31/7 Capitol View Pratt Subdivision



# Montgomery County Government

ROCKVILLE, MARYLAND 20850

September 24, 1981

T0:

Historic Preservation Commissioners

FROM:

Craig S. Gellart

SUBJECT:

Capitol View Park

Trimble Estate

You may recall that approximately one year ago, the HPC reviewed a subdivision plan for the Trimble Estate in Capitol View The attached preliminary subdivision map shows the environ-1.7Amental setting as defined by the Commission (the entire area including the four lots plus the Trimble House). Our response to the Planning Board, also offered guidance to the developer in the event he intended to go forward with construction within the environmental setting of the site. To the best of my recollection, no indication was given that an Historic Area Work المزيريك Permit would not be needed; rather, I believe that the need for a permit to do any work within the setting that constituted substantial alterations was mentioned throughout the proceedings.

Recently, I received calls from members of the Capitol View Park community. The callers noted that construction work was underway and asked if a permit had been obtained. In conjunction with the Department of Environmental Protection, a stop work order was issued. - failure to note hist. bldg. involved to subst. alternation

Since then, a number of (legal) issues regarding the need for a permit have been raised. These issues are best discussed in an Executive Session Thursday before the entire matter is dis-Sto provide HPC wo understanding of cussed in public. legal matters involved.

However, given the legal concerns as well as the need to avoid the appearance of being unreasonable, a negotiated settlement with the developers can hopefully be reached which protects the historic integrity of the Trimble Estate and the Capitol View Park Historic District. To this end, the Chair appointed a subcommittee consisting of Mr. Butler, Ms. Kephart and Ms McGuckian to meet on the site with the developers and the community. The sub-committee will present their recommendations on how to proceed for Commission review on Thursday. - review for

r Subst. ait.

canhold them up 6 no. w/mpprocess

they have performed work for for which therefive fearlo penalties - 500 perday fine Scardo admin outlement - want disign review over we eat loss of trees .CSG:pkb

September 11, 1981

Avery Homes, Inc. P.O. Box 18 Garrett Park, Maryland 20766

> Re: Capitol View Park Lots 28, 30, 31, 32 Sediment Control Permit 10409

### Gentlemen:

This will serve to notify you that the above-referenced Sediment Control Permit is invalid due to your failure to disclose the fact that this property is designated on the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland" (31/7). Pursuant to Section 24-A-10, Chapter 24. Montgomery County Code 1972, as amended, your application to work on this property must be referred to the Planning Board for public hearing to determine the significance of the historic resource.

For this reason, you must cease all work on the property as we directed by the "Stop Work Order" issued on September 9, 1981. Accordingly, your application for this Sediment Control Permit and other permits you may apply for will be referred to the Planning Board in accordance with the aforementioned section of the Code.

Your failure to stop work on this property will result in our referral of the violation to the County Attorney's Office for prosecution pursuant to Section 24-A-11 of the Code.

If you have any questions, please contact me at 251-2633.

Sincerely.

Robert Seely, Chief Field Services Section

RS:drc

Certified - Return Receipt Requested

cc: Dennis Canavan, Park and Planning Commission Craig Gerhart, Executive Staff Elleen McGuckian, Chairwoman, Historic Preservation Commission Paul McGuckian, County Attorney LAW OFFICES

# LERCH, EARLY & ROSEMAN CHARTERED

1313 FORD BUILDING
7101 WISCONSIN AVENUE
BETHESDA, MARYLAND 20014

(301) 986-1300

June 3, 1981

DEVELOPMENT REVIEW BIVISION
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANKING COMMISSION

JUN 3 1981

LERCH
SILVER SPRING, MD.

WILTON H. WÄLLACE (1950-1959) KIRK V. BELL (1952-1976)

JimHicks

HAND DELIVERED

HARRY W. LERCH RONALD L. EARLY

ROBERT D. ROSEMAN

RICHARD H. TANENBAUM

ROBERT G. BREWER, JR.

ROBERT L. SALOSCHIN

CONSTANCE B. LOHSE

KATHERINE KARKER-JENNINGS

GEORGE F. PAXTON

RUTHANN ARON ROGER T. SCULLY

LAWRENCE L. BELL

Mr. John Broda Subdivision Coordinator Development Review Division Maryland-National Capital

Park and Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20907 how to unity of Did Did

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Notification of 188-631

Re: Cluster Subdivision Application - Capitol View Park Pre-preliminary plan no. 7-81027

Dear Mr. Broda:

As you know, we represent the applicants, Avery Flaherty Properties, Inc., in the referenced cluster subdivision application. The Montgomery County Planning Board is considering the pre-preliminary plan tomorrow, June 4. The purpose of this letter is to advise you of several recent developments in the case.

