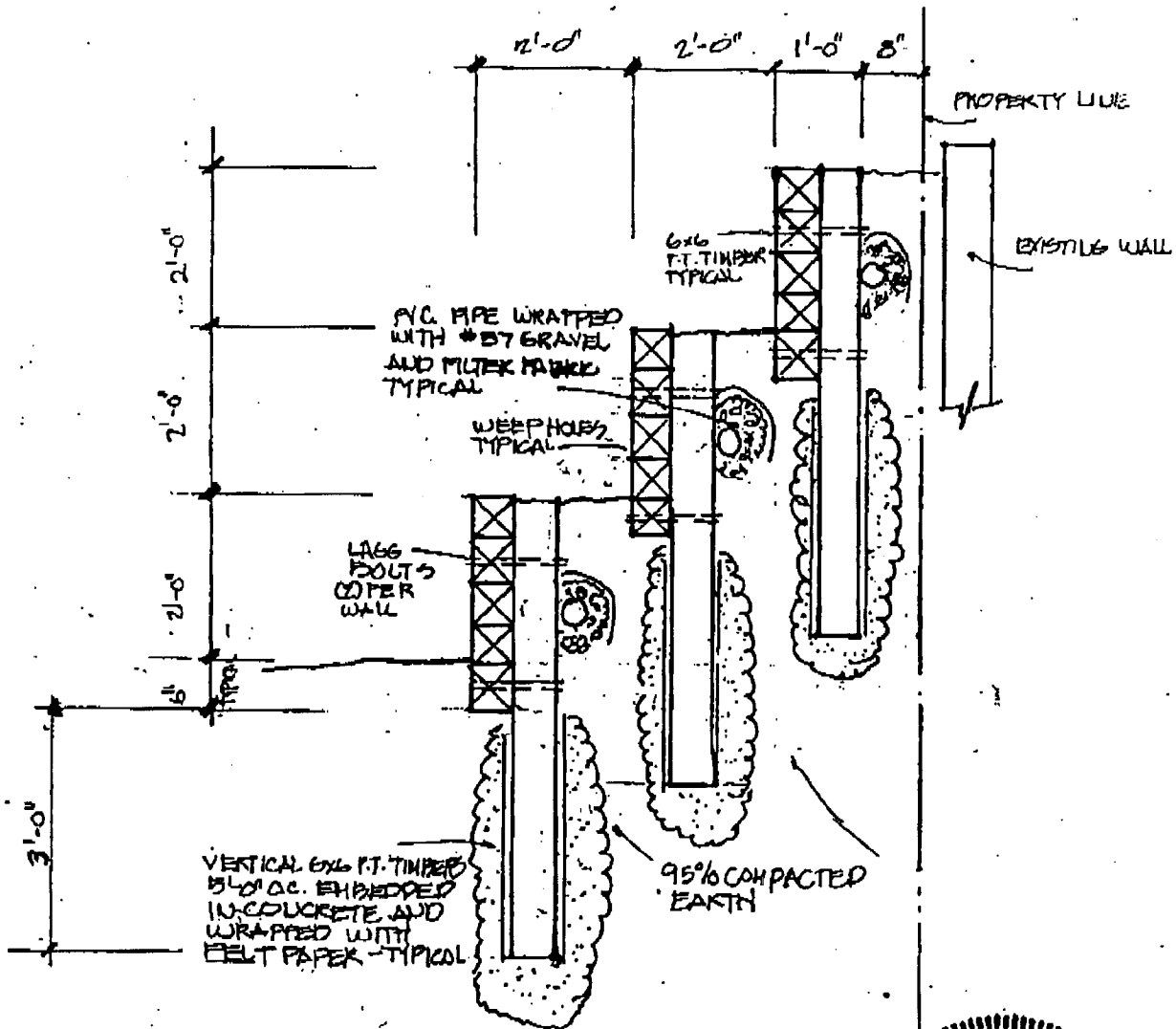
RE: File # 1-95032
Capitol View Park

To whom it may concern:

I hereby certify that the proposed retaining wall on the above referenced site will not impact the existing walls on the adjacent lot to the south as a result of the grading and construction involved in placing them as shown on the project's plans. This certification is based on the assumption that the existing walls on the lot to the south do not have any structural members which encroach into the subject site. If, after work has begun, such is discovered, measures as appropriate shall be taken to ensure the continued stability of the existing walls on the adjacent wall to the south.

 7-25-1995
Marwan F. Mustafa, Project Manager
Light, Elliott, & Associates, Incorporated
Registered Professional Engineer
Maryland Registration Number 20423





RETAINING WALL - WALL SECTION
 1/2" = 1'-0"



FOR WALL DESIGN ONLY

7-25-1995

Marwan Faris Mustafa

LIGHT, ELLIOTT & ASSOCIATES, INC
 8008 Adelphi Road
 Adelphi, Maryland 20783
 Phone 301-422-6080
 Fax 422-6086

EA ENGINEERS
 PLANNERS
 SURVEYORS
 1-800-246-6081

963 Chandler Court
 Waldorf, Maryland 20604
 Phone 301-843-4927
 Fax 843-4928

BK1			
Job No.	Liber / Folio	File Number	

TO: PAT PARKER
FAX 301 495 1307

From: ROSALEE CHIARA
(202) 739-0730

Note: Pat- could you call when you receive this so I am SURE it went through? Thanks

4/26/95
Pat: I called Rosalee at 11:25 and told her we received the fax okay.
ARA

Comments on case number 31/7-95C; Construction on Meadowneck Court

Several months ago I filed comments on behalf of several residents of Meadowneck Court expressing concern about plans to construct a house on the last remaining lot facing the court. These comments were forwarded to Phyllis Michaels, the builder of the proposed house. Last Sunday Ms. Michaels met with several residents and with members of the Local Advisory Panel to discuss her plans and how she tried to accommodate neighborhood concerns. The general feeling of the group is that Ms. Michaels has considered our comments and although she has not acceded to all of our requests, her plans represent a satisfactory compromise. Specifically, the primary issues are discussed below.

House size

Although the size of the proposed house is approximately the same as her other recently constructed house, Ms. Michaels has attempted to incorporate several features that will hopefully lessen the visual impact. These include the use of "hip" roof design and a plan that appears to "stagger" the sections of the front to break up the facade. We are still concerned about the proposal for a two car garage and a large door. This door is not in keeping with the design of the house and does operate to make the house appear wider. At the suggestion of one member of the group, Ms. Michaels indicated that she would seriously consider using two garage doors with a post in the middle, similar to a "carriage house" look that would be more in keeping with Victorian architecture and would make the house appear narrower. We urge the Commission to explore this possibility with the builder and to perhaps condition approval on its implementation. Any other suggestions for limiting the visual impact of this structure would be appreciated. As we pointed out in previous comments, this house will close in the open area of the court and if it is too massive, the new structures will look more like attached row houses than single family dwellings. We also note the observation of one member of the group that a house that is substantially lower than the existing new homes will look out of place. However, residents in the older, smaller homes point out that perhaps all of the new houses are too large for the neighborhood and that HPC should have required smaller structures.

Detailing

Ms. Michaels explained that she incorporated the use of shutters in her proposal to be compatible with many of the other houses that have shutters. She also has eliminated much of the "gingerbread" detailing to which the neighbors objected. We asked about the proposed color and were told that this had not been decided but with less detail, we feel that the general appearance will be less spotty. We urge the Commission and Ms. Michaels to consider a more muted palate for this house. We do feel that Ms. Michaels has tried to accommodate our concerns in this area.

Trees

The original subdivision plan required planting five 10" trees to mitigate the effect of the

removal of the 50" oak tree on the lot. Ms. Michaels represents that it is impossible to get the proper equipment on the back of the lot to plant this size tree and she proposes to plant 15 smaller trees instead. We assume that she has requested modification or waiver of the subdivision plan and that the planning board concurs with her assessment that the proper equipment cannot be used. If not, we urge the Commission to explore the possibility of bringing the equipment from the top of the lot instead of up the slope. Alternatively, we concur with the condition of the HPC staff report that the 3 trees proposed for the front of the house be at least 6". We do not agree with the staff report on the storm drainage issue. Several neighbors have experienced severe back yard flooding, a condition that did not exist before Ms. Michaels built her first house and in fact, Ms. Michaels is working with the Sussmans to try correct problems they are experiencing. The tree plan is crucial in erosion control as well as in aesthetic aspects. Although Ms. Michaels indicated that the oak tree has some problems, one LAP member stated that the tree was not in danger of dying and that, in her opinion, it should last 30 or 40 years if undisturbed. We strongly urge the Commission to carefully consider any alteration of the original subdivision plan and to condition approval of the project accordingly.

In summary, the group felt that Ms. Michaels had considered our comments and has attempted to include them in her proposal. We appreciate this consideration as well as the opportunity to discuss her plans before the hearing.

Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20814

July 2, 1995

Ms. Pat Parker
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Lot 44 Capitol View Park

Dear Ms. Parker:

Enclosed for your review is the application and supporting documentation for a Historical Work Permit for the above referenced lot. Included in this package is an approved drainage and tree replacement plan which has been approved by the Development Review Division of the MNCPPC during the lot subdivision process. I have reviewed the Capitol View Master Plan and this lot has been developed to be consistent with the requirements of this district for spatial resources. The two major considerations for developing unimproved parcels of land is that the project contribute visually and aesthetically to the historic district and be regarded as an extension of the environmental settings of the significant historic resources. The homes which are contiguous to this property and in the general neighborhood are all not contributing resources and have no historical significance with the exception of one bungalow house at 10120 Capitol View Avenue which has been determined to have minor historical value.

The design of this home contributes visually and esthetically to the historical district by replicating authentic Victorian homes of the late 1800's. The use of shutters, running trim, gable and porch brackets, and cornice detailing is consistent with Victorian homes of this era and is an architectural contribution to the district. The materials used including vinyl siding and fiberglass shingles is consistent with the other non-contributing resources in the area.

The design of this home honors the environmental setting by building a home which is consistent with the neighborhood. The square footage, massing of this home, and the tree plan all are consistent with the existing homes which have been recently built and approved by the HPC. The matrix below compares the square footage of this proposed project with two existing homes in the neighborhood, the home which I just completed and is owned by the Kepferle's at 10113 and the home at 10105 which is owned by the Alder's. This proposed project and the one at 10113 are both slightly smaller than the Adler home. I have enclosed a copy of the permit drawings of 10105 for your use and a copy of the home at 10113 should be in your files.

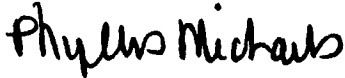
	10111 Proposed	10113 Kepferle	10105 Adler
First Floor	1232	1280	1230
Second Floor	1267	1224	1200
Basement/Garage	1204	1251	1179
Covered Porch	96	100	260
TOTAL	3788	3855	3869
Rear Porch /Patio	192	168	192
GROSS TOTAL	3967	4023	4061

page 2 of 2

The massing of this proposed home is consistent with the other homes with respect to side, front and rear yard setbacks as established by Montgomery County and reflects the front yard setbacks established by the other existing homes. This tree plan which has been approved during the subdivision process of this lot honors the canopy replacement of an existing tree by placing a majority of the new trees in the rear yard of lot 44 , adds a buffer to the rear yard of the one contributing resource located at 10120 Capitol View Avenue and respects the environmental setting of the adjoining neighbors by placing three trees in the front yard giving the front yard a total of four trees. This is greater than most homes which have only one or two trees in their front yard.

