

31/6 3918 Prospect St.
HAWP 13-88

Doris G. Mattingly
3918 Prospect Street
Kensington, Maryland 20895

April 25, 1988

Dear Mr. and Mrs. Rosché;

In response to your letter of April 20, I am including a copy of Frost's Mending Wall. I also find this poem a wonderful choice in substantiating our position with regard to "Fences". To define our position, however, I chose the last and not the first line of this poem, "Good Fences Make Good Neighbors."

The fence before the IAC at this time, does not abutt your property, and does not meet with any objection of our adjoining neighbor, nor our neighbor across the street. I feel it is most unfortunate to communicate by letter, however it is the medium of communication you have chosen, so I shall respond with my thoughts with regard to your thoughts about my property.

Firstly, I view my pool as an attractive nuisance, as apparently does my insurance company. Visual screening from children and passersby is important to my maintaining a sense of control over potential danger, and I find it interesting that you feel free to allow that my remedy is "Neither Practical Nor Necessary". I am to presume that you believe both safety and aesthetics have been met in a chain link fence and the few unhealthy trees that border our lots. I find these unacceptable, as my near 3 year old can scale that fence, and also happen to find chain link and chicken wire fences - both found in abundance in our historic community - offensive.

Beauty is clearly in the eye of the beholder. I believe we have different needs and very different philosophies. I am an advocate of the rights of the homeowner. I am aware of the need to change to keep up with our changing world. I have a view of my life in Kensington and that of my family here I do not seek others to share. I know all around me will profit from my improvements, and I am hopeful many will be enjoyed. I share the same view of my neighbors property as that of my own, and respect changes they are making for reasons that are perhaps both practical and necessary as well as aesthetically non-vitiating.

This is the beginning of our renovation of 3918 Prospect Street. We intend to mend, maintain and add-on to our property as needed without lengthy explanation or apology to our fellow property owners. It is our hope our neighbors will do the same. There will be many notices, meetings, and hopefully, more face-to-face communications with you. Just as you felt the need to explain yourselves in the interest of "good neighborliness", I also felt the need to respond with my view of a good neighbor, and Mending Wall says it best. We each have our own way of viewing the world. In spite of the questions the writer asks of the need, he respects the need.

Thank you for sending us a copy of your letter to the IAC. We hope this explains our position and look forward to your return as our neighbors.

Sincerely,


Doris and Scott Mattingly

cc: Andrew Dempster

P.O. Box 23
Berkeley Springs,
W. Va., 25411

April 20, 1988

Mr. Andrew Dempster
Kensington LAC
3611 Farragut Avenue
Kensington, Md. 20895

Dear Mr. Dempster:

This letter concerns the request of ³⁹¹⁸ 3922 Prospect Street to "install a 6'6" privacy fence across portions of front and side yards."

We are the owners of 3922 Prospect Street, the next house up the street, and have lived there since 1961. We are currently on Sabbatical Leave and have been out of the country for most of the time. Because of our absence from the Kensington scene, the notice of the LAC meeting of April 4, 1988, did not come to us at this temporary West Virginia address until April 12, at which time we immediately communicated our concerns to the Town Office and to you.

We OBJECT to the request of Mr. and Mrs. Mattingly for the following reasons:

1. The requested fence runs counter to the HISTORICAL SETTING of the street. Historically, the predominant feature of old Kensington photographs is the open and unfenced space between the houses. Currently, there are no fences up or down the street. A similar request was recently denied on this street. One would hope that for consistency sake, this past historical feature, fought for and maintained in the present, will continue in the future.
2. The requested fence is NEITHER PRACTICAL NOR NECESSARY. Except on the ground level, a "privacy fence" will not provide privacy. Our house is 3½ stories high and on higher ground! As a practical matter, neighborliness rather than a stockade will better produce the desired "privacy". At the ground level, there already exists a recently installed fence completely around the pool area and behind the Mattingly house. On our side (and on our property) there is a line of beautiful ever-green trees which already creates a natural barrier toward 3918. Further back on our common line, there is a low chain link

fence which completes the pool enclosure. Although chain link provides more safety than privacy, this fence is in the back of our yard, well behind our house and its back deck. There are no "prying eyes" except possibly those of birds and crickets! Thus, the request is neither practical nor necessary.

3. The requested fence VITIATES THE AESTHETICS of the street. The street currently is beautiful, relaxed, tree-lined, friendly, neighborly. This ambiance would probably be destroyed with "privacy" fencing; a new stockade mood would be introduced to the street. The current subtle balance between the interests of individual home owners and the Kensington community would be upset.

For the above stated reasons, we encourage the Kensington LAC to reject the request of 3918.

"Something there is
That doesn't love a wall..."

(Robert Frost)

Thank you for your attention in this matter.