We, along with our clients and our engineer, Mr. Witmer, met with the Historic Preservation Commission on Thursday evening, May 21, 1981. The cluster subdivision application was fully discussed with the Commission. We indicated that the existing Case house and its immediate environment will not be disturbed at all. We also indicated a willingness to work with the Commission during the preliminary plan stage on such issues as architectural styles and amenities. At the conclusion of our presentation, the Commission discussed whether or not to make a recommendation to the Planning Board on the pre-preliminary plan. No motion was made, since the concensus of the Commission was that their efforts were more properly directed to the preliminary plan stage. No opposition was expressed to the cluster concept. These actions may be confirmed with the Park Historian, Mark Walston, and the Commission's staff member, Craig Gerhart.

Subsequent to the Subdivision Review Committee meeting, we retained the engineering firm of Kamber Engineering to conduct studies and tests on the train noise issues. Kamber Engineering evaluated the analysis performed by the Environmental Planning staff, and performed field monitoring

Mr. John Broda June 3, 1981 Page Two

tests on actual noise levels. We reviewed the results of their studies with Don Downing, Steve Federline and Nancy Robb on Tuesday, June 2. The essence of the analysis performed by Kamber Engineering is that the actual noise levels are below the noise levels projected by the Environmental Planning staff. The Environmental Planning staff will review Kamber Engineering's report in more detail, but indicated that the train noise issues were resolvable during the preliminary plan process. The seriousness of these issues thus are not as great as initially appeared.

Finally, we have reviewed the proposed conditions attached to the staff's recommendation of approval of the pre-preliminary plan for cluster subdivision. This is simply to advise you that our clients accept all of the conditions and fully expect to satisfy them during the preliminary plan stage. If we can provide any additional information before tomorrow's hearing, please do not hesitate to contact us.

Thank you very much for your consideration.

Very truly yours,

Harry W. Lerch

HWL/cm

cc to: Mr. Paul Flaherty, Jr.

Mr. William Avery, Jr.

Mr. Richard Witmer

TRIMBLE -

Montgomery County Covernment

ROCKVILLE, MARYLAND 20850

Charles W. Gilchrist County Executive (301) 279-1284 TTY 279-1083

July 21, 1980

Dr. Royce Hanson, Chairman Montgomery County Planning Board 8787 Georgia Avenue Silver Spring, Maryland

Dear Dr. Hanson:

The Historic Preservation Commission understands that the Planning Board is scheduled to consider the subdivision plan for the Trimble Estate, lots 28 through 32, block 21, in Capitol View Park on July 24, 1980. The Trimble Estate is listed on the Locational Atlas of Historic Sites as part of the Capitol View Historic District. While the District has not yet been reviewed for inclusion in the Master Plan for Historic Preservation, a request has been made of the Commission to evaluate the District and present recommendations to the Planning Board. The Commission will proceed with an evaluation following the adoption of uniform guidelines concerning the creation of historic districts.

As you know, Chapter 24A, Section 5, of the County Code directs the Commission to "advise the Planning Board in the event of subdivision of land containing a Historic Resource, on the appurtenances and environmental setting necessary to preserve it." Accordingly, the Commission has reviewed the resource and determined the environmental setting to consist of the entire 1.9 acres surrounding the Trimble House. In addition, the following guidance is offered to the Planning Board and the developers:

- A. Structures should not be developed to the south (front) of the existing house thereby preserving the vista and the vegetation so important to the environmental setting of the estate. The attached plan contains a line defining the area in question.
- B. Any eventual construction should be sensitive to the site and of a scale consistent with the existing structures.
- C. The natural screening along Day Avenue should be retained. In this regard, the Commission supports the waiver of right-of-way requirements to the extent necessary to preserve the screening.
- D. The existing garage located in the southeast corner of the site should be retained.

Dr. Royce Hanson July 21, 1980 Page - Two -

E. The existing vegetation should be conserved in the maximum amount possible. Preliminary evidence indicates that the plantings on the estate may have been designed as a formal Victorian garden. Additional research is being conducted to determine if this is actually the case. Should the research verify the existence of a formal garden, the Commission could not support the subdivision of lots 30 and 31. The attached paper prepared by Commission Member Frederick Gutheim, discusses the potential importance of the trees, shrubs, flower gardens, etc.

The Commission hopes that the above comments will be of use to the Planning Board in its deliberations. Of course, please do not hesitate to call upon us if we can be of any further assistance.