Please don't hesitate to contact me should you have any questions regarding this submission.

Sincerely,

A handwritten signature in black ink that reads "Phyllis Michaels". The signature is written in a cursive, flowing style.

Phyllis Michaels
President



RETURN TO: Department of Environmental Protection
 Division of Development Services and Regulation
 250 Hungerford Drive, Rockville, Maryland 20850
 (301) 217-6370

Historic Preservation Commission
 (301) 495-4570

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # LOT 44 & 45 #1922547 (entire parcel) CONTACT PERSON PHYLIS MICHAELS
 NAME OF PROPERTY OWNER BEVERLY & LUCKY SAYLOR DAYTIME TELEPHONE NO. 301 564 4039
 ADDRESS 10118 CAPITAL VIEW AVE. SILVER SPRING MD 20910
 CONTRACTOR ALLEGRO DEVELOPMENT INC TELEPHONE NO. 301 564 4039
 CONTRACTOR REGISTRATION NUMBER 3248
 AGENT FOR OWNER NOT APPLICABLE DAYTIME TELEPHONE NO. ()

LOCATION OF BUILDING/PREMISE
 HOUSE NUMBER 10111 STREET MEADOWNECKS COURT
 TOWN/CITY SILVER SPRING NEAREST CROSS STREET LEE STREET
 LOT 44 BLOCK 1 SUBDIVISION CAPITOL VIEW PARK
 LIBER _____ FOLIO _____ PARCEL _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CIRCLE ALL APPLICABLE: Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
 Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other _____
 1B. CONSTRUCTION COST ESTIMATE \$ Sale Price \$370,000
 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL 01 WSSC 02 () SEPTIC 03 () OTHER _____
 2B. TYPE OF WATER SUPPLY 01 WSSC 02 () WELL 03 () OTHER _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. HEIGHT _____ feet _____ inches
 3B. INDICATE WHETHER THE FENCE OR RETAINING WALL IS TO BE CONSTRUCTED ON ONE OF THE FOLLOWING LOCATIONS:
 On party line/property line _____ Entirely on land of owner _____ On public right of way/easement _____

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE APPLICATION IS CORRECT, AND THAT THE CONSTRUCTION WILL COMPLY WITH PLANS APPROVED BY ALL AGENCIES LISTED AND I HEREBY ACKNOWLEDGE AND ACCEPT THIS TO BE A CONDITION FOR THE ISSUANCE OF THIS PERMIT.

Phyllis Michaels, President June 26, 1995
 Signature of owner or authorized agent Date
ALLEGRO DEVELOPMENT INC

APPROVED _____ For Chairperson, Historic Preservation Commission
 DISAPPROVED _____ Signature _____ Date _____

APPLICATION/PERMIT NO: _____ DATE FILED: _____ DATE ISSUED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS
MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

SEE ATTACHED LETTER

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

SEE ATTACHED LETTER

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" X 17". Plans on 8 1/2" X 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. **An existing and a proposed elevation drawing of each facade affected by the proposed work is required.**

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (279-1355).

Please print (in blue or black ink) or type this information on the following page. Please stay within the guides of the template, as this will be photocopied directly onto mailing labels.

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MR LARIC K BECKMAN
10116 CAPITAL VIEW AVE
SILVER SPRING, MD
20910

lot 37/1

MR & MRS VICTOR SUSSMAN
10128 Meadowneck Ct.
SILVER SPRING, MD
20910

lot 36

MR & MRS LUCKY SAYLOR
10118 CAPITAL VIEW AVE
SILVER SPRING, MD 20910

lot 45

MR & MRS POMPIU TER.
VERZAKU
10124 Meadowneck Ct
SILVER SPRING, MD
20910

lot 35

MS MARIA GONZALEZ ET AL
203 SUMMIT HALL RD
GAITHERSBURG MD
20877

MS. MARY S PHELAN
10126 Meadowneck Ct
SILVER SPRING, MD
20910

lot 42/1

lot 32

MR CHRIS KEPFERLE
10113 Meadowneck Ct.
SILVER SPRING, MD
20910

MS PHYLLIS A. WALTER
10116 Meadowneck Ct
SILVER SPRING, MD
20906

lot 43

lot 31

MR & MRS STEVE KRAMER
10109 Meadowneck Court
SILVER SPRING, MD
20901

MS ROSALEE C. GORMAN
10112 Meadowneck Ct.
SILVER SPRING, MD
20910

lot 38

lot 30

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MS CATHLEEN A FREIN
10108 Meadowneck Ct.
SILVER SPRING MD
20910

Lot 29

MR + MRS Glenn Fuller
10104 Meadowneck Ct.
SILVER SPRING MD
20910

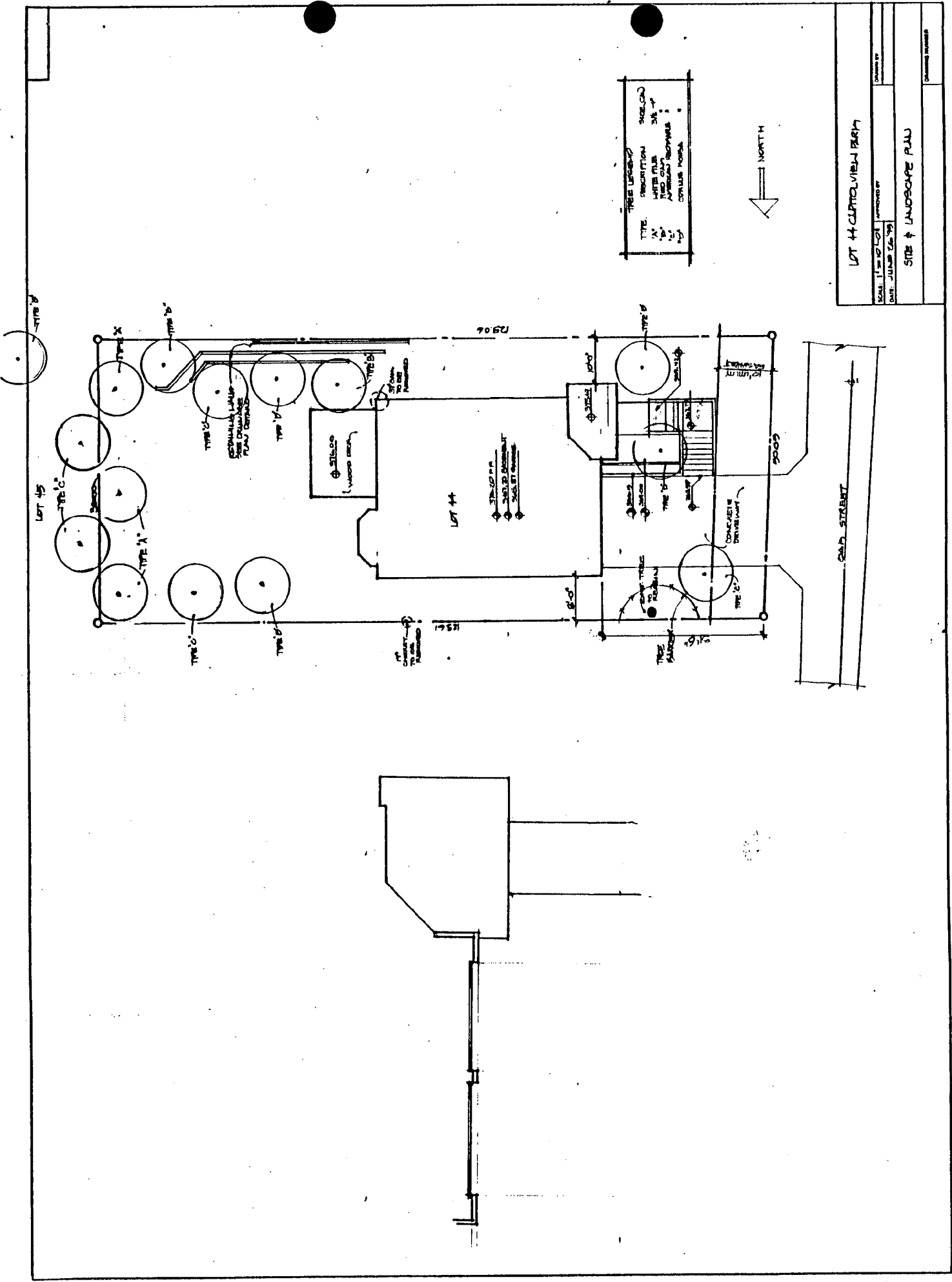
Lot 28

MR & MRS JEFFREY ADLER
~~10109 Anthony Street~~
10105 Meadowneck Ct
SILVER SPRING MD
20910

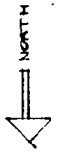
MS AMY EISENSTADT
10107 Meadowneck Ct.
SILVER SPRING MD
20910

MR. Kevin D. Prince
MRS. Karen N. Berger
3113 Lee Street
SILVER SPRING, MD
20910

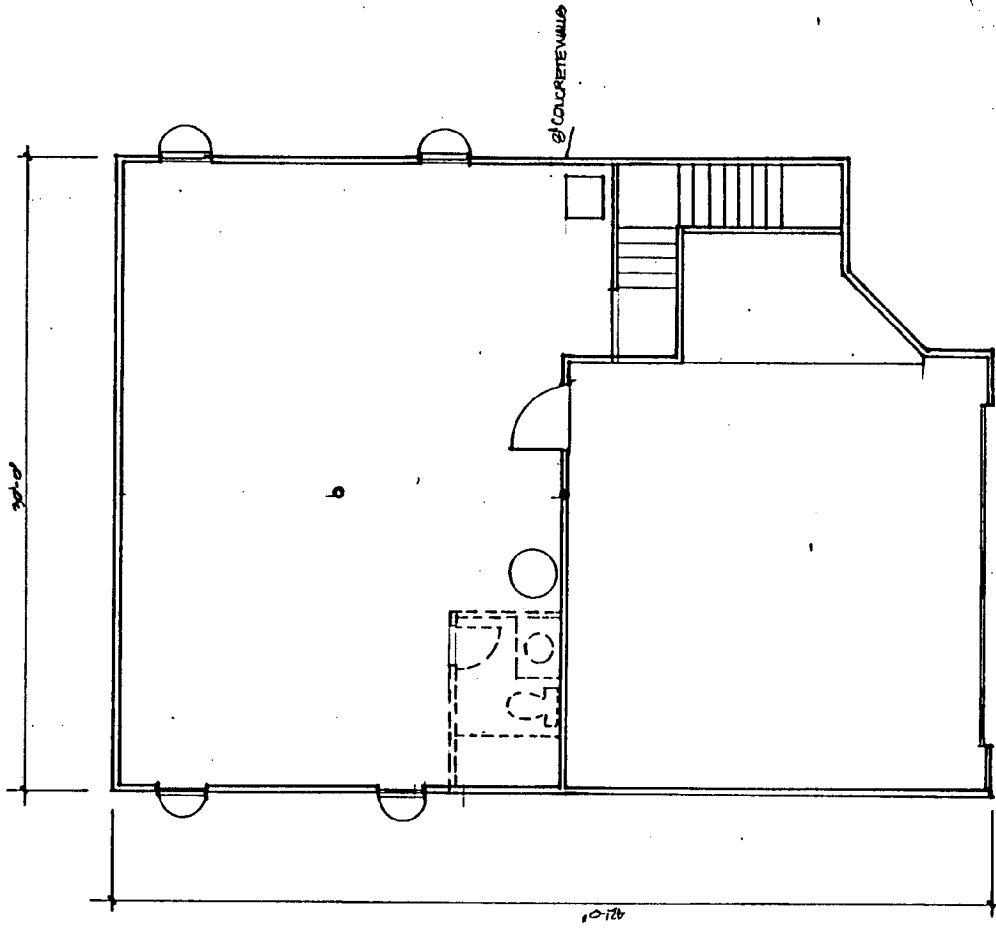
Lot 27



TREE TYPE	DESCRIPTION	SIZE/LOAD
A	WHITE PINE	3/4" x 4"
B	RED OAK	1/2" x 3"
C	AMERICAN BIRCH	1/2" x 3"
D	CORNUS FLORIDA	1/2" x 3"

