

31/07-04D 10115 Meadowneck Ct
Capitol View Park Historic District

*3
Final

7

stamped plans
in copy room

(see note)

11-3-07

AF



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: October 14, 2004

MEMORANDUM

TO: Robert Hubbard, Director

FROM: Gwen Wright, Coordinator *AW*
Historic Preservation

SUBJECT: Historic Area Work Permit # 333754

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1) Tree protection measures will be in place before construction begins.
- 2) The applicant will plant ten trees (4" in caliper minimum) as shown on the submitted Tree Replacement Plan. The trees to be planted must be as shown or selected from the Montgomery County Native Species List.
- 3) The applicant will submit scaled, dimensioned, and fully detailed drawings including material specifications for stamping by staff before submitting a building permit application to DPS.
- 4) The applicant will work with DOT to install a catch basin and bollards in the right-of-way

The HPC staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS.

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

Applicant: P. Joshua Haines

Address: 10115 Meadowneck Court, Silver Spring, MD

This HAWP approval is subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 or online at <http://permits.emontgomery.org> prior to commencement of work and not more than two weeks following completion of work

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10115 Meadowneck Court, Silver Spring **Meeting Date:** 10/13/04
Applicant: P. Joshua Haines **Report Date:** 10/06/04
Resource: Capitol View Park Historic District **Public Notice:** 09/29/04
Review: HAWP **Tax Credit:** None
Case Number: 31/07-04D REVISION **Staff:** Anne Fothergill

PROPOSAL: Construction of house and tree removal

RECOMMEND: Approval with conditions

STAFF RECOMMENDATION

Staff recommends that the Commission approve the HAWP application with the conditions that:

- 1) Tree protection measures will be in place before construction begins.
- 2) The applicant will plant ten trees (4" in caliper minimum) as shown on the submitted Tree Replacement Plan. The trees to be planted must be as shown or selected from the Montgomery County Native Species List.
- 3) The applicant will submit scaled, dimensioned, and fully detailed drawings including material specifications for stamping by staff before submitting a building permit application to DPS.

BACKGROUND

In May 2003 the Montgomery County Planning Board approved subdivision of the lot at 10122 Capitol View Avenue. The original property has an existing house (c. 1917-1935 Colonial Revival, Contributing Resource) fronting Capitol View Avenue and the subdivision created a buildable lot at the rear with an address of 10115 Meadowneck Court. This new buildable lot is the last in a row of parallel Capitol View Avenue backyard lot subdivisions. There are 5 other houses which were built in the 1990s in a row facing Meadowneck Court. This new house would be the 6th—and final—house in that row. The houses at the end of the row are accessed by a common driveway off of Meadowneck Court.

The applicant has appeared before the HPC on May 26, 2004 and September 8, 2004 with a proposal for a new house to be built on this lot. After some discussion in May about the overall size of the house, the applicant agreed to make some changes. At the September meeting, the HPC was pleased with the height of the house but requested that the house be shortened in length.

The minutes for the September meeting can be found in Circles 15-30 and the plans from the September (2nd) application can be found in Circles 32-38.

PROPOSAL

The applicant proposes to build a 1 ½ story single-family residence with an attached single car garage and unfinished basement. The house would be sheathed in vinyl siding and have asphalt roofing shingles (see materials on elevations in Circles 8-11). The lot would be accessed via an extension of a 12-foot wide common driveway off of Meadowneck Court, which is technically a paper street called Oak Street (this driveway has a private Driveway and Maintenance Agreement established by the owners who front it). The unimproved lot is the last on a block of other recent Non-Contributing structures. The lot is approximately 51' wide x 123' deep. See site plan in Circle 7 .

According to the plans, the proposed new house is 30' wide in the front by 43' long and is 32' 2" tall with a 1080 SF first floor footprint and 17% lot coverage. The front yard setback is 35.4' and the house is sited a few feet further back than the house next door at 10013 Meadowneck Court. The proposed side yard setbacks are 8.9' on the right side and 10.3' on the left.