Sincerely,

Eileen McGuckian Chairwoman Montgomery County Historic

Preservation Commission

EIM:nw

**Enclosures** 

# HISTORIC PRESERVATION COMMISSION MINUTES

July 17, 1980

### Commission Members:

Staff

### Present:

Eileen McGuckian Frederick Gutheim Mark Papa Tod Butler Bill Thomas Craig Gerhart
Rocky Sorrell
Elizabeth Lawrence
Pat Plunkett
Mark Walston

### Absent:

Bruce Lane F. Moran McConihe Bob Fredlund Mary Ann Kephart

## Others:

Rosemary Cohen - Capital View Park
Roberta Hahn - Capitol View Park
Carol Ireland - Capitol View Park
Carolyn McHale - Capitol View Park
Mr. & Mrs. Kenneth A. Peters
William Kominers - Linowes & Blocher
Bill McDaniel - Park and Planning
M. Z. Mizerny - Park and Planning
John Mahoney
Fabia H. Mahoney
Roz Garfinkel, Department of Family Resources

The meeting opened at 8:10 p.m. in the Red Conference Room of the County

### Trimble Estate Subdivision

After a brief review of the Commission's earlier comments about the plan, Mr. <u>Dick Witmer presented a revised plan</u> which attempted to incorporate the concerns of the Commission. Ms. Roberta Hahn then offered a discussion of the vegetation on the <u>site indicating</u> that she felt it possible that the gardens represented

a formal Victorian style garden and should, therefore, be preserved. Following considerable discussion, Mr. Gutheim moved that additional research should be done on the site since preliminary evidence indicates the presence of a formal Victorian Garden. Mr. Thomas provided a second and the motion was adopted.

Mr. Sorrell urged the Comission to be fairly specific in their comments to the Planning Board. He deemed this essential both in terms of aiding the Board and the developer in identifying the concerns of the Commission and in terms of adequately defining the Commission as a basis for future action on an HAWP, etc. Ms. McGuckian turned the chair over to Mr. Gutheim and offered the following motion: "The Commission defines lots30 and 31 on the attached plan as being integral to the environmental setting of the estate and, therefore, cannot recommend a subdivision creating those two lots." The motion was seconded by Mr. Papa and was adopted with Mr. Butler in opposition. It was noted that lots 32 and 28 appear appropriate for subdivision and eventual development. The Commission's comments to the Planning Board are attached.

SOME OBSERVATIONS ON HISTORIC GARDENS AND LANDSCAPES

The appreciation of historical resources extends today beyond archeology, architecture, technology and works of art to embrace man-made works of nature. Thus, we recognize the masterpieces of colonial garden art at the Paca House in Annapolis with its echoes of 17th century Dutch design, or the great gardens of the Carolina Low Country as at Middleton Place, or of Colonial Williamsburg's Governor's Palace and elsewhere. In Montgomery County the significant heritage relates to the suburban development which is manked by several periods and styles, conveniently outlined in the Master Plan and Ordinance for Historic Preservation in Montgomery County (April 1979) pp. 49-75). Links to Washington are suggested by early relationships to Georgetown (the County's port city before the District of Columbia was created), the connections provided by the C&O Canal (1828), the B&O Railroad Metropolitan Branch(1873), the Union Turnpike and other important roads, and the arrival of motor transportation and its network of roads after 1925. The lifestyles of the early planters, the commercial farmers of the 1870's and later decades. of the railroad commuters which were interspersed with their landscape End of early suburbanites were reflected in distinctive historical styles and taste in architecture and gardens. It was, of course, the romantic allure of nature that drew suburban populations to Montgomery's earliest suburban communities along the line of rail and the spreading network of trolley cars, and created such outstanding model communities as Tacoma Park and Chevy Chase with their leafy charm of concealment and surprise. Private gardens were extensive and the motivations and taste of such garden builders are well illustrated by Mr and Mrs David Fairchild's "In the Woods" which has been described in The World Was My Garden. Much has still to be learned about this aspect of Montgomery's environmental history, but it may be expected that taste in gardens as in house design reflected the popular currents of the time in the emerging household publications such as Godey's Lady's Book as well as in the evolution of fine art and architecture.

> The creation of early suburban communities such as Takoma Park (1885), Forest Glen (1887) aand Rockville (1890) of Chevy Chase (1887) along the railroad or the trolley line spanned many other communities that are only beginning to be recognized. One of these is Capitol View, whose evolution may be more representative than those named above in its mixture of large estates and small holdings. The planting of the larger propeties was a major opportunity to reflect the taste of the times as described in the writings of Andrew Jackson Downing, Frederick Law Olmsted and many other leaders and such examples as Baltimor Roland Park. These have been investigated by Norman Newton, Design On the Land, J. B. Jackson, American Space and other historians, but their analyses of community development need to be carried further int suburban garden design.