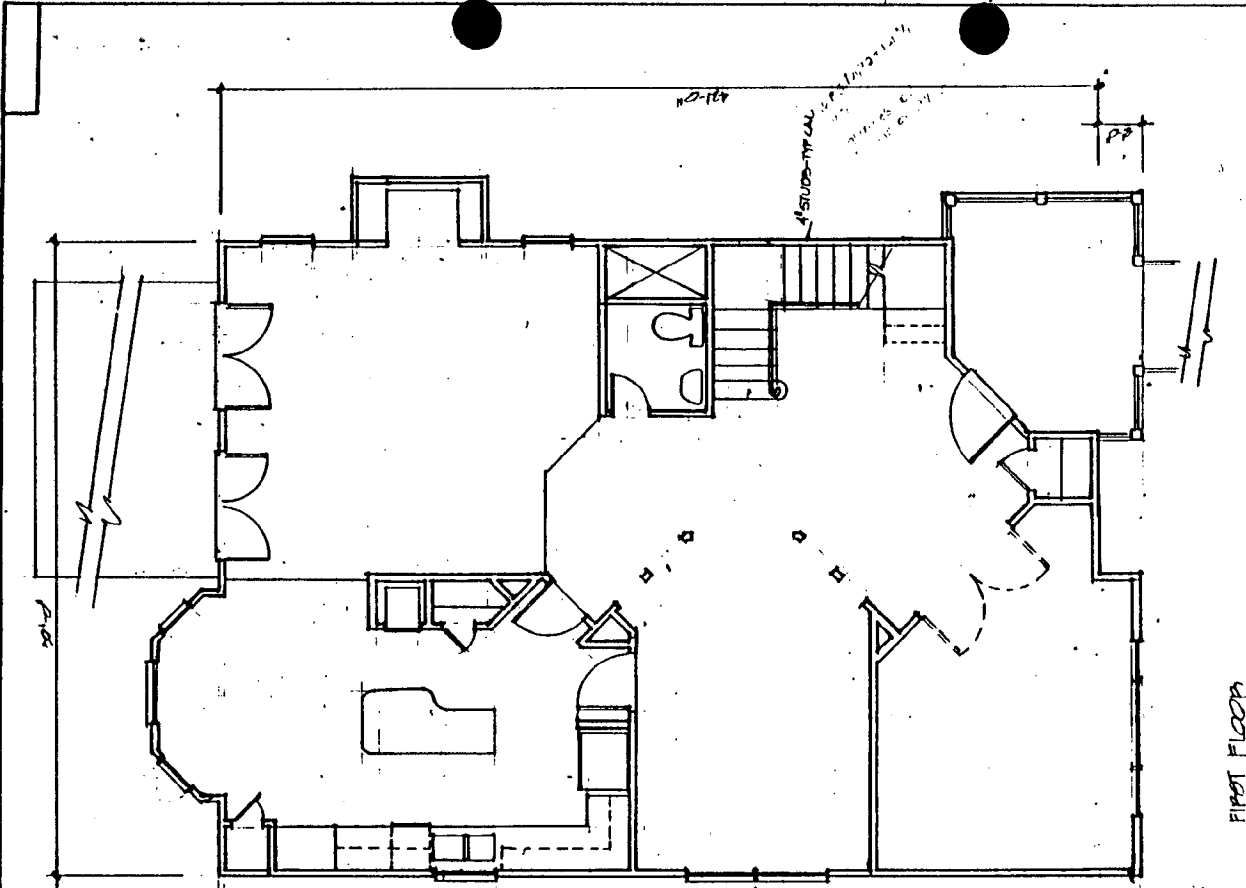


LOT 44 CLIPMONT VIEW FARM	
SCALE: 1" = 10' (SEE PLAN)	DATE: JANUARY 26, 1979
SITE & LANDSCAPE PLAN	
DRAWING NUMBER	

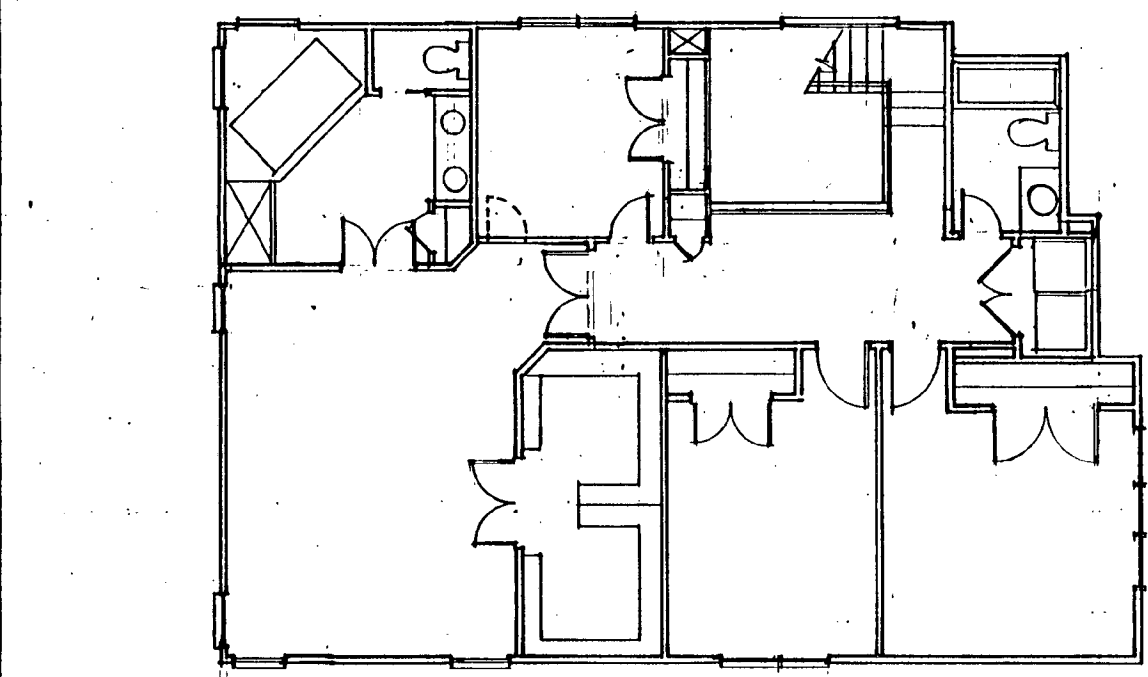


BASEMENT GARAGE FLOOR PLAN
1/4" = 1'-0"

FLOOR PLAN	
SCALE: 1/4" = 1'-0"	DATE: JUNE 26, 1978
DESIGNED BY: [Signature]	PROJECT NO. [Number]
ALLEGRO DEVELOPMENT, INC.	
DRAWING NUMBER: [Number]	

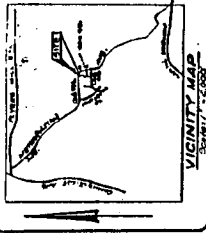


FIRST FLOOR
1/4" = 1'-0"



SECOND FLOOR
1/4" = 1'-0"

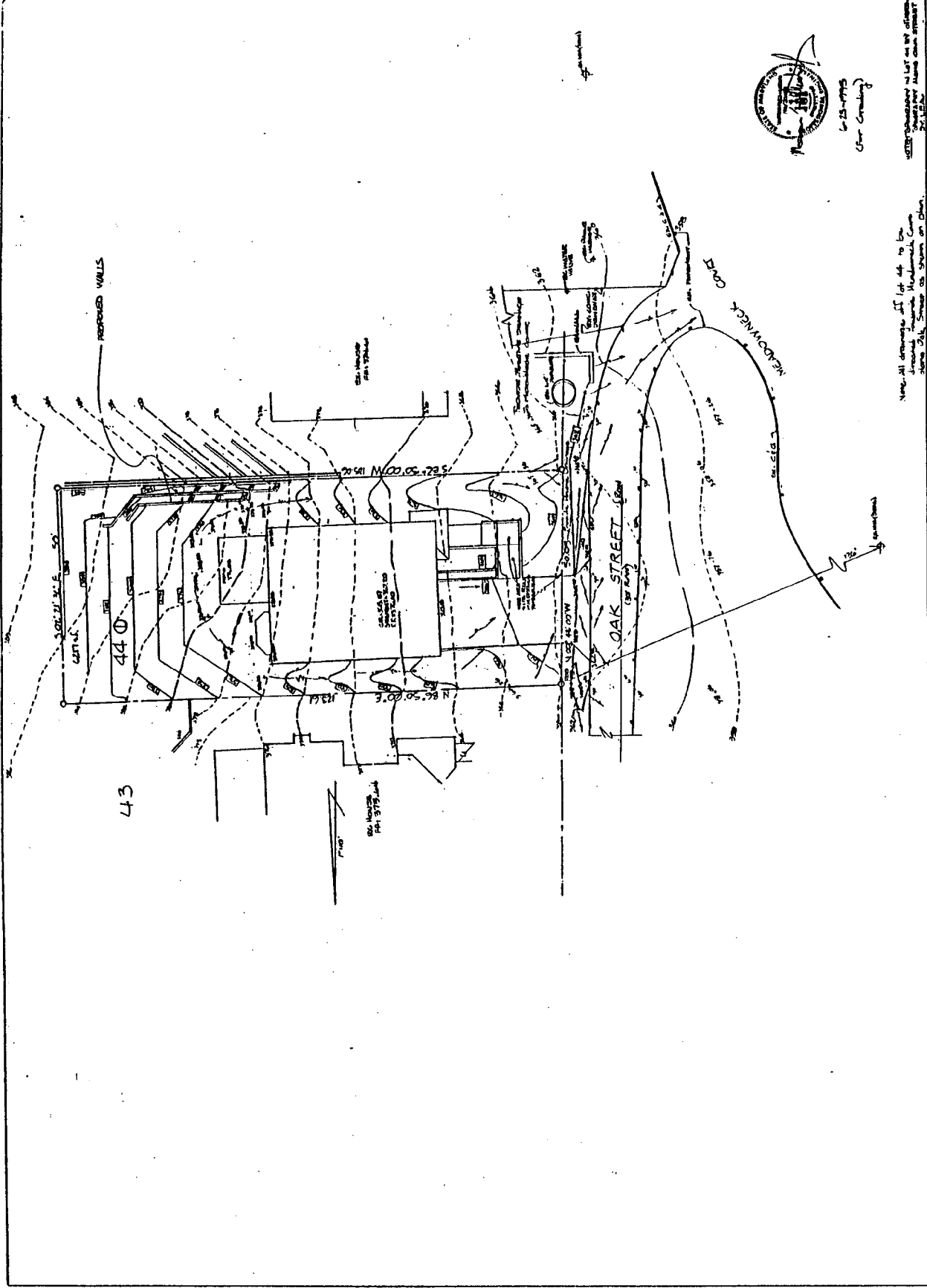
FLOOR PLANS	
DATE: 1/14/11	PROJECT: 1011
DRAWN BY: J. J. J.	CHECKED BY: J. J. J.
ALLEGRA DEVELOPMENT INC.	
DRAWING NUMBER:	



1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL CORNER POINTS ARE TO BE SET AND MARKED AT THE TIME OF CONSTRUCTION.
 4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 5. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 6. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.