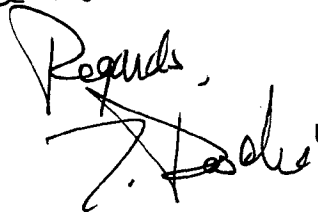
Sincerely,


Theodore and Marie Rosché

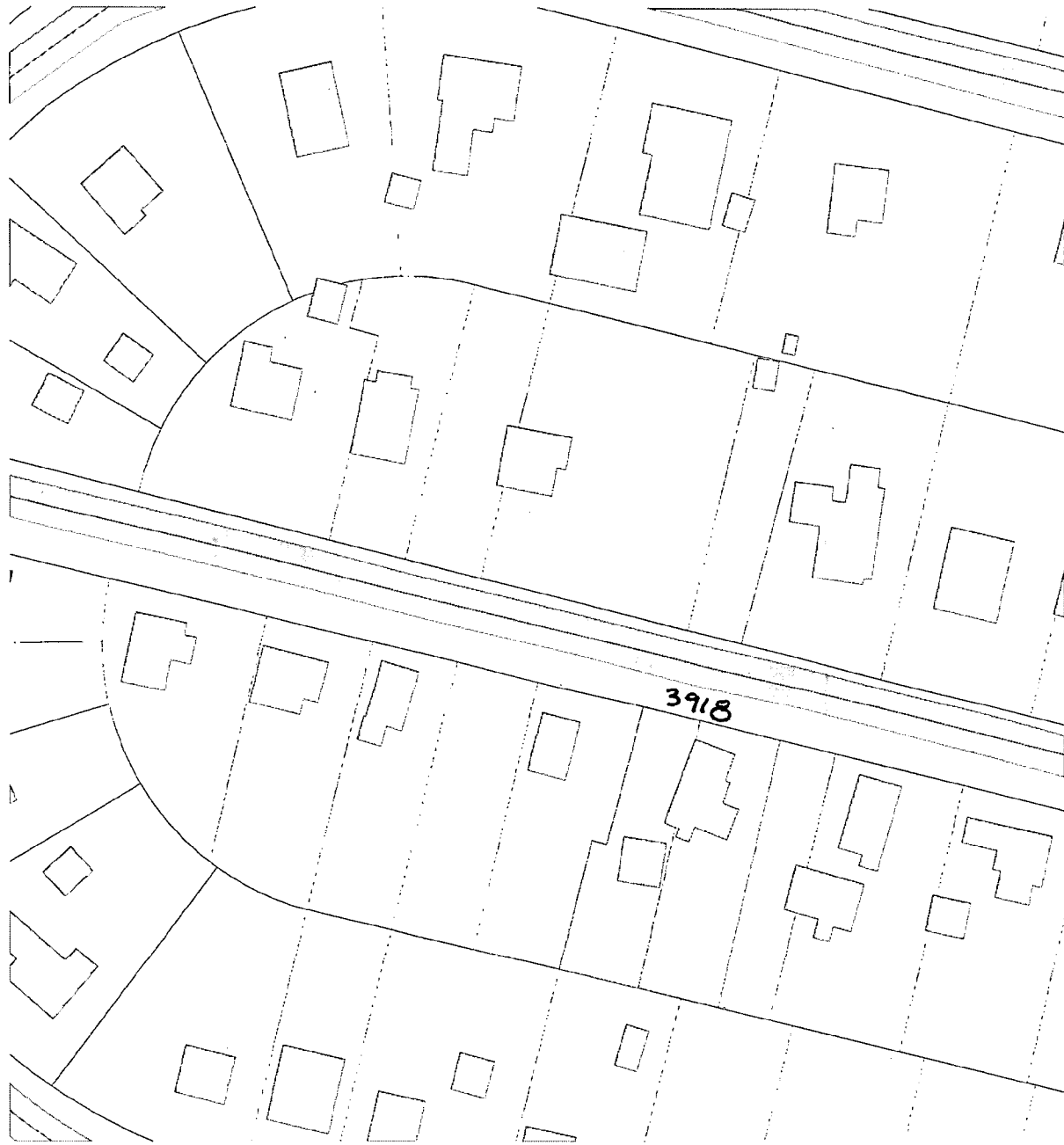
CC: The Mattinglys
3918 Prospect Street

P.S. Dear Mr. Dempster:

If there is additional help needed, please advise us.
Thanks for responding to my phone call. We would appreciate
being informed of the above address.

Regards,


3918 PROSPECT STREET



Casual User Application

Notice:
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without permission from MNCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended.