In its mission to advise the Montgomery County Planning Board concerning the County's historical resources and their preservation, the Historic Preservation Commission is concerned not alone with works of architecture but with their environmental setting. This embraces their ' landscape values. Such values are expressed in the location and siting of houses and appurtenances, walks and driveways, functional areas for games or other activities (drying yards, motor courts etc), such areas as ponds of fountains, rock gardens and walls and areas defined by special plant materials. Of these latter, trees and shrubs are most prominent but lawns, flower gardens and borders are equally important. these create the designed natural environment. In the Victorian decades they reflected a distinctive way of life, at attitude toward nature, a more leisured and outdoors-oriented pattern. The homestead thus paralleled that other contemporary achievement, the park. Frank J. Scott, Victorian Gardens (1870) provides a detailed revelation of this movement at full speed with many clues to its design. The Montgomery ideal of the springtime garden with its profusion of flowering plant material had not yet arrived. Indeed, many of the plants that were necessary to its realization had not yet been imported. But the vision of a year-round garden to be achieved by plant material appropriate to each season was a reasonable alternative. Design was to be expressed in the organization of open spaces (especially by that achievement of technology, the lawn mower), the setting of the house as seen from streets or the approach, the balancing masses of great trees and the intimacy of enclosed flower gardens, bedding and borders. Axes, vistas and specialized areas provided the setting in which Victorian home life was enacted.

Much as this heritage has to inform us of past ways of life, we must ask whether characteristic examples can be preserved. The problem is in many ways similar to that of large rural estates. (Those on Long Islahd and in the mid-Hudson Valley have been studied in William C. Shopsin and Grania Bolton Marcus, eds., Saving Large Estates: Conservation Historia Preservation, Adaptive Re-Use (1977); and the subject is further of concern to the Mid-Adlantic Field Office of the National Trust for Historic Preservation, Samuel Stokes, Director).

The case of Capitol View is of current interest in Montgomery County. While much remains hypothetical, awaiting further investigation, enough has been learned by the community's preservationists to proceed with caution. It is surmised but not yet established that an earlier house on the site of the Trimble estate existed and may have been the source of much of its garden design. The investigation of plant material and its age and character suggests design forms typical of the Victorian period and style, but contemporary descriptions have not been located. Other contemporary gardens have been located in Capitol View but not investigated.

If subdivision and infilling with additional houses goes forward, a serious effort should be made to accelerate research and torecognize in subdivision layout and the location of additional houses those landscape characteristics that have been established.

This evolution toward denser suburban patterns has become widespread. The challenge it presents is to preserve past landscape values and incorporate them in the future living environment.

APPROVED: MEE G # %-80

# HISTORIC PRESERVATION COMMISSION MINUTES

June 19, 1980

### Present:

### Commission Members

F. Moran McConihe
Mary Ann Kephart
Eileen McGuckian
Bill Thomas
Mark Papa
Tod Butler
Frederick Gutheim
Bruce Lane

### Absent

Robert Fredlund

### Staff:

Craig Gerhart
Pat Plunkett
Elizabeth Lawrence
Rocky Sorrell
Mike Dwyer

### Others\_

Marty Mizerny - M-NCPPC
Roberta Hahn - Capitol View Park
Carol Ireland - Capitol View Park
Bruce Cohen - Capitol View Park
Janet Alward - Capitol View Park
Betty Scott - Capitol View Park
Diane Smith - Capitol View Park
Rosie Finical - Capitol View Park
Rosemary Cohen. - Capitol View Park
Dick Witmer - Macris, Hendricks, & Witmer

The meeting was called to order at 8:10 p.m. in the second floor conference room of the Park Street School.

Trimble Estate - Subdivision Review

Mr. Dick Witmer presented a subdivision plan for the Trimble Estate in Capitol View Park. Following the description of the plan, Ms. Roberta Hahn, representing the Capitol View Park Citizens, commented on the plan and the historic value of the estate and its origin. Ms. Lawrence then offered her staff recommendations which included defining the environmental setting as approximately 17,000 square feet surrounding lot #29. Mr. McConihe moved that the recommendation be adopted as the Commission's position and received a second from Mr. Gutheim. The motion was opposed by Kephart, McGuckian, Lane, Papa, Thomas, and Butler and defeated.

Mr. Thomas then moved that the <u>environmental setting be defined as the entire</u> <u>site (approximately 1.5 acres)</u>. After Mr. Papa provided the second, the motion was adopted with Ms. Kephart abstaining and Mr. McConihe and Mr. Gutheim in opposition.

Mr. Gutheim raised the issue of a possible planned Victorian landscape existing on the site. At his suggestion, the Office of Community Development will conduct a vegetation survey for future reference. Mr. Papa then moved to prohibit structures in the area from the front of the building to Capitol View Avenue (see attached recommendation to the Planning Board). Following Mr. Lane's second, the motion passed with Mr. McConihe voting no. A motion by Mr. Gutheim urging the <u>maximum conservation</u>

of vegetation on site was seconded by Mr. Thomas and adopted with Mr. McConihe in opposition. Ms. Kephart moved that <u>future construction should conform to the existing scale</u> on site with a second by Mr. Papa. The motion passed with Mr. Lane and Mr. McConihe opposing it. Lastly, Mr. Lane moved that the <u>Commission support the waiver of Right-of-Way along Day Avenue so that the existing natural screening may be retained. The motion passed with Mr. McConihe opposing it.</u>

### MEMORANDUM

June 19, 1980

TO:

The Historic Preservation Commission Members

FROM:

Elizabeth Lawrence, Historic Planner & Division of Community Development, Planning and

Programming

Department of Housing and Community Development

SUBJECT:

Staff Recommendations for the Preliminary Subdivision

Plan: Capital View Park/Trimble Estates

On June 4, Mr. John R. Witmer, Associate, Macris, Henricks and Witmer, Engineers, submitted for your review the attached Preliminary Subdivision Plan for the Trimble Estate which is listed in the County "Atlas of Historic Resources" under site #31-7, titled "Capital View Park Historic District." I have surveyed, photographed and discussed this plan with Mr. Witmer. The herein stated staff recommendations reflect our dicussions and the need to protect the existing environment characterizing Trimble Estate.