LEA
 ENGINEERS
 & ARCHITECTS
 Light, Elliott, & Associates, Inc.
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, California 90210
 Telephone: (310) 206-1111
 Fax: (310) 206-1112

PROPOSED GRADING PLAN	
DATE	07/23/95
PROJECT	CADDTM VIEW PARK
LOCATION	10000 Wilshire Blvd., Suite 1000 Beverly Hills, California 90210
SCALE	AS SHOWN
DATE	07/23/95
BY	SA
CHECKED BY	SA
DATE	07/23/95
SHEET NO.	1 OF 1
FILE NO.	LS-9516



6-23-1995
 Glen Crowley

Note: All dimensions off lot 44 to the
 proposed Meadowlark Court
 shall be measured along the
 centerline of the street.

VIRGINIA

Development Review Division
CAPITOL VIEW AVENUE

LOT
P.B.
P.D.

502°21'36"E
50.01'

Technical Staff Recommendation made to MCPB by:

This preliminary plan will remain valid until July 6, 1998. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

Applicant shall provide a new point of access to Lot 43 and proposed Lot 44, eliminating the need for common access with Lot 38, subject to MCDOT approval.

Access and improvements as required and approved by MCDOT.

Applicant shall provide tree protection and final grading plan for a landscape tree protection and final grading plan prior to recording of plat(s). Applicant shall provide recommendations for tree protection measures shall be made by a certified arborist and technical staff. Applicant shall replace it with a minimum of five 10" shade trees (preferably oaks at appropriate locations on Lots 44 and 45).

Conditions of MCDOT stormwater management approval dated 11-7-94.

Necessary easements

10' P.U.E.

EXIST. HOUSE

45
7250'P
145'

PROP. HOUSE

1

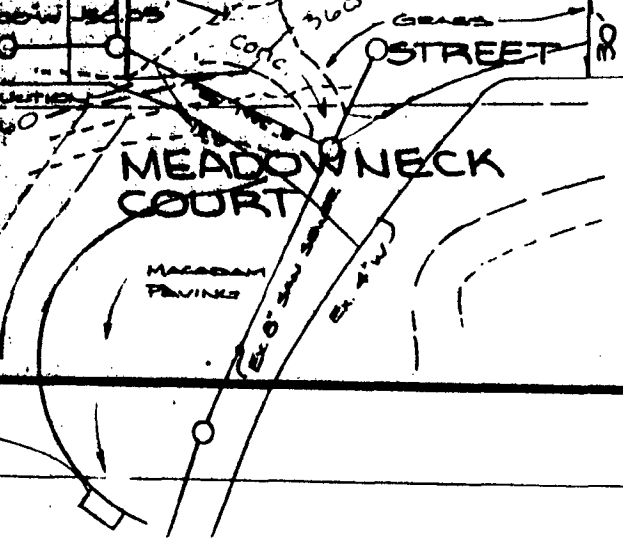
270.06
1717.4
37

12	24
11	23
10	22
P.B.A F.S	

L 4480 F.64
GRUVER

The Maryland-National Capital Park and Planning Commission
Approved Preliminary Subdivision Plan No. 1-95032
PB 124 P.14546

PREVIOUSLY SUBMITTED
INDICATED OAK



EXISTING CATCH BASIN

allegro Development Inc
P.O. Box 57
Kensington, MD 20895

301 564 4039

LOT 44
CAPITOL VIEW
PARK

Block 1

LAW FIRM
SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
KARL L. ECKER
DAVID A. PORDY+
DAVID D. FREISHTAT
MARTIN P. SCHAFFER
CHRISTOPHER C. ROBERTS
JEFFREY A. SHANE
EDWARD M. HANSON, JR.
DAVID M. KOCHANSKI
WALTER A. OLENIEWSKI
JAMES M. KEFAUVER
LAWRENCE L. BELL
REBECCA OSHOWAY
ROBERT B. CANTER
EDWARD F. SCHIFF+
PHILIP J. McNUTT*
DANIEL S. KRAKOWER
KEVIN P. KENNEDY
JAMES P. SULLIVAN
ALAN B. STERNSTEIN
NANCY P. REGELIN
SAMUEL M. SPIRITOS+
RICHARD J. MELNICK
ASHLEY JOEL GARDNER
JAMES M. HOFFMAN

WRITERS DIRECT DIAL

301-230-5206

11921 ROCKVILLE PIKE, THIRD FLOOR
ROCKVILLE, MARYLAND 20852-2743

(301) 230-5200

TELECOPIER (301) 230-2891

TDD (301) 230-6570

WASHINGTON OFFICE
(202) 872-0400
TELECOPIER (301) 230-2891

VIRGINIA OFFICE
(703) 684-5200
TELECOPIER (703) 684-4254

July 14, 1995

MICHAEL J. FROELICH
WILLIAM C. DAVIS, III
JAMES A. POWERS*
ELIZABETH N. SHOMAKER
MICHAEL V. NAKAMURA
PAUL A. BELLEGARDE
GREGORY J. RUPERT+
SANDRA E. BRUSCA
JONATHAN M. FORSTER+
DOUGLAS K. HIRSCH
PATRICK M. MARTYN*
KIM VITI
JOAN A. PISARCHIK*
STEVEN M. CURWIN*
HOLLOWAY B. LEFKOWITZ
JOHN J. McKENNA, JR.
KARL J. PROTIL, JR.*
MANISHA S. DESHMUKH

OF COUNSEL

LAWRENCE JAY EISENBERG
SOLOMON L. MARGOLIS
FRED S. SOMMER
WILLIAM R. KING
HARRY K. SCHWARTZ*

ADMITTED IN MARYLAND AND
D.C. EXCEPT AS INDICATED
+VIRGINIA ALSO
* MARYLAND ONLY
* MARYLAND AND VIRGINIA
ONLY
• D.C. ONLY

Ms. Patricia E. Hayes Parker
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Lot 44; Capital View Park
Our File No. 02-138-002

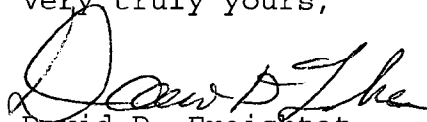
Dear Ms. Parker:

Please be advised that this Firm has been retained to represent Allegro Development, Incorporated in the application for an Historic Area Work Permit for the captioned lot.

Please address a copy of all correspondence to me. I would also appreciate if you would allow me to meet with you prior to your preparation of your staff report to discuss any issues you might have identified.

Thank you for your assistance.

Very truly yours,


David D. Freishtat

cc: Ms. Phyllis Michaels

DDF/cat/02138.LTR

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # LOT 44 & 45 # K22547 (entire parcel) CONTACT PERSON PHILUS MICHAELS
 NAME OF PROPERTY OWNER BEVERLY + ~~FRANK~~ SAYLOR DAYTIME TELEPHONE NO. 301 504 4039
 ADDRESS 10118 CAPITAL VIEW AVE SILVER SPRING MD 20910
 CONTRACTOR ALLEGRO DEVELOPMENT INC CITY 3 STATE MD ZIP CODE 20910
 TELEPHONE NO. 301 504 4039
 CONTRACTOR REGISTRATION NUMBER 3248
 AGENT FOR OWNER NOT APPLICABLE DAYTIME TELEPHONE NO. ()

LOCATION OF BUILDING/PREMISE
 HOUSE NUMBER 10111 STREET MEADOWNECK COURT
 TOWN/CITY SILVER SPRING NEAREST CROSS STREET LEE STREET
 LOT 44 BLOCK 1 SUBDIVISION CAPITOL VIEW PARK
 LIBER _____ FOLIO _____ PARCEL _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CIRCLE ALL APPLICABLE: Construct Extend Alter/Renovate Repair Move Wreck/Raze
 Porch Deck Fireplace Shed Solar Woodburning Stove
 Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other _____
 1B. CONSTRUCTION COST ESTIMATE \$ Sale Price \$370,000
 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL 01 WSSC 02 () SEPTIC 03 () OTHER _____
 2B. TYPE OF WATER SUPPLY 01 WSSC 02 () WELL 03 () OTHER _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. HEIGHT _____ feet _____ inches
 3B. INDICATE WHETHER THE FENCE OR RETAINING WALL IS TO BE CONSTRUCTED ON ONE OF THE FOLLOWING LOCATIONS:
 On party line/property line _____ Entirely on land of owner _____ On public right of way/easement _____

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE APPLICATION IS CORRECT, AND THAT THE CONSTRUCTION WILL COMPLY WITH PLANS APPROVED BY ALL AGENCIES LISTED AND I HEREBY ACKNOWLEDGE AND ACCEPT THIS TO BE A CONDITION FOR THE ISSUANCE OF THIS PERMIT.

Philus Michaels President June 16, 1995
 Signature of owner or authorized agent Date
ALLEGRO DEVELOPMENT INC

APPROVED _____ For Chairperson, Historic Preservation Commission
 DISAPPROVED _____ Signature _____ Date _____

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS
MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

SEE ATTACHED LETTER

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

SEE ATTACHED LETTER

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" X 17". Plans on 8 1/2" X 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. **An existing and a proposed elevation drawing of each facade affected by the proposed work is required.**

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

Allegro Development Incorporated
P.O. Box 57
Kensington, Maryland 20814

July 2, 1995

Ms. Pat Parker
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Lot 44 Capitol View Park

Dear Ms. Parker:

Enclosed for your review is the application and supporting documentation for a Historical Work Permit for the above referenced lot. Included in this package is an approved drainage and tree replacement plan which has been approved by the Development Review Division of the MNCPPC during the lot subdivision process. I have reviewed the Capitol View Master Plan and this lot has been developed to be consistent with the requirements of this district for spatial resources. The two major considerations for developing unimproved parcels of land is that the project contribute visually and aesthetically to the historic district and be regarded as an extension of the environmental settings of the significant historic resources. The homes which are contiguous to this property and in the general neighborhood are all not contributing resources and have no historical significance with the exception of one bungalow house at 10120 Capitol View Avenue which has been determined to have minor historical value.

The design of this home contributes visually and esthetically to the historical district by replicating authentic Victorian homes of the late 1800's. The use of shutters, running trim, gable and porch brackets, and cornice detailing is consistent with Victorian homes of this era and is an architectural contribution to the district. The materials used including vinyl siding and fiberglass shingles is consistent with the other non-contributing resources in the area.

The design of this home honors the environmental setting by building a home which is consistent with the neighborhood. The square footage, massing of this home, and the tree plan all are consistent with the existing homes which have been recently built and approved by the HPC. The matrix below compares the square footage of this proposed project with two existing homes in the neighborhood, the home which I just completed and is owned by the Kepferle's at 10113 and the home at 10105 which is owned by the Alder's. This proposed project and the one at 10113 are both slightly smaller than the Adler home. I have enclosed a copy of the permit drawings of 10105 for your use and a copy of the home at 10113 should be in your files.