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
820 Georgia Avenue - Silver Spring, Maryland 20910



Scale: 1" = 100'

Legend

- Street Centerlines
- ▭ 200' Map
- ▭ Buildings
- ▭ Plots
- ▭ County Boundary
- ▭ Parking Lots
- ▭ Lot within Cultural
- ▭ field court
- ▭ park
- ▭ Intersect Polygon
- ▭ pavement
- ▭ Hydrology - Line
- ▭ Hydrology - Poly
- ▭ ROW
- ▭ Natural Features
- ▭ wooded
- ▭ Parcel



Historic Preservation Commission

100 Maryland Avenue, Rockville, Maryland 20850
279-1327

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 1018272

NAME OF PROPERTY OWNER M/M MATTINGLY TELEPHONE NO. 301-933-8745
(Contract/Purchaser) (Include Area Code)

ADDRESS 3918 Prospect Street, Kensington, MARYLAND 20895
CITY STATE ZIP

CONTRACTOR ~~XXXXX~~ ~~XXXXX~~ ~~XXXXX~~ MATTINGLY TELEPHONE NO. ~~301-2088~~ 933-8745
CONTRACTOR REGISTRATION NUMBER _____

PLANS PREPARED BY Sandy Mattingly TELEPHONE NO. 933-8745 (301)
(Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 3918 Street Prospect Street

Town/City Kensington Election District 13-Wheaton

Nearest Cross Street Connecticut

Lot 26 Block 12 Subdivision Kensington Park

Liber 2052 Folio 337 Parcel _____

1A. TYPE OF PERMIT ACTION: (circle one)

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition	
Wreck/Raze	Move	Revocable	Revision	Porch	Deck	Fireplace	
				<u>Fence</u> /Wall (complete Section 4)	Shed	Solar	Woodburning
					Dther		

1B. CONSTRUCTION COSTS ESTIMATE \$ _____

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY Pepeco

1E. IS THIS PROPERTY A HISTORICAL SITE? yes

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 (<input checked="" type="checkbox"/>) WSSC	02 () Septic
03 () Other _____	

2B. TYPE OF WATER SUPPLY

01 (<input checked="" type="checkbox"/>) WSSC	02 () Well
03 () Other _____	

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

1A. HEIGHT 6 feet 6 inches

1B. 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 _____ (Revocable Letter Required).

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 all 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 (agent must have signature notarized on back) _____ Date 3/28/88

APPROVED X 24A-8(b) # For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature R. Hahn Date 5/23/88

APPLICATION/PERMIT NO: HAWP 13-88 FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

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

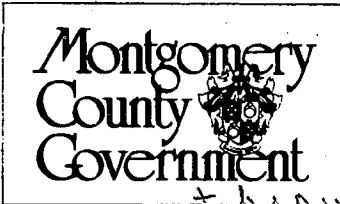
DESCRIPTION OF PROPOSED WORK: (including composition, color and texture of materials to be used:)

Fence to contain ^{surround} part of lot 27 up side yard + across front to follow existing path and cut across to ^{front} edge of house.
Fence will be decorative - scalped 6'6" privacy in natural wood.

(If more space is needed, attach additional sheets on plain or lined paper to this application)

ATTACH TO THIS APPLICATION (2) COPIES OF: SUCH SITE PLANS (lot dimensions, building location with dimensions, drives, walks, fences, patios, etc. proposed or existing) and/or ARCHITECTURAL DRAWINGS (floor plans, elevations, etc.), PHOTOGRAPHS OF THE AREA AFFECTED, as are necessary to fully describe the proposed work.

MAIL OR DELIVER THE APPLICATION AND ALL REQUIRED DOCUMENTS TO THE:
HISTORIC PRESERVATION COMMISSION
100 MARYLAND AVENUE
ROCKVILLE, MARYLAND 20850



Historic Preservation Commission

100 Maryland Avenue, Rockville, Maryland 20850

279-1327

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 1018272

NAME OF PROPERTY OWNER M/M MATTINGLY TELEPHONE NO. 301-933-8745
 (Contract/Purchaser)

ADDRESS 3918 Prospect Street, Kensington, Maryland 20875
 CITY STATE ZIP

CONTRACTOR M/M MATTINGLY TELEPHONE NO. 301-933-8745
 CONTRACTOR REGISTRATION NUMBER _____

PLANS PREPARED BY J. Mattingly TELEPHONE NO. 933 8715 1311
 (Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 3918 Street Prospect Street

Town/City Kensington Election District 13-Wheaton

Nearest Cross Street Connecticut

Lot _____ Block _____ Subdivision Kensington P.

Liber 2 Folio 337 Parcel _____

1A. TYPE OF PERMIT ACTION: (circle one)

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition
Wreck/Raze	Move	Install	Revision	Porch	Deck	Fireplace
		Revocable		Fence/Wall (complete Section 4)	Shed	Solar
				Other	Woodburning Stove	

1B. CONSTRUCTION COSTS ESTIMATE \$ _____

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY Pepeco

1E. IS THIS PROPERTY A HISTORICAL SITE? yes

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 (x) WSSC	02 () Septic
03 () Other	

2B. TYPE OF WATER SUPPLY

01 (x) WSSC	02 () Well
03 () Other	

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

4A. HEIGHT 6 feet 0 inches

4B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/Property line (x)
- Entirely on land of owner _____
- On public right of way/easement _____ (Revocable Letter Required).