The site plan indicates that the new construction would require removal of 10 trees on the lot including a few which are in the Oak Street Right-of-Way. The types and sizes of trees to be removed are mulberry [(2) 21", 8", 7", 6"], locust [12" and 10"], sassafras [(2) 6"] and dogwood [10"]. The 18" pine at the rear left of the lot would remain in the new side yard. (see Circle 7)

STAFF DISCUSSION

Staff used the Secretary of the Interior's *Standards for Rehabilitation* as a guide, specifically:

Standard #9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The HPC reviews this new house in terms of its size, scale and massing and tree loss—all issues which could affect the streetscape and the Historic District as a whole. Except for the house it was subdivided from, this lot is adjacent to all Non-Contributing resources in the district. This lot is tucked into the back yards of houses on Capitol View Avenue and the side yards of houses on Meadowneck.

At the May and September HPC meetings, Commissioners discussed with the applicant the need to reduce the overall size of the house. Although technically this lot may be about the same size as the others in the row, the thought was that this house should not be as big as the other five houses or it would loom over the neighboring houses that face Capitol View Avenue, and that this house should actually ease the transition between the 5 large houses on Meadowneck and the smaller houses on Capitol View.

Comparing the previous plans in Circles 32-38 to the current proposal in Circles 8-14 , staff finds this proposal has addressed the HPC's concerns about overall size. The applicant has scaled down the house from the first and second proposals. The reduction in height and the changes in the house style, massing and detailing are all a positive response to the HPC's concerns.

The HPC asked the applicant to submit a visual image of how the house would fit in to the surroundings. In Circle 31 is a rendering of the proposed house and the house next-door at 10113 Meadowneck. Although the house appears in this picture to be in front of the house at 10113, the house is actually sited behind 10113 (as shown on the site plan in Circle 7), but staff was told that it was difficult for the architect to show the two houses side by side.

The Commission had specifically asked the applicant to reduce the length of the long left side facade as it faces the Capitol View backyards. The house is now 6' shorter than the previous submission (49' reduced to 43'). The HPC had also asked the applicant to come back with a reduced footprint somewhere in the 1000-1100 SF range. The new footprint is 1080 SF on the first floor and 1050 SF on the 2nd floor. As was discussed at the meetings, this house as currently proposed will be slightly smaller than the other houses on the Meadowneck block and will help make that transition to the smaller Capitol View Avenue houses.

Generally the HPC does not approve of vinyl siding in a historic district, but the proposed materials are all compatible with the rest of the block since it is all new construction. Thus, the materials as proposed are approvable.

Since 10 trees will be removed to construct this house, staff had previously recommended the standard tree replacement condition of approval that 10 trees of 2" caliper minimum be planted on the property. However, at the neighbors' and Commissioners' request, the applicant is now submitting a tree replacement plan showing ten larger replacement trees: eight 4" caliper trees and two 5" caliper trees. The replacement trees would be red maple, green ash, and white pine. Five of the trees would be planted along the left side of the house, as recommended by staff, to provide a buffer between the side of this house and the back yards of the houses along Capitol View Avenue.

The applicant had previously stated that the County would require him to widen the shared driveway. He has since the last meeting met with the supervisor at the County's Department of Public Works and Transportation and they have waived that requirement. The driveway will remain at its existing width. This was a large concern of the neighbors so staff is pleased that issue has been resolved.

The applicant also plans to address the water runoff and drainage issues that the neighbors have raised. The County will require storm barrels for the runoff and the applicant is open to exploring other methods of reducing runoff and resolving drainage problems. Staff encourages the applicant and the neighbors to research and address this important issue together.

Staff finds that this proposed house has been reduced in size and scale from the first submission, the materials are compatible with the neighboring houses, and it will not adversely affect the historic district. Staff recommends approval with the conditions listed on the first page of this report.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with the conditions listed at the beginning of this report** the HAWP application as being consistent with Chapter 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 the Secretary of the Interior's *Standards for Rehabilitation* #9:

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

and with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits (if applicable)**. After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at (240) 777-6370 or online at www.permits.emontgomery.org prior to commencement of work and not more than two weeks following completion of work.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Chris Bouma
Daytime Phone No.: (301) 294-7860

Tax Account No.: 52-2182598

Name of Property Owner: P. Joshua Haines Daytime Phone No.: (301) 294-7312

Address: 12615 Circle Drive Rockville 20850
Street Number City Street Zip Code

Contractor: Haines Companies Phone No.: (301) 294-7860

Contractor Registration No.: 3417

Agent for Owner: Chris Bouma Daytime Phone No.: 301.294-7312

LOCATION OF BUILDING/PREMISE

House Number: 10115 Street: Meadowneck Court 20910
Town/City: Silver Spring Nearest Cross Street: Lee Street
Lot: 46 Block: 1 Subdivision: Capitol View Park
Liber: Folio: 204 Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE: Construct, Extend, Alter/Renovate, A/C, Slab, Room Addition, Porch, Deck, Shed, Move, Install, Wreck/Raze, Solar, Fireplace, Woodburning Stove, Single Family, Revision, Repair, Revocable, Fence/Wall, Other.