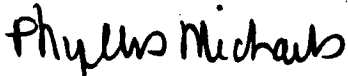
	10111 Proposed	10113 Kepferle	10105 Adler
First Floor	1232	1280	1230
Second Floor	1267	1224	1200
Basement/Garage	1204	1251	1179
Covered Porch	96	100	260
TOTAL	3788	3855	3869
Rear Porch/Patio	192	168	192
GROSS TOTAL	3967	4023	4061

page 2 of 2

The massing of this proposed home is consistent with the other homes with respect to side, front and rear yard setbacks as established by Montgomery County and reflects the front yard setbacks established by the other existing homes. This tree plan which has been approved during the subdivision process of this lot honors the canopy replacement of an existing tree by placing a majority of the new trees in the rear yard of lot 44 . adds a buffer to the rear yard of the one contributing resource located at 10120 Capitol View Avenue and respects the environmental setting of the adjoining neighbors by placing three trees in the front yard giving the front yard a total of four trees. This is greater than most homes which have only one or two trees in their front yard.

Please don't hesitate to contact me should you have any questions regarding this submission.

Sincerely,

A handwritten signature in black ink that reads "Phyllis Michaels". The signature is written in a cursive, slightly slanted style.

Phyllis Michaels
President

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

MR LARIC K BECKMAN
10116 CAPITAL VIEW AVE
SILVER SPRING, MD
20910

MR & MRS VICTOR SUSSMAN
10128 Meadowneck Ct.
SILVER SPRING, MD
20910

Lot 37/1

Lot 36

MR & MRS LUCKY SAYLOR
10118 CAPITAL VIEW AVE
SILVER SPRING, MD 20910

MR & MRS POMPIU TER.
VERZAKU
10124 Meadowneck Ct
SILVER SPRING, MD
20910

Lot 45

Lot 35

MS MARIA GONZALEZ ET AL
203 SUMMIT HALL RD
GAITHERSBURG MD
20877

MS. MARY S PHELAN
10126 Meadowneck Ct
SILVER SPRING, MD
20910

Lot 42/1

Lot 32

MR CHRIS KEPFERLE
10113 Meadowneck Ct.
SILVER SPRING, MD
20910

MS PHYLLIS A. WALTER
10116 Meadowneck Ct
SILVER SPRING, MD
20906

Lot 43

Lot 31

MR & MRS STEVE KRAMER
10109 Meadowneck Court
SILVER SPRING, MD
20901

MS ROSALEE C. GORMAN
10112 Meadowneck Ct.
SILVER SPRING, MD
20910

Lot 38

Lot 30

MS CATHLEEN A FREIN
10108 Meadowneck Ct.
SILVER SPRING MD
20910

Lot 29

MR + MRS Glenn Fuller
10104 Meadowneck Ct.
SILVER SPRING MD
20910

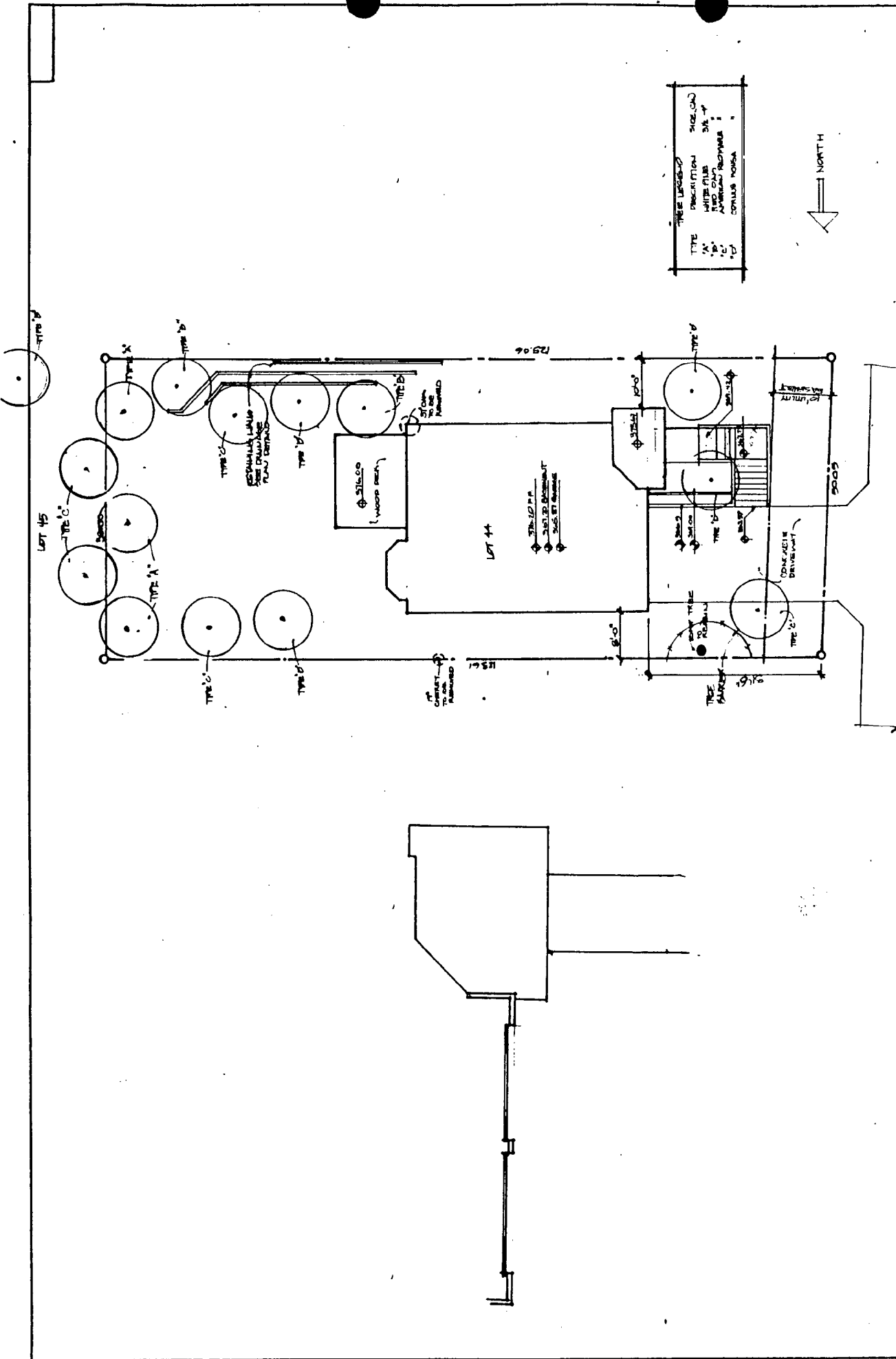
Lot 28

MR & MRS JEFFREY ADLER
~~10109 Anthony Street~~
10105 Meadowneck Ct
SILVER SPRING MD
20910

MS AMY EISENSTADT
10107 Meadowneck Ct.
SILVER SPRING MD
20910

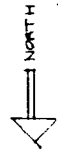
MR. Kevin D. Prince
MRS. Karen N. Berger
3113 Lee Street
SILVER SPRING, MD
20910

Lot 27

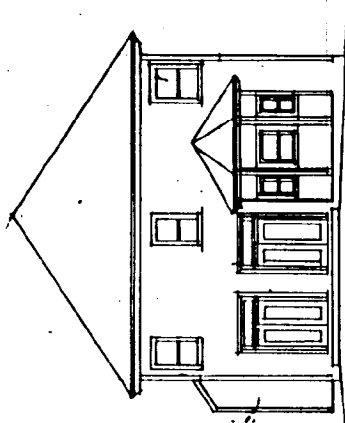


TREE LEGEND

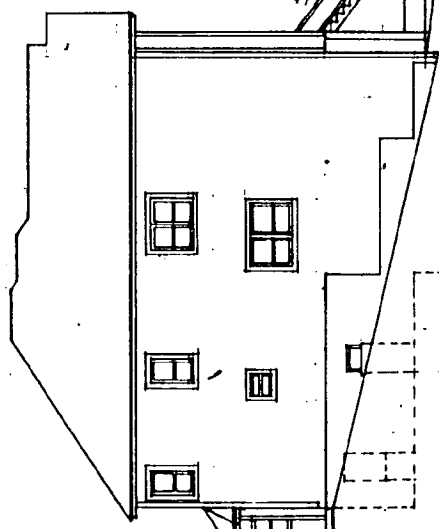
TYPE	DESCRIPTION	SIZE (IN)
"A"	WHITE PINE	3/4"
"B"	AMERICAN BIRCH	"
"C"	CONIFER	"
"X"	...	"
"Y"	...	"
"Z"	...	"



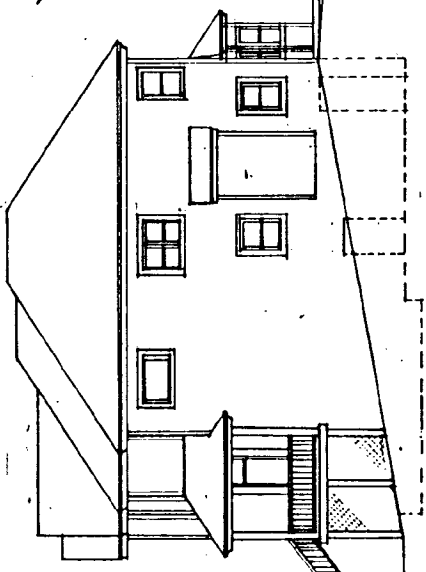
LOT 44 CAPITAL VIEW PARK	
SCALE 1" = 10'-0"	APPROVED BY
DATE JUL 18 2015	DESIGNED BY
SITE & LANDSCAPE PLAN	
DRAWING NUMBER	