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 (agent must have signature notarized on back) _____ Date 3/28/88

APPROVED A. J. H. (b) For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature _____ Date 5/23/88

APPLICATION/PERMIT NO: HA 12-88 FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

Condition: The fence is not to be installed along Prospect Street. Instead it is to be no further forward than the front plane of the house (see attached plat).

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

DESCRIPTION OF PROPOSED WORK: (including composition, color and texture of materials to be used:)

Fence to contain ^{surround} part of lot 27 up side yard +
across front to follow existing path and cut
across ^{to front} to edge of house.
Fence will be decorative - scraped 6'6" privacy
in natural wood.

(If more space is needed, attach additional sheets on plain or lined paper to this application)

ATTACH TO THIS APPLICATION (2) COPIES OF: SUCH SITE PLANS (lot dimensions, building location with dimensions, drives, walks, fences, patios, etc. proposed or existing) and/or ARCHITECTURAL DRAWINGS (floor plans, elevations, etc.), PHOTOGRAPHS OF THE AREA AFFECTED, as are necessary to fully describe the proposed work.

MAIL OR DELIVER THE APPLICATION AND ALL REQUIRED DOCUMENTS TO THE:
HISTORIC PRESERVATION COMMISSION
100 MARYLAND AVENUE
ROCKVILLE, MARYLAND 20850