The Trimble Estate house faces south with an expansive front yard. The front yard is divided midway by the presence of a row of mature trees. The preliminary subdivision plan presented by Mr. Witmer proposes to site the backside of a new house, designated as #30 on the plan, amid these trees approximately 45 feet from Trimble Estate. Such siting would yield three negative environmental results: 1) views from Trimble Estate are destroyed; 2) the front yard of Trimble Estate is reduced to a 25 foot width equivalent to many townhouse yards; 3) a high probability exists that the neighboring house owners will construct a privacy fence to increase the sense of distance between the two structures.

To allieviate these circumstances from arising, I offer the following site plan recommendations:

1. Resite the proposed #30 house to a location 15 feet to the south and 15 feet to the east. Also, reverse the front yard of the house to face north in accordance with the internal site orientation of houses #28, #31 and #32.

- 2. Relocate the property boundary separating house and lot #30 from Trimble Estate to the tree line; this move constitutes a 10 foot change due south.
- 3. Redesign and reduce the driveway area for Trimble Estate thereby creating a small yard and open space area. (Note: This is possible given the extensive grass overgrowth existing in the driveway).

Attached is a map depicting these recommendations. Each has been reviewed with Mr. Witmer, who indicated every willingness to try to comply with these recommendations if approved by the Commission.

One last comment, I would like to take this opportunity to comment on Mr. Witmer and his staff for the design sensitivity illustrated in this plan. Every effort appears to have been made to retain the existing vegetation and character of Trimble Estate given the owners intent to develop the property.

EL:jj

originalplan



# Macris, Hendricks and Witmer, P.A.

Engineers • Surveyors

15209 Frederick Road, Suite 206, Rockville, MD 20850 Columbia Area (301) 774-0664 Washington Area (301) 340-8705

June 4, 1980

Elizabeth Lawrence
Historic Planner
Dept. of Housing & Community Development
Division of Community Development Planning
and Programming
100 Maryland Avenue
Rockville, Maryland 20850

Re: Capitol View Park Trimble Estate Our Job # 80-113

Dear Elizabeth,

The referenced site has been scheduled for review by the Historic Preservation Commission on June 19th. Enclosed are three (3) prints of our Preliminary Subdivision Plan. This plan is being filed today with the M.N.C.P. and P.C. for their approval.