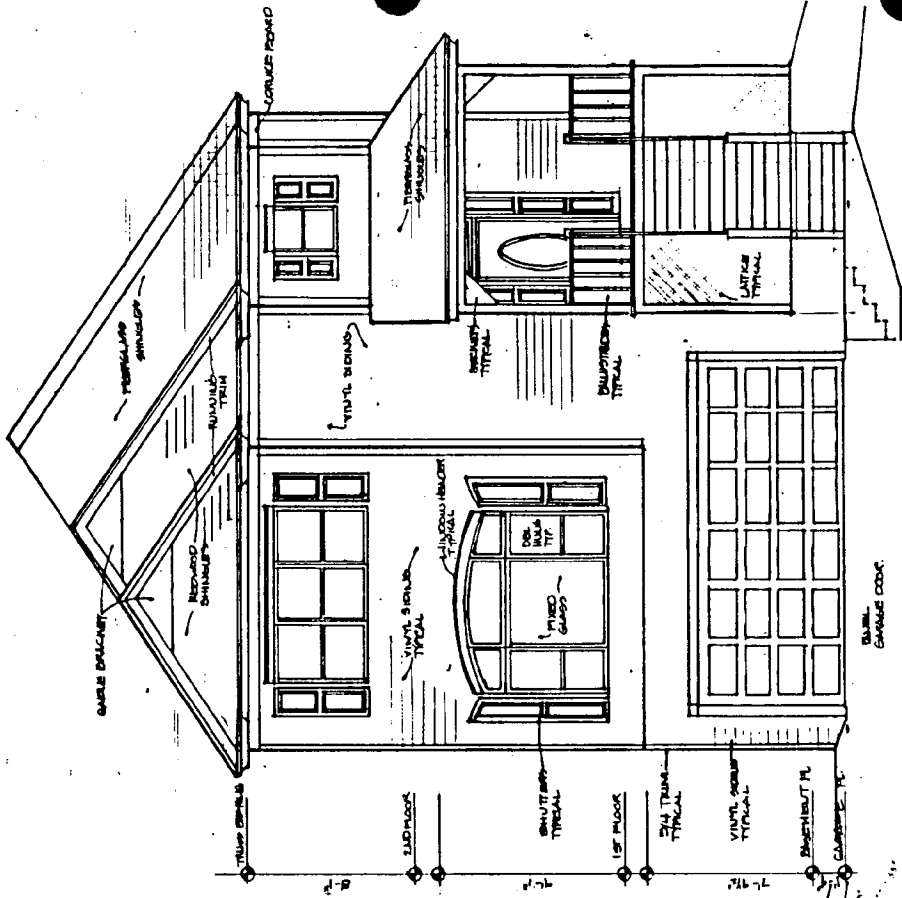
REAR ELEVATION
10-11-13



SIDE ELEVATION

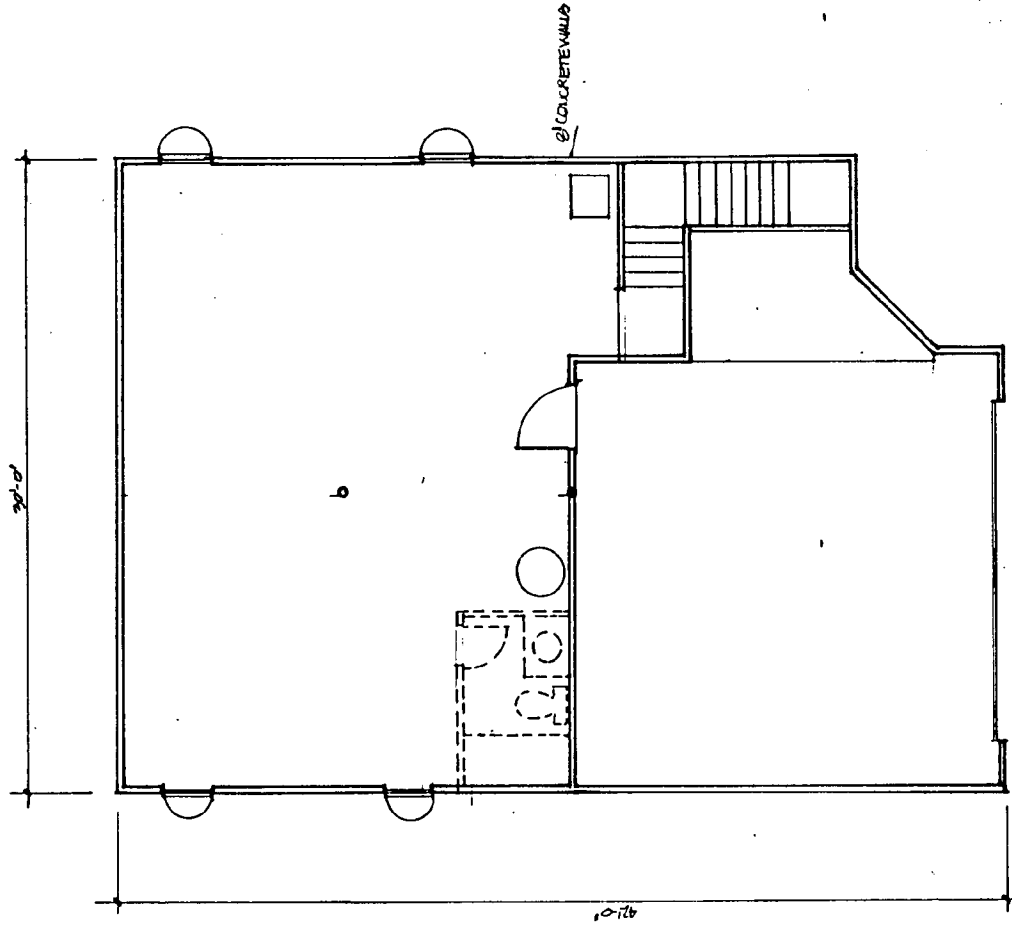


SIDE ELEVATION



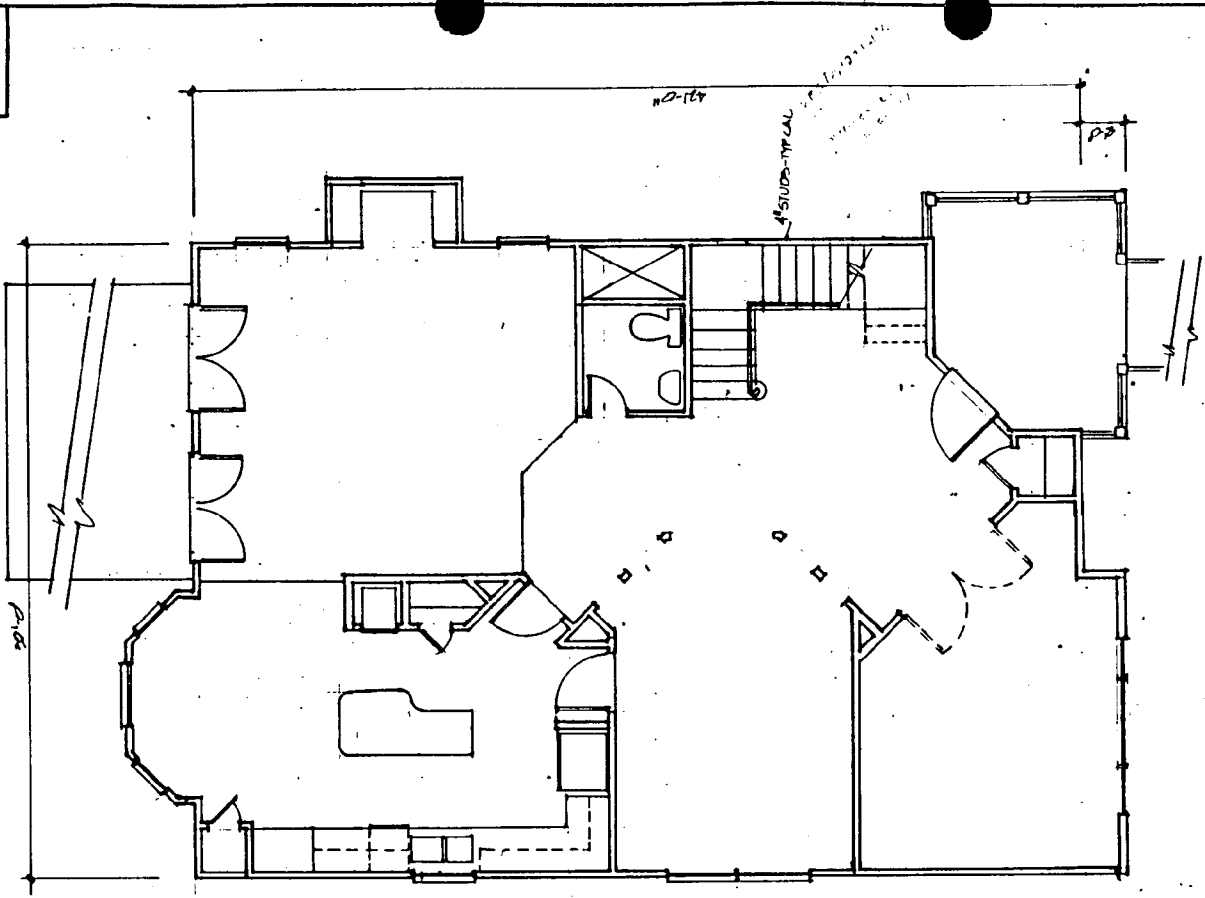
FRONT ELEVATION
10-11-13

BUILDING ELEVATIONS	
APPROVED BY	DATE
DATE	SCALE
ALEGRO DEVELOPMENT, INC.	
DRAWING NUMBER	

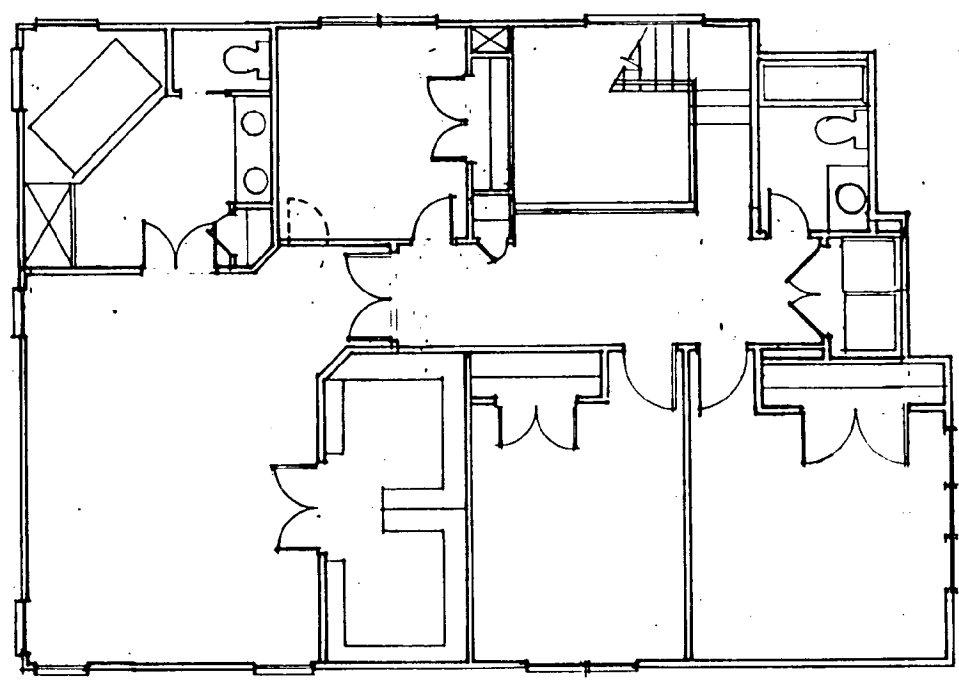


BASEMENT GARAGE FLOOR PLAN
 1/4" = 1'-0"

FLOOR PLAN	
SCALE	DATE
1/4" = 1'-0"	JUNE 26 1979
APPROVED BY	DESIGNED BY
	AA
ALLEGRO DEVELOPMENT INC.	
DRAWING NUMBER	



FIRST FLOOR
1/4" = 1'-0"