1B. Construction cost estimate: \$ 150,000

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 34 feet 4 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 Date

Approved: For Chairperson, Historic Preservation Commission

Disapproved: Signature: Date:

Application/Permit No.: 333754 Date Filed: Date Issued:

2/24/04

5

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

WRITTEN DESCRIPTION OF PROJECT

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

N/A

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

• Single-family residence; to be constructed consistent with existing resources & district requirements.

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 wells, 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

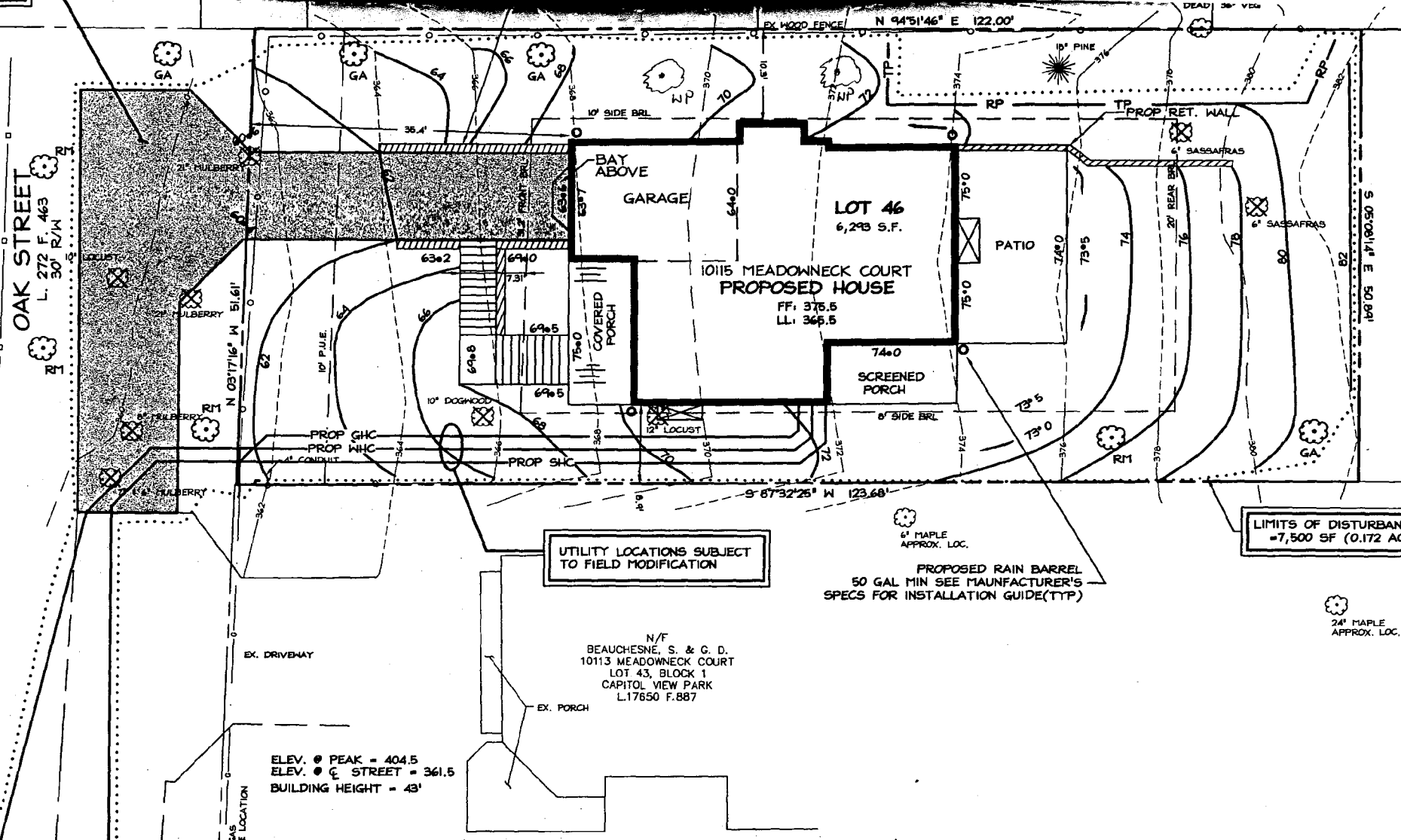
If you are proposing construction adjacent to or within the drieline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

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, (301/279-1355).