**DEVELOPMENT
CONSULTANTS
GROUP**

SURVEYORS, ENGINEERS & LAND PLANNERS

SUITE 102

17904 GEORGIA AVE.

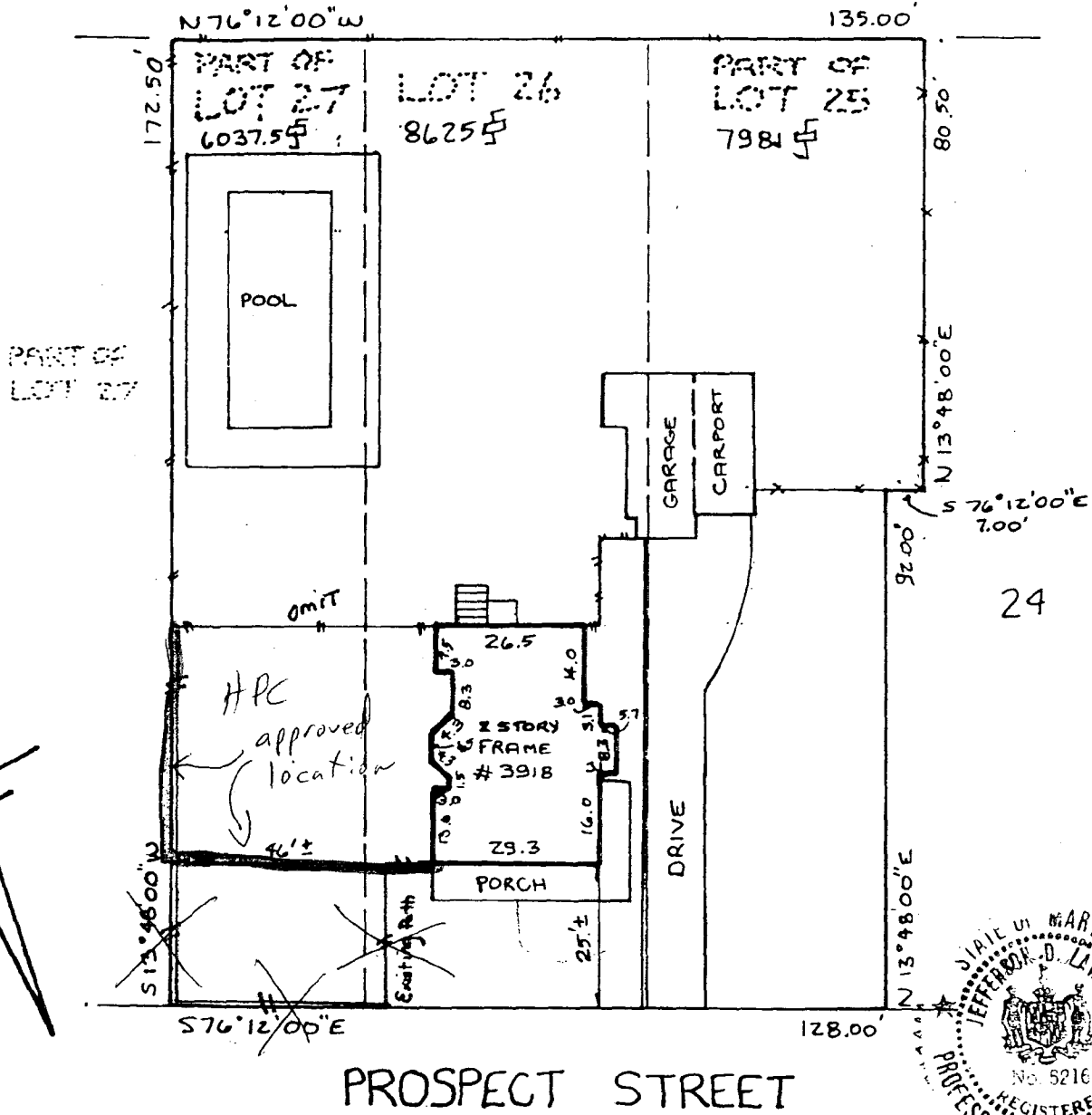
OLNEY, MD 20832

924-4570

LOT 26, PART OF 25+21 BLOCK

KENSINGTON PARK

COUNTY OF MONTGOMERY LIBER. 2050 FOLIO 337



NOTE: Existence of property corners not guaranteed by this plat Not in flood plain unless otherwise noted.

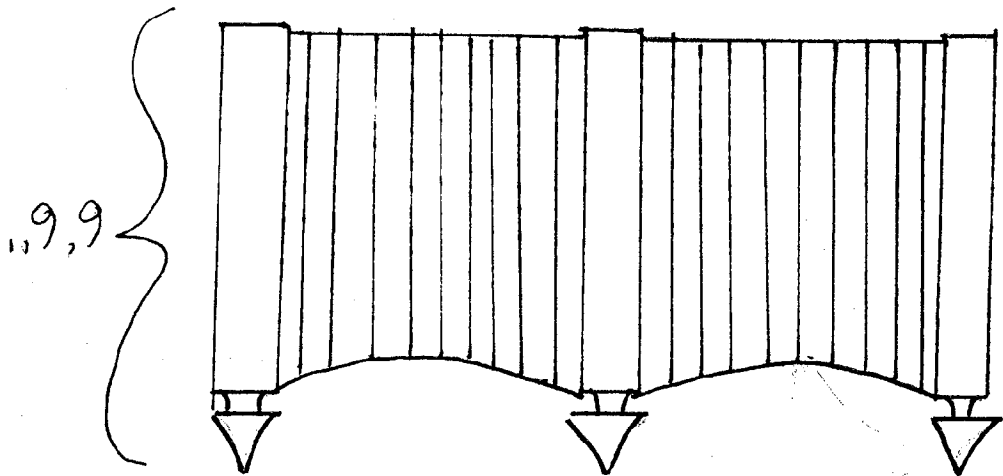
SURVEYOR'S CERTIFICATION

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 this Plat. No title report furnished