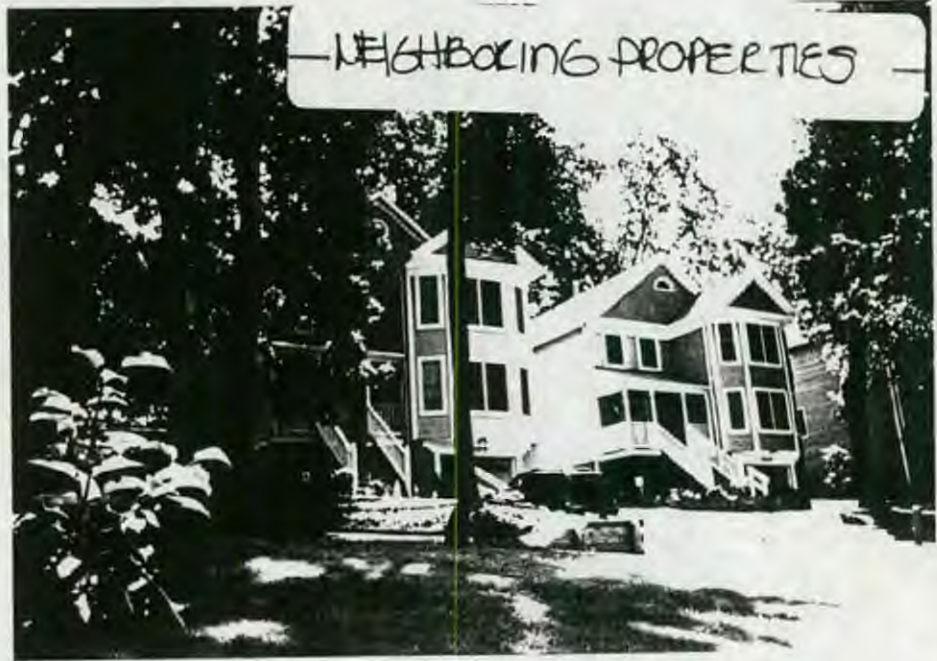
SECOND FLOOR
1/4" = 1'-0"

FLOOR PLANS	
SCALE: 1/4" = 1'-0"	DATE: 08-08-00
DATE: JUNE 24, 1993	PROJECT NO. 14
ALLEGRO DEVELOPMENT, LLC	
DRAWING NUMBER	

— NEIGHBORLY PROPERTIES —



— NEIGHBORING PROPERTIES —



— NEIGHBORING PROPERTIES —



- NEIGHBORING PROPERTIES -

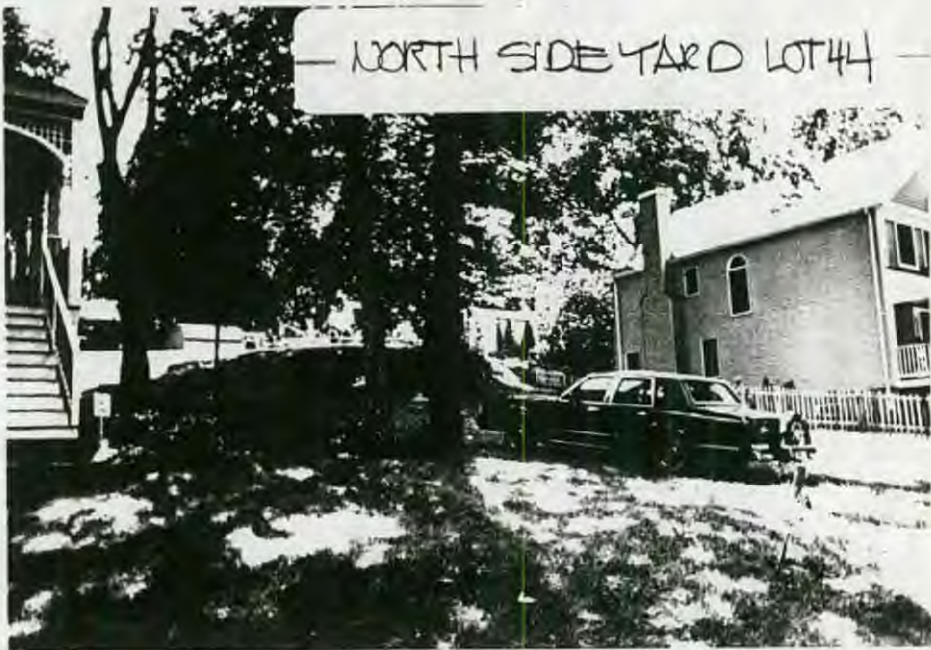


- LEFT SIDE YARD LOT 44 -

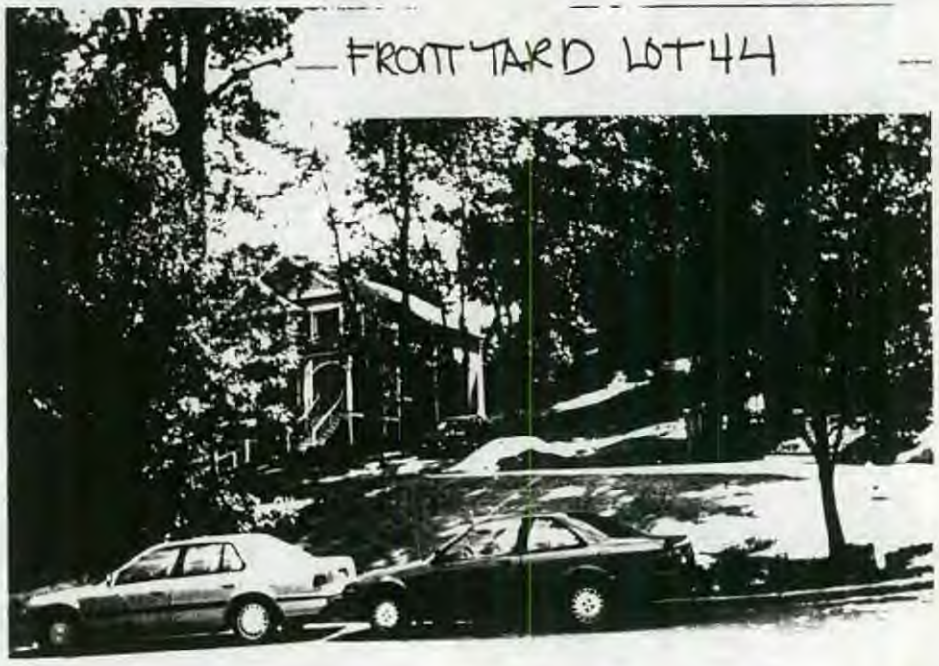


- REAR YARD - LOT 44 -

— NORTH SIDE YARD LOT 44 —



— FRONT YARD LOT 44 —



May 31, 1995

Phyllis Michaels
5225 Pooks Hill Rd.
#1810 N
Bethesda, Md 20814

Dear Ms. Michaels:

I am enclosing comments of some residents of Meadowneck Court regarding the building project we understand you are planning for the last lot in our neighborhood. Gwen Marcus of the Planning Commission suggested that we submit these to you before you complete your historic work permit application with the hope that neighborhood concerns could be factored into your plans.

We would be happy to discuss any of the points raised or any other aspects of your plans that will affect our neighborhood. Please contact me if you have any questions or wish to meet with us. Thank you.

Sincerely,



Rosalee Chiara
10112 Meadowneck Ct.
Silver Spring, Md 20910
(w) 202-739-0730
(h) 301-585-0626.

cc: Gwen Marcus
Montgomery County Planning Commission

COMMENTS OF RESIDENTS OF MEADOWNECK COURT

Some current residents of Meadowneck Court urge the Historic Preservation Commission (HPC) to carefully consider any building proposal for the last remaining lot facing our court. We understand that Montgomery County has approved the subdivision of this lot and that plans are now underway to develop it. We also understand that Phyllis Michaels is the builder planning the project. We are offering our comments to Ms. Michaels before submitting them to the Commission, at the suggestion of Gwen Marcus of the staff of HPC, in order to determine if there are any mutually acceptable solutions to our concerns.

The original seven houses on Meadowneck were constructed approximately 12 years ago and are relatively modest, traditionally styled homes set on various sized lots with surrounding trees. Three newer houses were built in the mid 1990's. The new houses are Victorian in style but with simple detailing and in muted colors. They are approximately 2500 square feet, larger than the older homes, and on somewhat smaller lots. In 1994, Ms. Michaels built a house on the Court that was significantly larger than any of the existing homes, is Victorian in style with very elaborate details and is colored bright pink, purple and blue. This house towers over the older houses in the Court and its cluttered architectural details are inconsistent with their simpler style. Because this is the last buildable lot to be developed and because any home built here will be visually highlighted due the lot's central position, the current residents would like the Commission to impose several conditions on this project to assure that it is compatible with the character of the surrounding neighborhood.

First, we request the Commission to limit the size of the house to something between 2000 and 2200 square feet. The lot in question is quite narrow and although Ms. Michaels' first house was larger, if this one is the same size it will be so crowded that the image presented will be of attached town houses and not of single family dwellings. The lot is steeply sloped so that any house built there will look taller than the smaller, older structures and we urge that care be taken to minimize this effect. In keeping with this idea, we also request that the Commission limit the garage to a one car capacity. A two car garage door is so wide that its visual impact is larger than would be appropriate on this narrow lot.

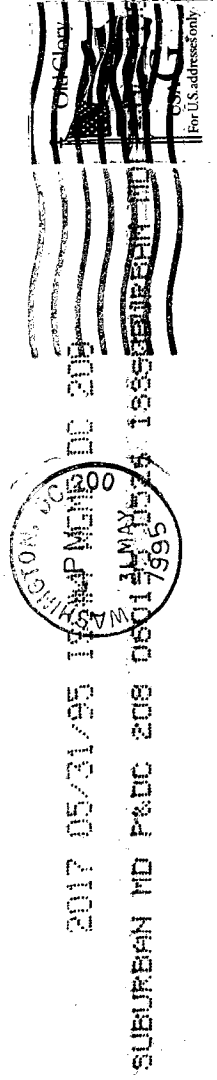
Second, we request the Commission to condition its approval on a plan that will result in a house with simpler, cleaner lines that will be more compatible with the other structures. We realize that Ms. Michaels' first house is quite detailed but, as indicated previously, this new one will be the center focus of our small neighborhood and thus should be required to blend to a greater degree. We are not requesting that she be required to build in any particular style, but that her detailing be kept to a level consistent with the traditional, less cluttered look of the surrounding area.

Third, because the construction of both of Ms. Michaels' homes have resulted in the removal of many trees, we request that she be required to replace a significant number of trees to provide more visual screening and erosion control. We request that the project conform to something similar to the preliminary planting plan approved at the county subdivision hearing. Specifically, we request that the builder be required to plant 5 10 inch trees as well as a number of smaller plantings that will eventually grow to a size sufficient to control erosion

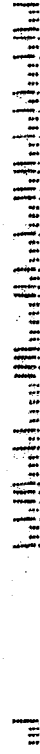
and restore the appearance of the neighborhood.

Finally, although we recognize that the Commission's authority in this area is limited, we request it to consider the issue of house color. All other houses on the court have subtle color schemes. Again, because the proposed house will be in the center of the court, a gaudily colored structure would be particularly jarring. We urge the Commission to require a muted color scheme in its approval.

Rosalee Chiara
10112 Meadowneck Ct.
Silver Spring, MD 20910



Ms. Gwen Marcus
Montgomery Co. Planning Commission
8787 Georgia Ave
Silver Spring Md 20910



Kentlands' 'Main Street' dream fades

Sarah Green
by **Sara Green** 6/7/95
Staff Writer

The Kentlands' earliest plans called for lively Georgetown-style downtown with small shops, second floor living spaces, and other pedestrian-friendly amenities.

"Main Street," as it was first conceived, earned the new Route 28 planned residential and commercial community an international reputation for innovation.

Last year the bank that owns the land and the Northern Virginia developer who wants to build on it told Gaithersburg city officials that original idea was not economically feasible. Instead, "Main Street" needed to be augmented with a movie theater, restaurant and shop complex with an attached parking garage, a plan the city approved following months of intense community design sessions.

Today, the "U" shaped multi-level entertainment and retail center with its central courtyard for art shows and fairs and attached parking garage is being scrapped.