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.

OAK STREET
L. 272 F. 463
30' R/W



UTILITY LOCATIONS SUBJECT
TO FIELD MODIFICATION

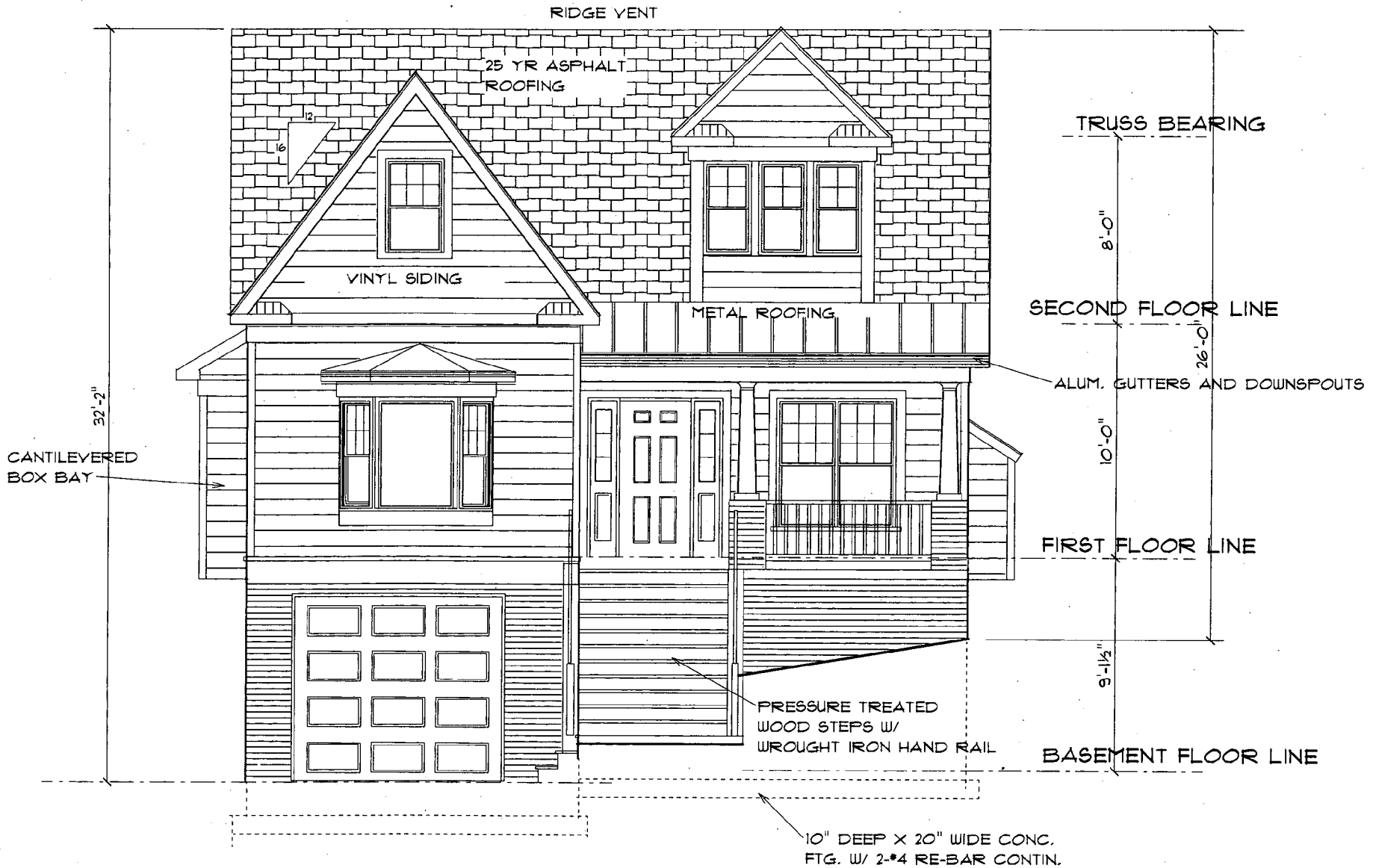
PROPOSED RAIN BARREL
50 GAL MIN SEE MANUFACTURER'S
SPECS FOR INSTALLATION GUIDE(TTP)