Jefferson D. Lawrence
Professional Land Surveyor No. 5216

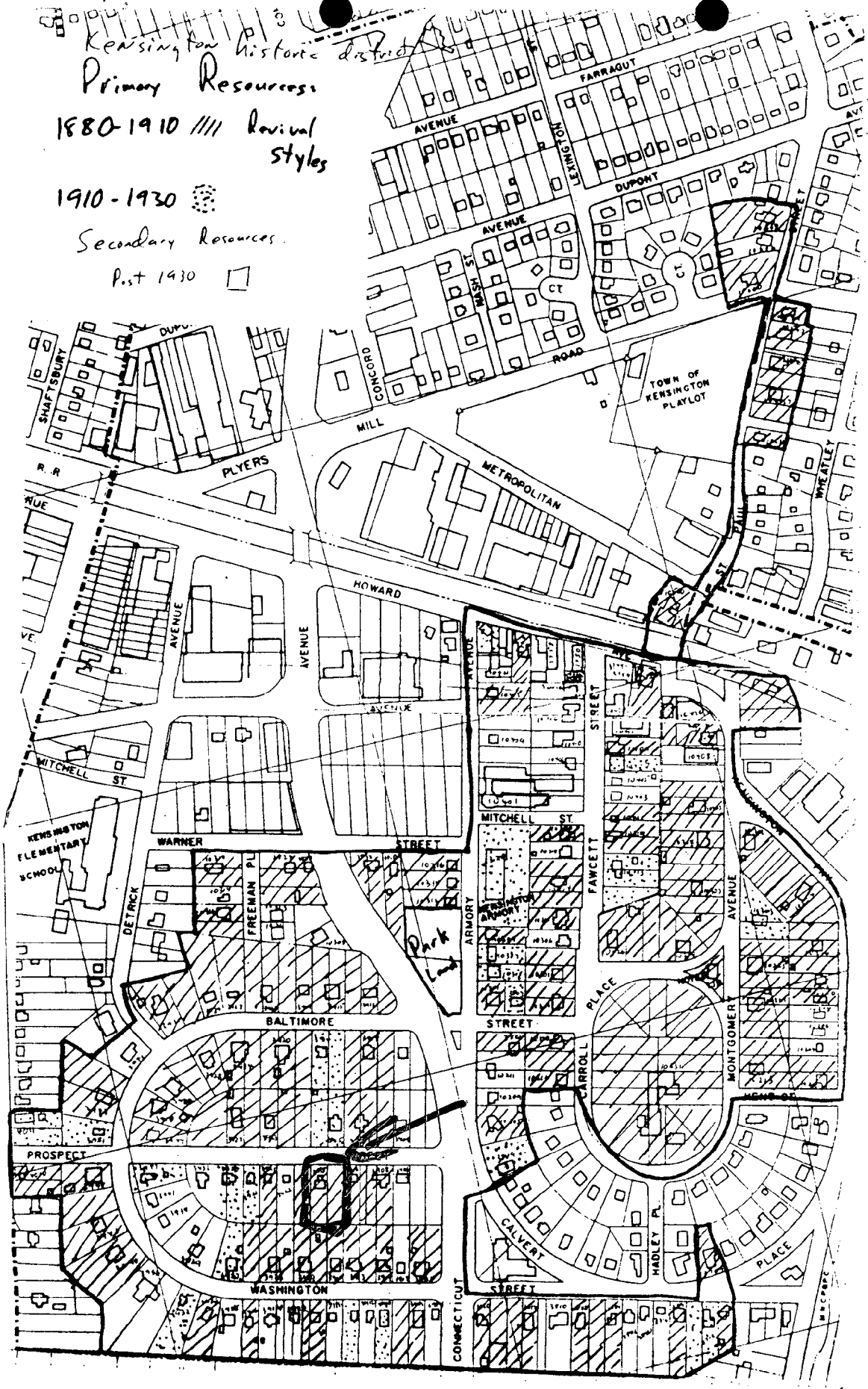
Job No.	174-496
Scale:	1" = 30'
DATES	
Wall Ck	
Final Loc	8-3-8
Recert:	

M... ..



Board-on-Board

Kensington Historic District
 Primary Resources
 1880-1910 /// Revival
 Styles
 1910-1930 ○
 Secondary Resources
 Post 1930 □



Doris G. Mattingly
3918 Prospect Street
Kensington, Maryland 20895

Dear Andrew,

Enclosed please find:

1. Response to Rosche's (my objecting neighbors)
2. 2 pictures illustrating the height

+ (← 6'6") of the fence in the pole Scott is holding to be placed 2' from the sidewalk.

3. Several examples of "fences" throughout historic Kensington

4. The board on-board ^{photo} is newly installed on Stonebrook, the pineals will be larger and I apologize for the poor photo.

This is the style we wish to install.

5. House location survey.
I avoided the temptation to include "Ugly fences of Kensington" in my collection - various chain link + chicken wire varieties of front fencing. I hope this explains what we want and that my letter to my neighbor clarifies our position. Thank you,

Doris

Doris G. Mattingly
3918 Prospect Street
Kensington, Maryland 20895

3/28/88

Dear Members of the Kensington L.A.C.;

Enclosed with this letter, please find a plat, a hand-drawn illustration of our fence to surround part of lot 27, and an application for historic area work permit. As indicated on the plat, it is our desire to remove the existing stockade fence that divides that side lot in the middle & continue a board-on-board style fence on the side and across the front to the ^{front} edge of our house.

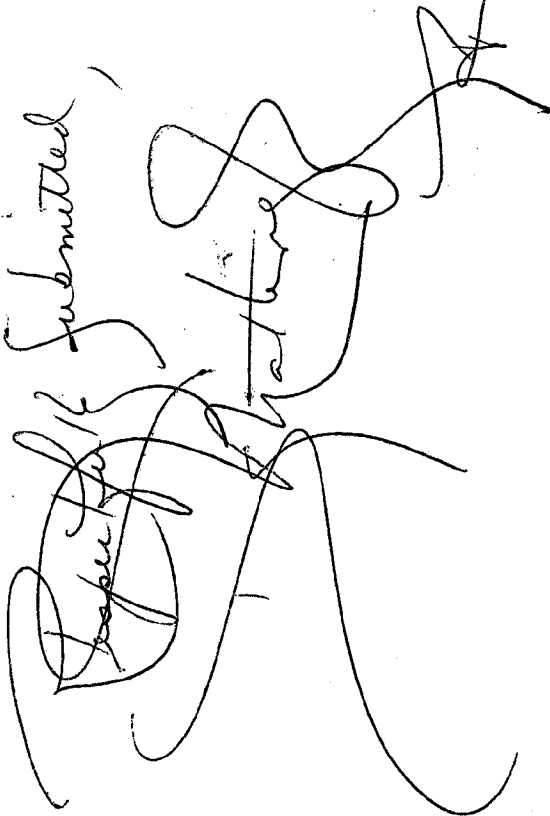
The purpose of this fence is as follows:

1. To define our property, and again allow OOR use and access to our side lot;
2. To satisfy the county requirement for fencing in a pool;
3. To maintain privacy from sidewalk & street traffic in our pool area;
4. To prevent neighbors and their pets from arbitrary use of our side yard; and,
5. To begin landscaping that yard as a proper Victorian side yard.

Please visit our yard to see our problem. You will notice there is a significant drop due to erosion from the brick sidewalk and our yard. This drop would allow passersby complete visual access of our yard if the fence were not placed by the sidewalk.

It is our desire to reduce any potential liability on the pool side of our property as well as to allow our private use of same.

Thank you for your consideration of this matter, and I look forward to meeting with you on April 4.

Respectfully Submitted,


LAC Minutes - May 2, 1988

#3918 Prospect St. - Mattingly

Application to install a fence.

Discussion of proposed fencing of property continued from April 4th meeting. Photos submitted by the Mattinglys' were acknowledged and after a brief discussion a motion was made.

Motion: Disallow the fence as presented.

Reasoning: A 6' high fence placed along the Prospect St. sidewalk would be detrimental to the streetscape.

Motion carried.



Fence to
be removed

house
←

Height of
new
fence
next to
sidewalk

Prospect St.

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

LOCAL ADVISORY COMMITTEE REVIEW FORM

EXTERIOR ALTERATIONS

I. Location of property

a. Located within the Kensington historic district.

b. This is a Master Plan/Atlas historic district (circle one).

c. Address of Property: 3918 Prospect St
Kensington

d. Property owner's name, address and phone number:

M/M Matteringly
3918 Prospect St Kensington
(h) 933-8745 (w) _____

e. Is this property a contributing resource within the historic district? Yes No _____

f. On a map of the district locate this property and any adjacent historic resources. Will this work impact other contributing historic resources? Yes No _____

II. Description of work proposed

a. Briefly describe proposed work:
A 6' 6" privacy fence is proposed to enclose an adjoining lot.

b. Is this work on the front, rear, or side of the structure?
To the front and side of structure

c. Is the work visible from the street?
Yes

d. What are the materials to be used?
Natural wood

e. Are these materials compatible with existing materials? How? If not, why?
Yes existing fence is of stockade variety.

II. Recommendation of the Local Advisory Committee

a. Approval of Work

1. Which criteria found in the Ordinance for Historic Preservation (Sec. 24A-8-b of the Montgomery County Code) does this work meet?
2. What conditions, if any, must be met in order for the proposed work to meet the above criteria? (example: the proposed windows should be double hung to conform with existing windows)

medmz enoq ans aacoms wall a larko vragppit .o

b. Disapproval of Work

1. On what grounds is disapproval recommended? Refer to Sec. 24A-8.

6' 6" fence would be detrimental to Prospect Street Streetscape.

2. How could this proposal be altered so as to be approved?

Fence should be pulled back to front building plane of structure on adjoining lot.