The project "just didn't economically come together," said Chip Burton, a former Beauty Companies executive who is now a partner with Beauty in the project, known as "Midtown." Beauty built the Kentlands Square Shopping Center and still plans to build Midtown, Burton said.

"We are working to hold onto as much of (the earlier plan) as we can incorporate and still remain economically viable," Burton said in a brief May 30 interview.

For example, spaces in a parking garage now cost \$4,500 to \$6,000 each to build compared to \$1,500 to \$2,000 at grade, and existing liquor laws limit the available tenants, he said.

Burton has met with a group of Kentlands residents with plans for a single-level center surrounded by ground level parking. He called the sketches, which do not include any movie theaters, "a starting point for discussions."

"Just because the plan changes does not mean it's a bad plan," said Gaithersburg Mayor W. Edward Bohrer Jr. He has not seen the new plans, which will need city approval. He said he knew Beauty was having problems marketing the center.

"Everyone's vision of Midtown is not necessarily the same," commented Edens, a four-year Kentlands resident and leader, who has not seen the new sketches either.

Edens, who said her own vision includes a plan like "down-towns were a 100 years ago," noted developers have to balance creative ideas with the realities of the 1990s.

"Some people can see not having 16 different movie theaters as a positive thing," she said.

The trees, the houses, the conflict

Silver Spring Gazette
Capitol View 6/7/95
residents endure subdivision woes

by **Vanessa Phillips**
Staff Writer

When Barry Malko moved to historical Capitol View Park, he would often take walks with his dog in the St. Joseph's woods behind his house.

Little did he know that negotiations were already under way to destroy the big, old trees in favor of a housing development.

Montgomery in Microcosm Part 2

In the early 1980s, the land was bought by a developer for about \$150,000 and over the ensuing years, the forest was torn down to build a housing development.

"Those woods added dimension to the neighborhood," said Malko, who lives on Capitol View Avenue in front of the new development.

The original plan of 15 to 17 houses was scaled down to a cul-de-sac of seven homes — due to neighborhood opposition — and Meadowneck Court became home to new residents. Despite the development, many of the original specimen trees remained.

Three more homes were constructed on Meadowneck in the late 1980s, de-

See **Woes**, page A-13

stroying more of the trees. "It's a pretty setting. We're near a park, and we get a little more value" from moving to Meadowneck, said Steve Kramer, who has resided there with his family for a year.

"The area is very friendly and accessible," added Meadowneck neighbor Megyn Walsh Sussman.

However, a number of planning and environmental problems with a new house on Meadowneck — built throughout the past winter and spring on a previously empty plot of land atop a hill — has sparked community concern yet again.

The property with the new home is part of a growing trend of infill development, where any empty space in a long-established neighborhood is filled.

While residents across the county face their own concerns when builders come into town, Capitol View Park residents may be unique in their activism to protect and preserve their historic area.

The property, developed by Allegro Development, a county builder, was approved for the construction of one home by the County Planning Board, part of the Maryland-National Capital Park and Planning Commission, in 1989. The county's Department of Transportation also approved an access road off Meadowneck for the property.

Malko, whose backyard abuts the side of the property, waged a Circuit Court battle to get the board's approval of the development overturned. The court upheld the Planning Board's decision, and the case continued into the Court of Special Appeals. The Court of Special Appeals agreed with Malko, and remanded the case back to the Planning Board.

Continued on Next Page

WOES

After years of court battles, Malko's efforts resulted only in a decree for the Planning Board to state why it approved the subdivision. After the board completed the request, it again approved the subdivision, and Malko contested the decision.

He returned to the Circuit Court and Court of Special Appeals for another round, and the Court of Special Appeals this time agreed with the Planning Board.

Malko's arguments in court concerned flood management and the dedication of a support street made for the house. The county's Department of Environmental Protection said the storm water control for the home and the property is adequate, although the area is located on a flood plain.

Rain water from the area where the home is located floods into a culvert under Capitol View Avenue. The culvert is often filled with debris and unable to handle the water, although the culvert was cleaned and rebuilt by the State Highway Administration in 1993. Sometimes the water erodes or floods the road at that point, according to nearby neighbors.

Storm water from the area runs into the back of four adjoining properties, including the Sussman family, who live on Meadowneck Court.

"We have a serious problem here," said Malko.

A few weeks ago, after a big storm, a rush of water flooded the Sussmans' yard.

"It's hard for our child to play in the muddy yard," said Megyn Sussman.

According to Sussman, Allegro builder Phyllis Michaels is working with her family to create an underground mechanism to handle flooding on Meadowneck.

Michaels said the flooding problem existed before she began development.

"It's a huge hill, and the water run-off was created when the engineers designed Meadowneck in 1983. I don't know how to comment," she said.

Malko said in a letter to the Department of Environmental Protection that although he thinks the new development contributes to flooding, he faults the county for not implementing stricter storm water control regulations.

"The problem was probably not caused by the one house there now, and it wouldn't be fair to hold one house hostage and tell them not to build (because of the problem)," said Joe Cheung, an engineer for the Department of Environmental Protection. Instead, flooding has probably always been caused by the hilly lay of the land, he said.

All the more reason, Malko argues, for not giving permission to Allegro to build on that property.

If the water run-off is causing problems now, it's no longer under the jurisdiction of the environmental protection department, since that department works to prevent such problems, not repair them, according to Bruce Payne, manager of inspection and enforcement for the division of water resources management.

"But they (DEP) obviously didn't do their job," said Malko.

Payne said Michaels has followed nearly every recommendation the DEP has given, and thinks the flooding dilemma should be resolved between the neighbors and builders.

But again, Malko contends that the county and the developer agreed at a public hearing to take the rain water down an existing driveway into the cul-de-sac. However, Malko said



The construction of this new home on a makeshift roadway off Meadowneck Court, in background, has caused flooding, safety and other environmental concerns within the community.

Michaels dug up the driveway and repaved it, sloping it back toward the neighbors' properties and not into the cul-de-sac.

But flooding is not the only problem with the property. It is located beside a 12-foot wide support driveway called Oak Street, which veers off Meadowneck Court. Malko argued in court that the street is not publicly dedicated, as required by county law, and, if it is therefore private, it violates fire code, which designates a minimum width of 20 feet for safety equipment.

In the Planning Board's eye, however, the street is for public use — although maintained by the owner of the property — and it meets all necessary codes, said Maryland-National Capital Park and Planning attorney Michele Rosenfeld.

No matter what the designation, the small size of the access road and its slope, could cause future problems, said neighbor Steve Kramer.

Seven noise violations were filed with the county, but they

Tim Siben/GAZETTE

Residents also said the builders removed "no parking" signs on Meadowneck so they could park their trucks there. The signs are on the street for fire and rescue vehicles to park in case of an emergency.

While Michaels said she understands neighbors are upset there is more development in their neighborhood, she said she has legitimate defense.

"The county determined that my lots are legal, and that they meet criteria. I have a right," she said.

Attorney Rosenfeld added, "These are frustrations and concerns shared any time there's in-

Continued on next page



fill development. But the property owners have a right to develop within ordinance.

Although neighbors realize their criticisms are not unusual, as development booms across the metropolitan area, some said they want to set a precedent for what can and cannot be done in an existing locale.

"I'm trying to establish a standard," said Malko of his unsuccessful court cases. "The county provided absolutely no protection to the neighbors. They didn't force the developer to follow any of her agreements with the county. And it's clear this happens throughout the county."

Malko also has been active in writing to county officials about his objections to the development, and penned two newspaper editorials as well. He has received no response from the county, aside from conversations with Rosenfeld. Rosenfeld also defended the planning department in Malko's court cases.

The situation will not end soon. The adjacent property has been approved for subdivision, and at least one more home is expected for construction.

"I'm not anti-development," said Kramer, a civil engineer. "Maybe there should be different regulations for infill development. Everyone here has been affected (by the construction) in some way. How can we improve this situation?"

▶ This is the second in a series of articles about Capitol View Park. Next: How the area's designation as a historic district affects the neighborhood.

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10000 Park & Pl. Comm

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WALK SET

to begin DAMASCUS project 6/7/95 Contractor moves onto site of Damascus plant

by Lenore McKenzie Morris

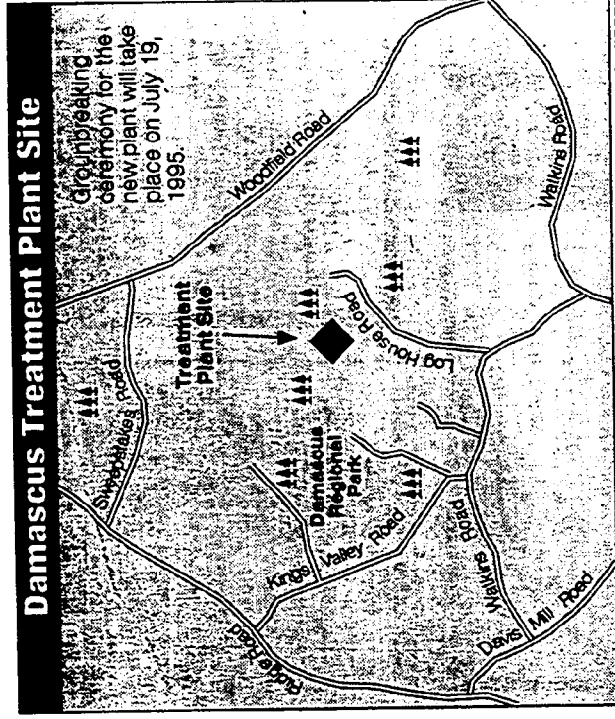
Special to the Gazette

Construction crews moved trailers onto the site of the new sewage treatment plant on Log House Road in Damascus Monday in preparation for the start of construction next week.

Danis Heavy Construction, Inc. of Dayton, Ohio, was awarded the \$13.3 million contract in March to build a new plant and remove the existing plant throughout the course of the next three years. The project, which was first proposed in 1987, will increase the treatment capacity of the plant from .75 million gallons per day to 1.5 million gallons per day at a total cost of \$26 million.

Approximately \$7 million of the total cost was budgeted for planning, design and supervision of the project by the Washington Suburban Sanitary Commission and its consultant on the project, O'Brien and Gere Engineers, Inc. An additional \$3 million includes further review of the project by the consultant, engineers and architects, as well as money to computerize the treatment plant operations. Funds were included to reforest the site of the existing sewage treatment plant when it is torn down.

Bruce Beall, WSSC's project manager for the Damascus project, said the commission swapped land with the Maryland National Capital Park and Planning Commission to get the new site for the treatment



Source: Damascus Wastewater Treatment Facility
Caroline Anderson/GAZETTE

SEWAGE

Continued from page A-1

plant. "We obtained roughly five acres from park and planning," Beall said, noting that the new site wraps around the existing site in an L-shape northwest of the plant. Both commissions have approved the swap but have not yet signed off on the documents.

Beall said there is a small area of wetlands on the new site but because of its size, WSSC will not be required to re-create the wetlands elsewhere. Two outfalls in the wetlands area, one for the

effluent coming from the plant and the other a storm drain outlet, will be lined with rock to prevent erosion.

He did not have information yet on how many trees would be planted on the existing site when the plant there is torn down near the end of the three-year project.

Nearly 8,000 notices announced the project were mailed out in April with a map detailing the construction traffic route.

An official ground-breaking ceremony will be held on the site on July 19 and the public is invited to attend. For more information call Bruce Beall at 1-800-828-6439.

See Sewage, page A-11