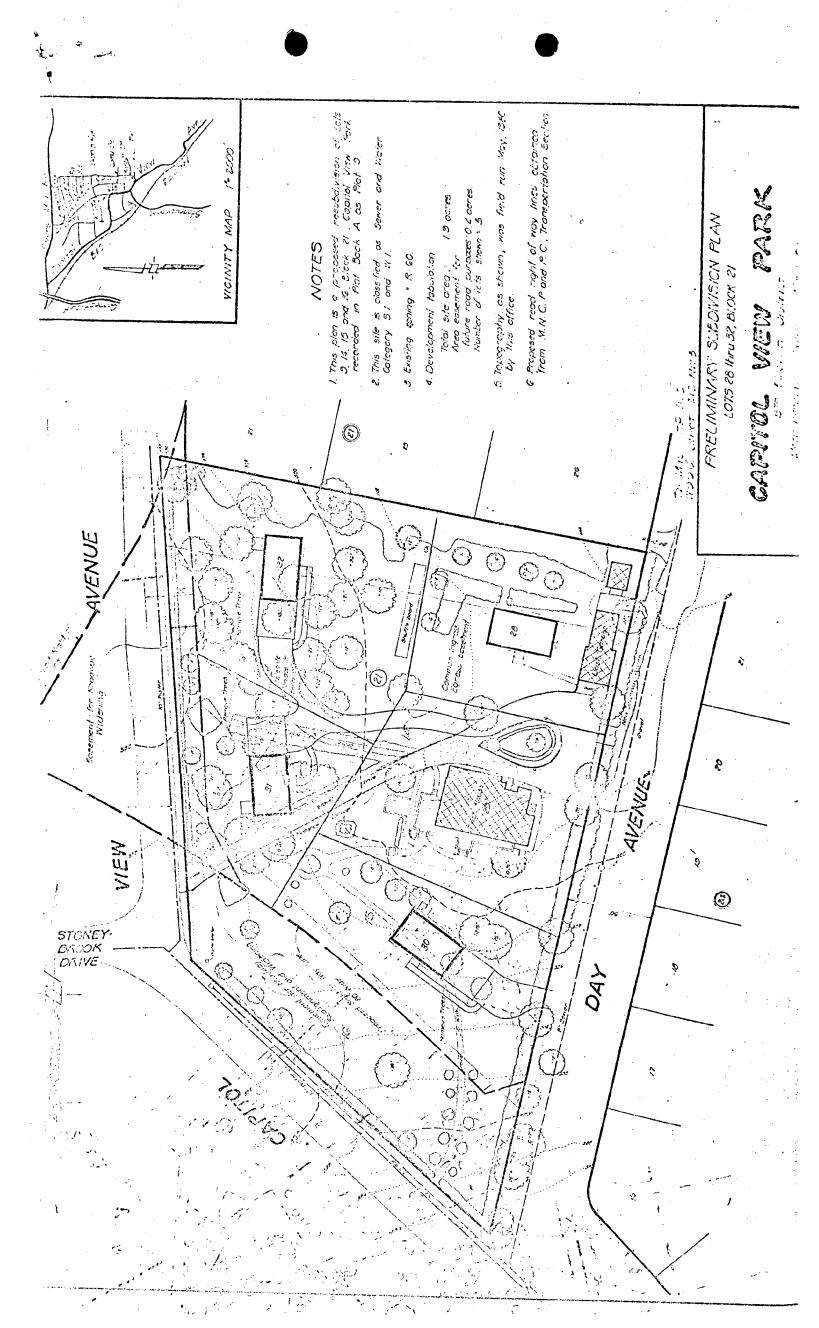
This re-subdivision will be presented to the Planning Board for their approval in approximately 45 days. We would appreciate your review and the Historic Commission's recommendation on the 19th, to allow time to amend our plan, if necessary, to remain on the previously stated time schedule.

Thank you for your attention to this request. Should you require clarification or submittal of additional information, call me at your earliest convenience.

Very truly yours,

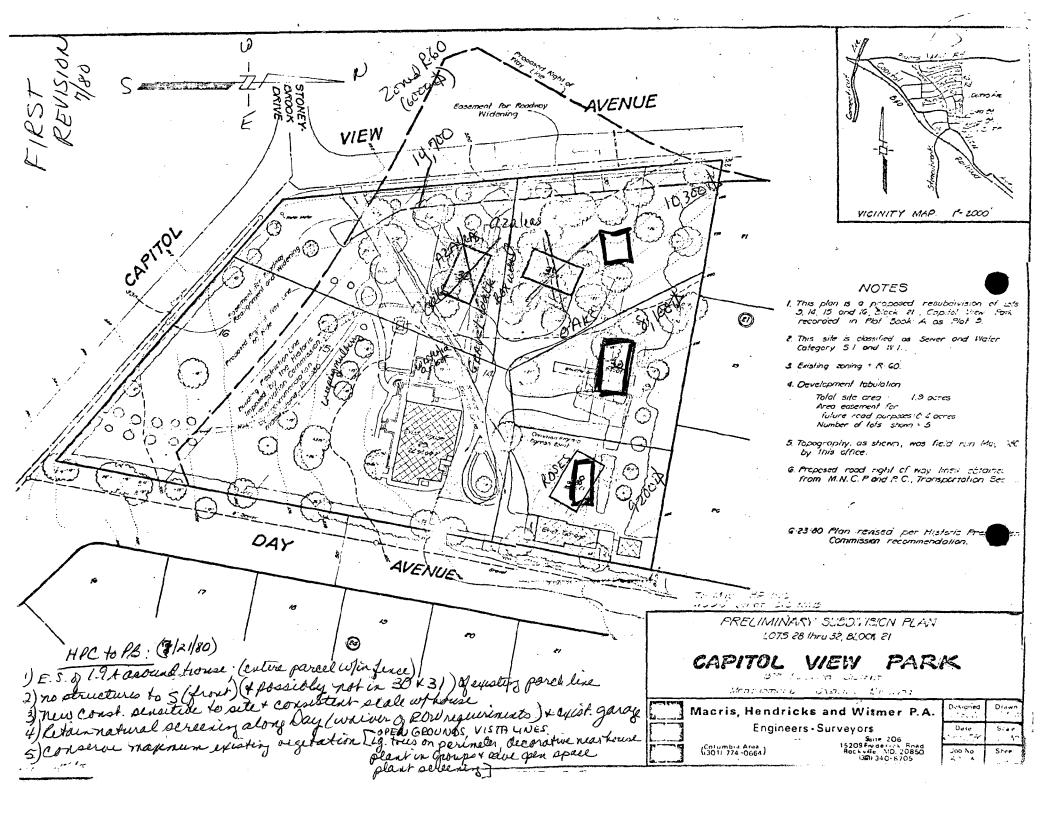
John R. Witmer, P.L.S.