V. Additional comments.

Date on which application received: 3/28/88

Date of LAC meeting at which application was reviewed: 4/4/88 & 5/2/88

Form completed by: Andrew Sposito Title: Chairman

Member of: Kensington LAC

Date: 5/10/88

Applicant's proposal



**DEVELOPMENT
CONSULTANTS
GROUP**

SURVEYORS, ENGINEERS & LAND PLANNERS

SUITE 102
17904 GEORGIA AVE.
OLNEY, MD 20832

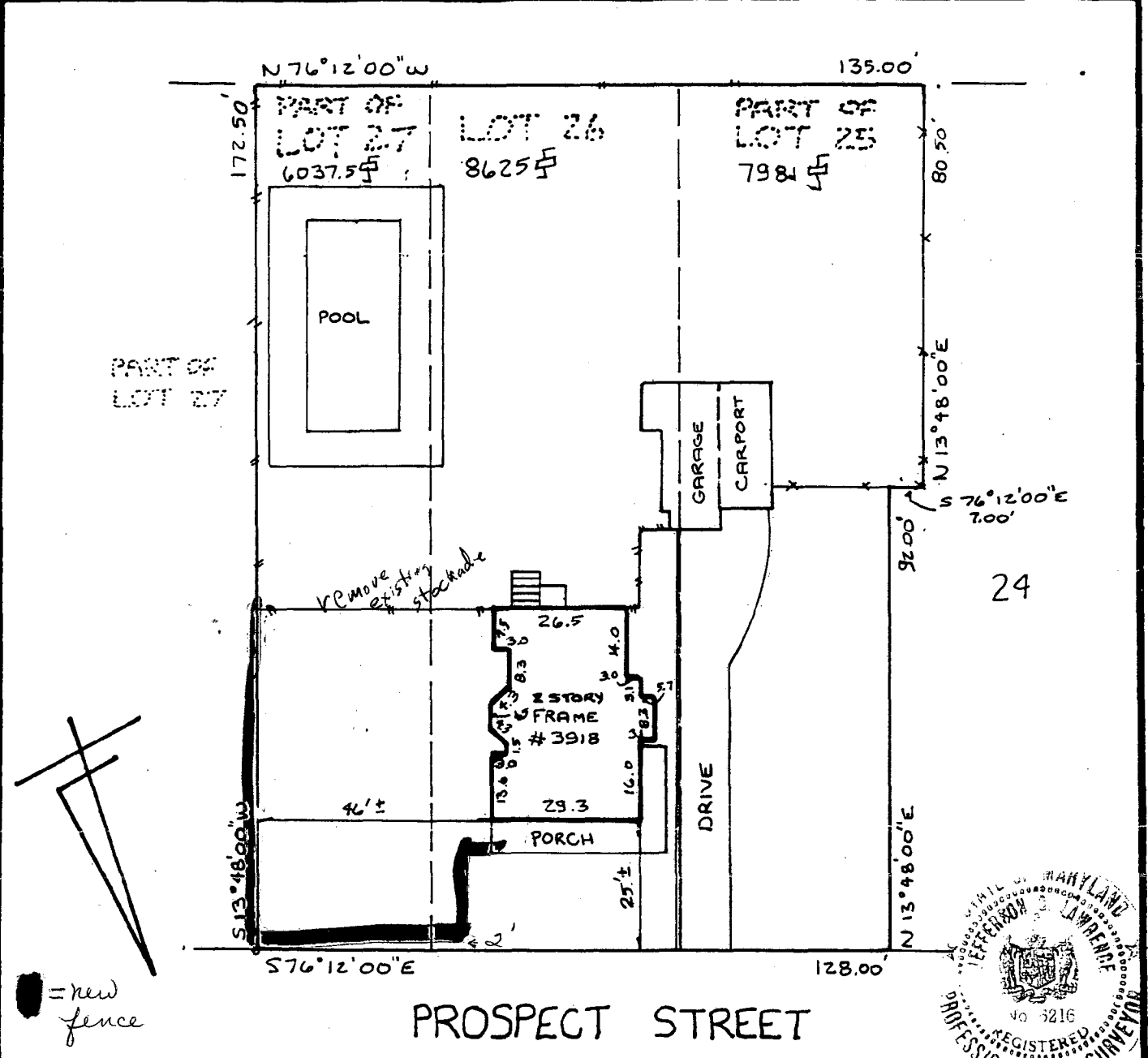
924-4570

HOUSE LOCATION PLAT

LOT 26, PART OF 25+27 BLOCK

KENSINGTON PARK

COUNTY OF MONTGOMERY LIBER. 2050 FOLIO 337



NOTE: Existence of property corners not guaranteed by this plat. Not in flood plain unless otherwise noted.

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 this Plat. No title report furnished.

[Signature]
Professional Land Surveyor No. 5216

Job No.	174-496
Scale:	1" = 30'
DATES	
Wall Ck:	
Final Loc:	8-3-87
Recort:	

Montgomery Journal

Notice of a Public Hearing before the Historic Preservation Commission for the purpose of acting on the following:

1. Request of Thomas Flavin, 10210 Capitol View Park Avenue, for amendment to HAWP #14-87, Capitol View Park historic district(#31/7).
2. Application of Linda and Lowell Arye for an addition to 10001 Pratt Place, CVP(#31/7).
3. Application of Peter and Cynthia Rinck, 9829 Capitol View Avenue, CVP(#31/7), for a fence and to install a new roof.
4. Application of James and Margaret Cooper, 3948 Washington Street, Kensington historic district(#31/6) to install a 6' fence on rear and side of property.
5. Application of M/M Mattingly, 3918 Prospect Street, Kensington historic district(#31/6) to construct a fence.
6. Application of Avery-Flaherty Builders to construct a new home at 10232 Carroll Place, Kensington historic district(#31/6).

The Public Hearing will be held on Thursday, May 19, 1988, at 8:30 p.m.; County Office Building, first floor auditorium, 100 Maryland Avenue, Rockville. For further information contact Bobbi Hahn, 279-8097, at the Historic Preservation Commission Office, 51 Monroe St., Room 1001, Rockville, MD. 20850.

May 16, 1988

OSD7802600