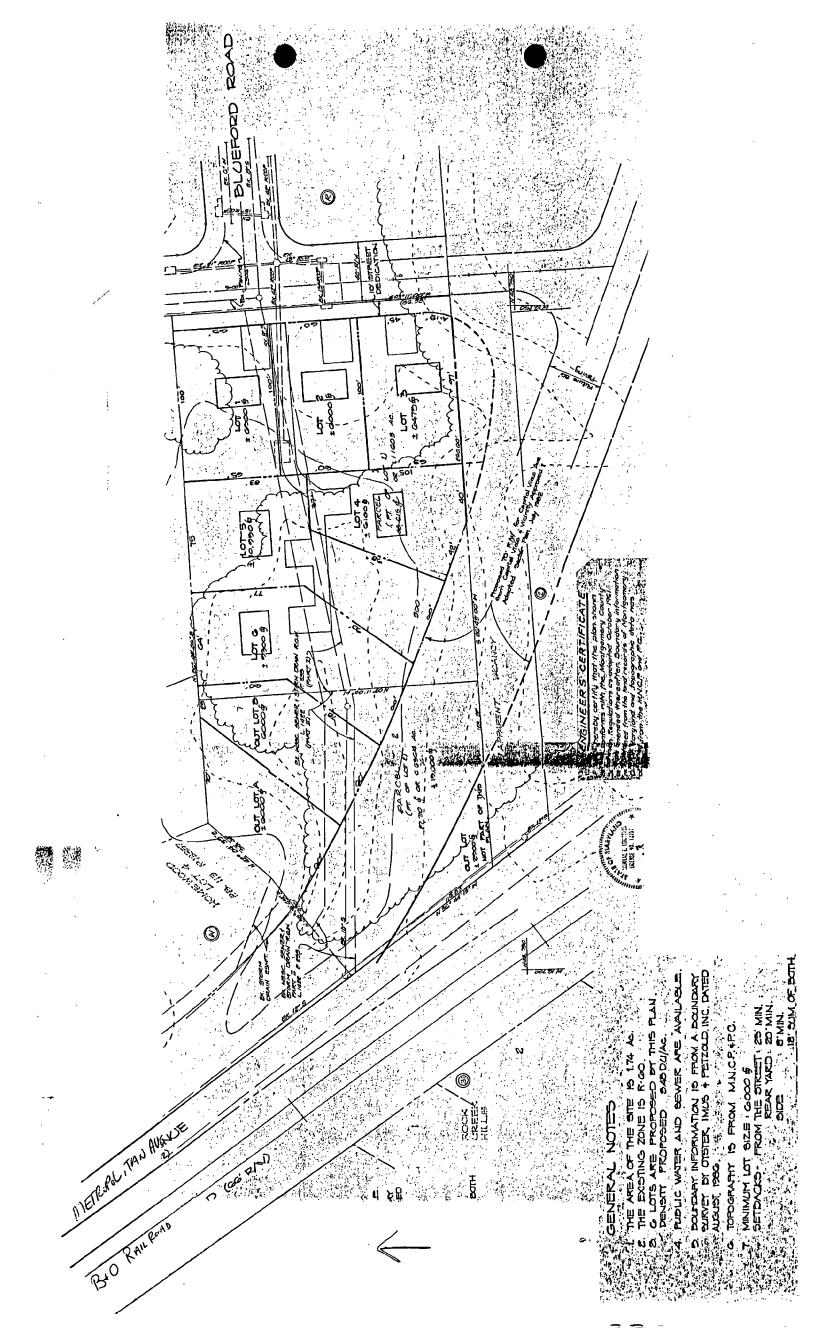
Enclosure cc. Bill Avery



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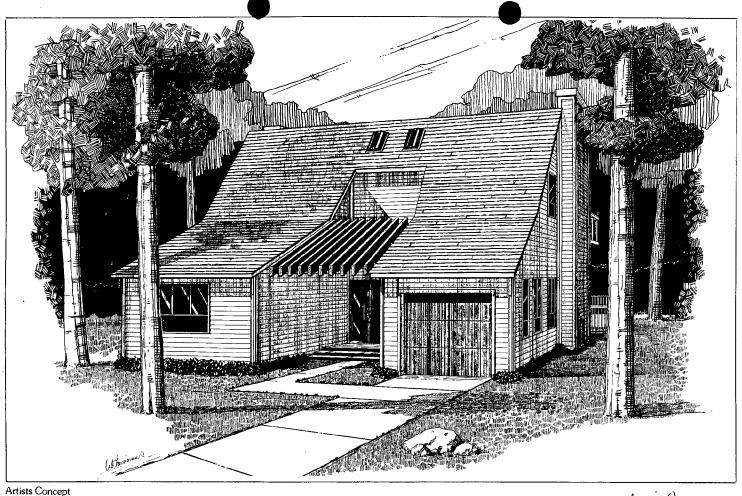


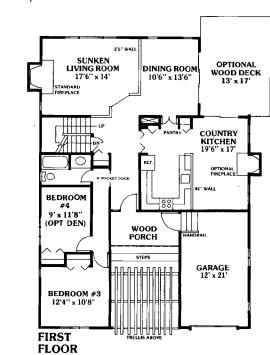


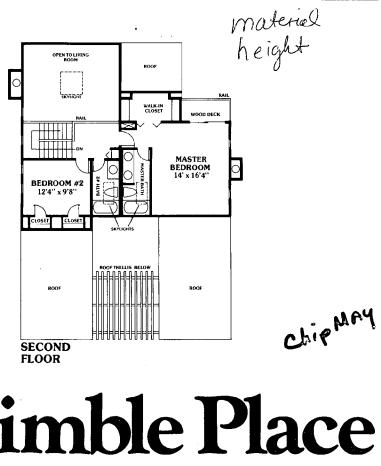
Bobbi Hahn 946-3599

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Avery Homes, Inc. P.O. Box 18 Garrett Park, MD 20766 Phone (301) 587-3011

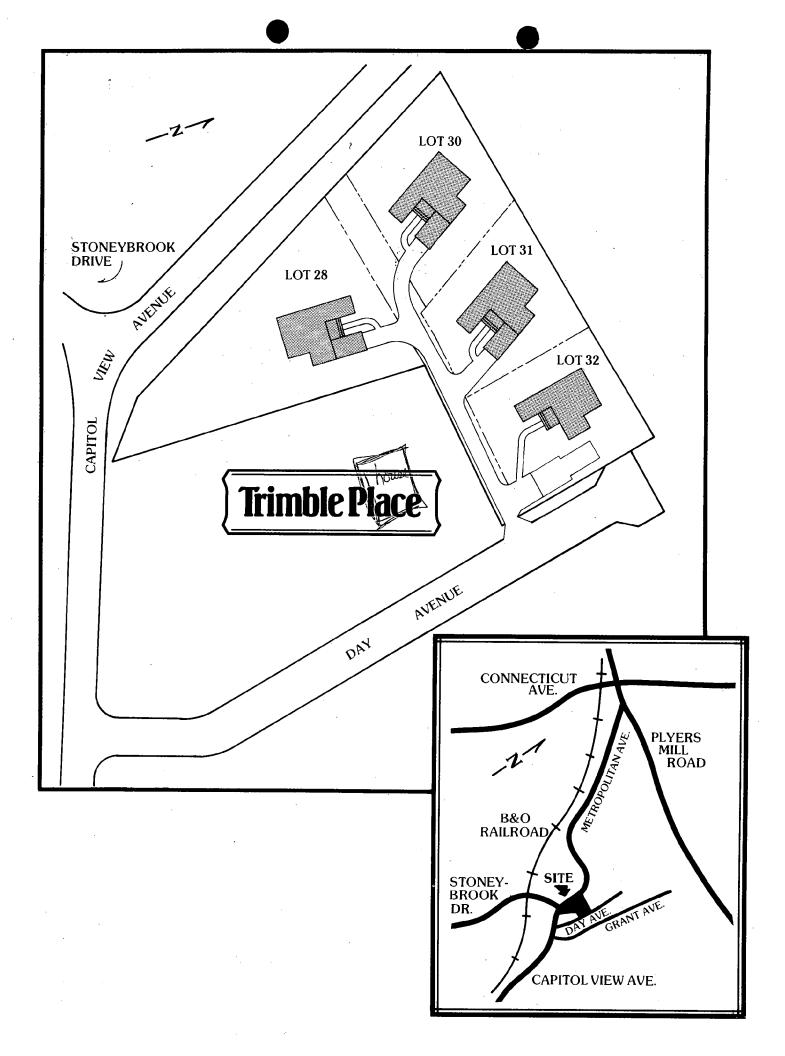






All Dimensions Are Approximate

Another Quality Project by Avery-Flaherty Properties, Inc.





Trimble Place is a limited edition community nestled in the midst of suburban Washington history. Accented by azaleas and 80-foot oak trees, these four homes encircle the historic Trimble Estate, built in 1882 by Oliver and Mary Harr.

Featuring a dramatic blend of contemporary design complimented by traditional materials, these homes combine the old and the new to establish an elegant life style worth experiencing.

Custom interiors feature a sunken living room with cathedral ceilings and power-vented marble faced fireplace, formal dining room and country kitchen with optional fireplace. Personalized sleeping areas include a master suite with balcony and three full baths.

Welcome to Trimble Place where contemporary design and old world craftsmanship blend in a woodland garden setting.

Sales by: Flaherty, Inc.-Realtors 10801 Connecticut Avenue Kensington, MD 20795 301/946-3900