LIMITS OF DISTURBANCE
=7,500 SF (0.172 AC)

N/F
BEAUCHESNE, S. & G. D.
10113 MEADOWNECK COURT
LOT 43, BLOCK 1
CAPITOL VIEW PARK
L.17650 F.887

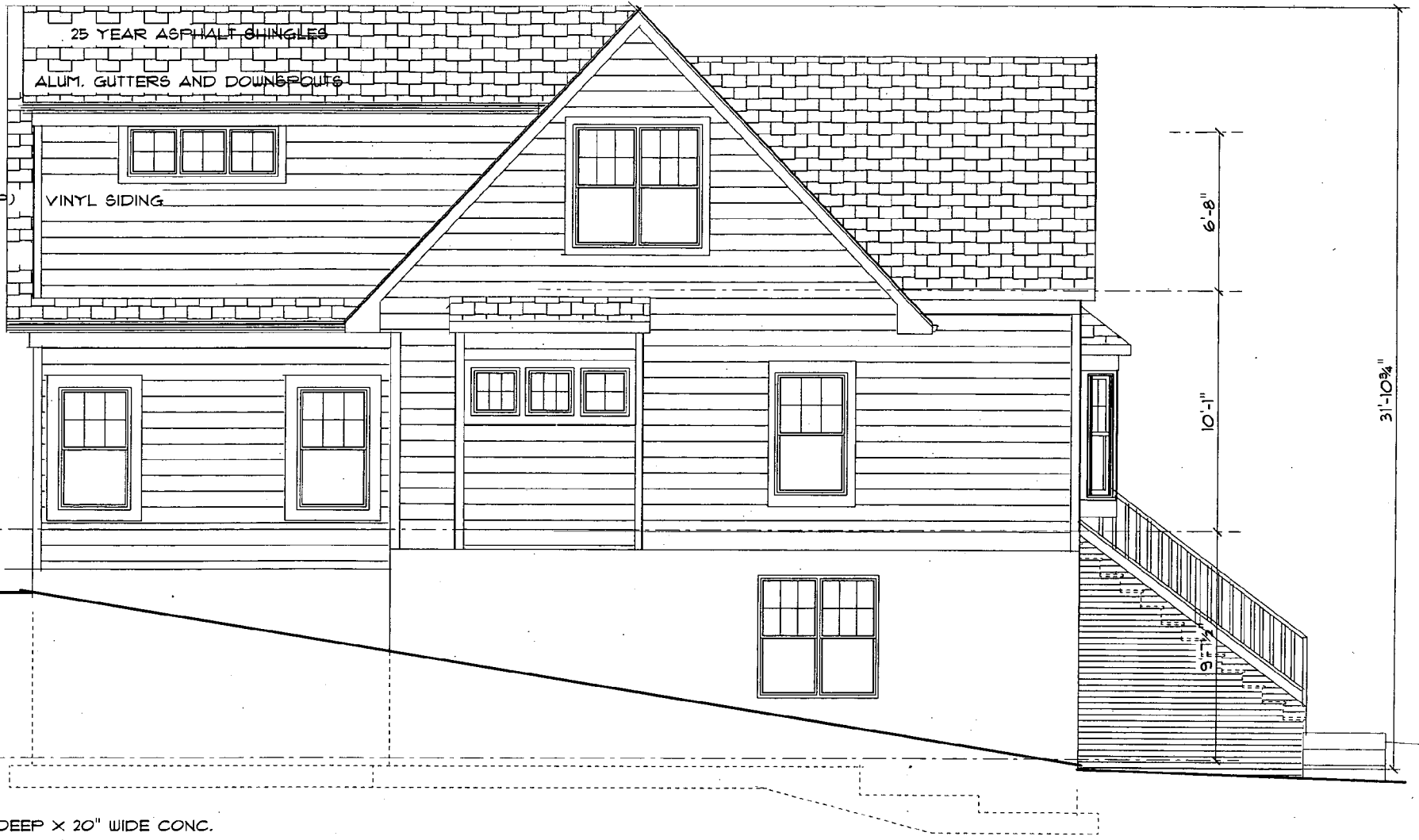
ELEV. ● PEAK = 404.5
ELEV. ● C STREET = 361.5
BUILDING HEIGHT = 43'

7



FRONT ELEVATION

SCALE: 3/16" = 1'-0"



10" DEEP X 20" WIDE CONC.
 FTG. W/ 2-*4 RE-BAR CONTIN.

LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

9

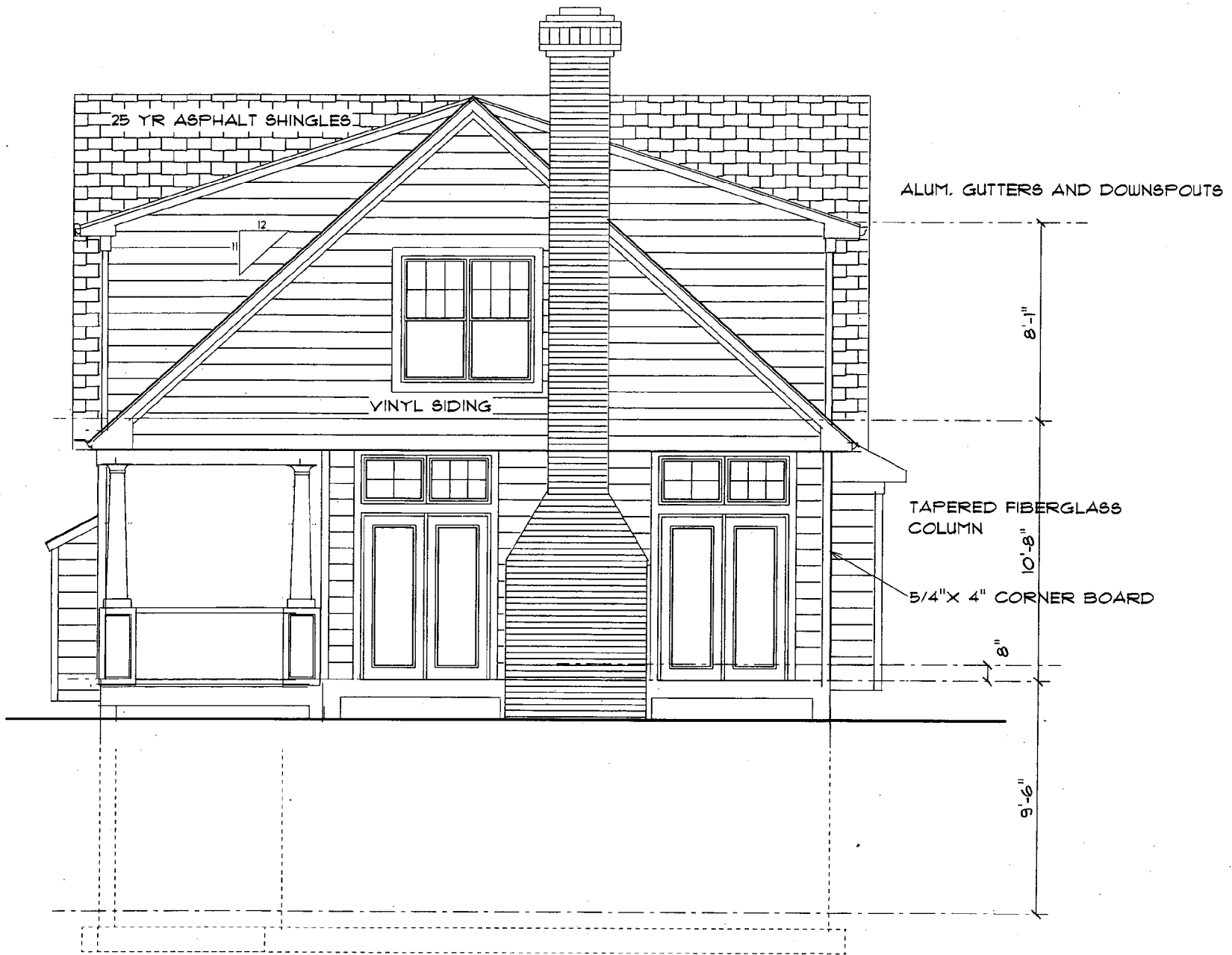
25 YR. ASPHALT
SHINGLE ROOF



RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

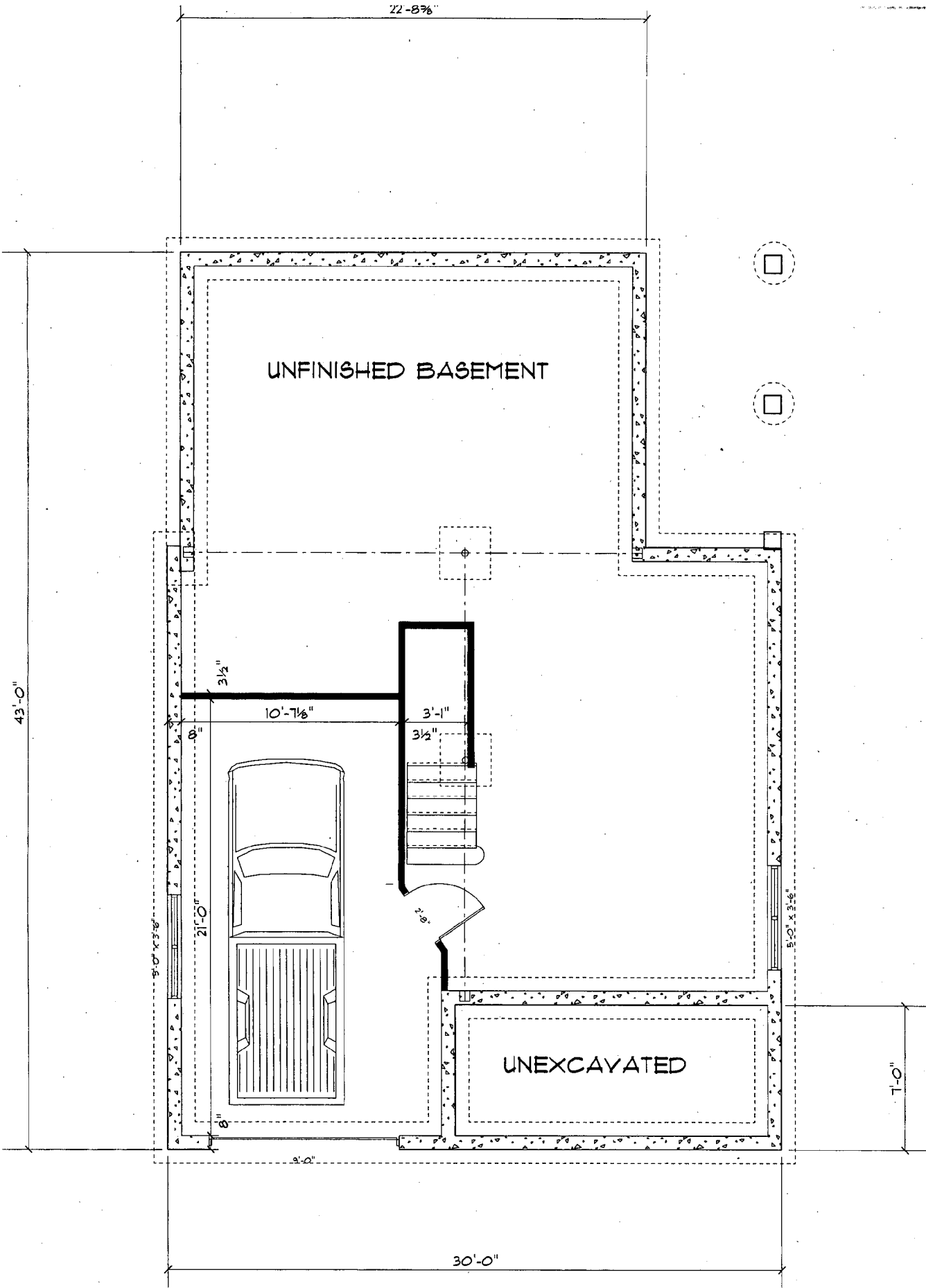
10" DEEP X 20" WIDE CONC.
FTG. W/ 2-*4 RE-BAR CONTIN.



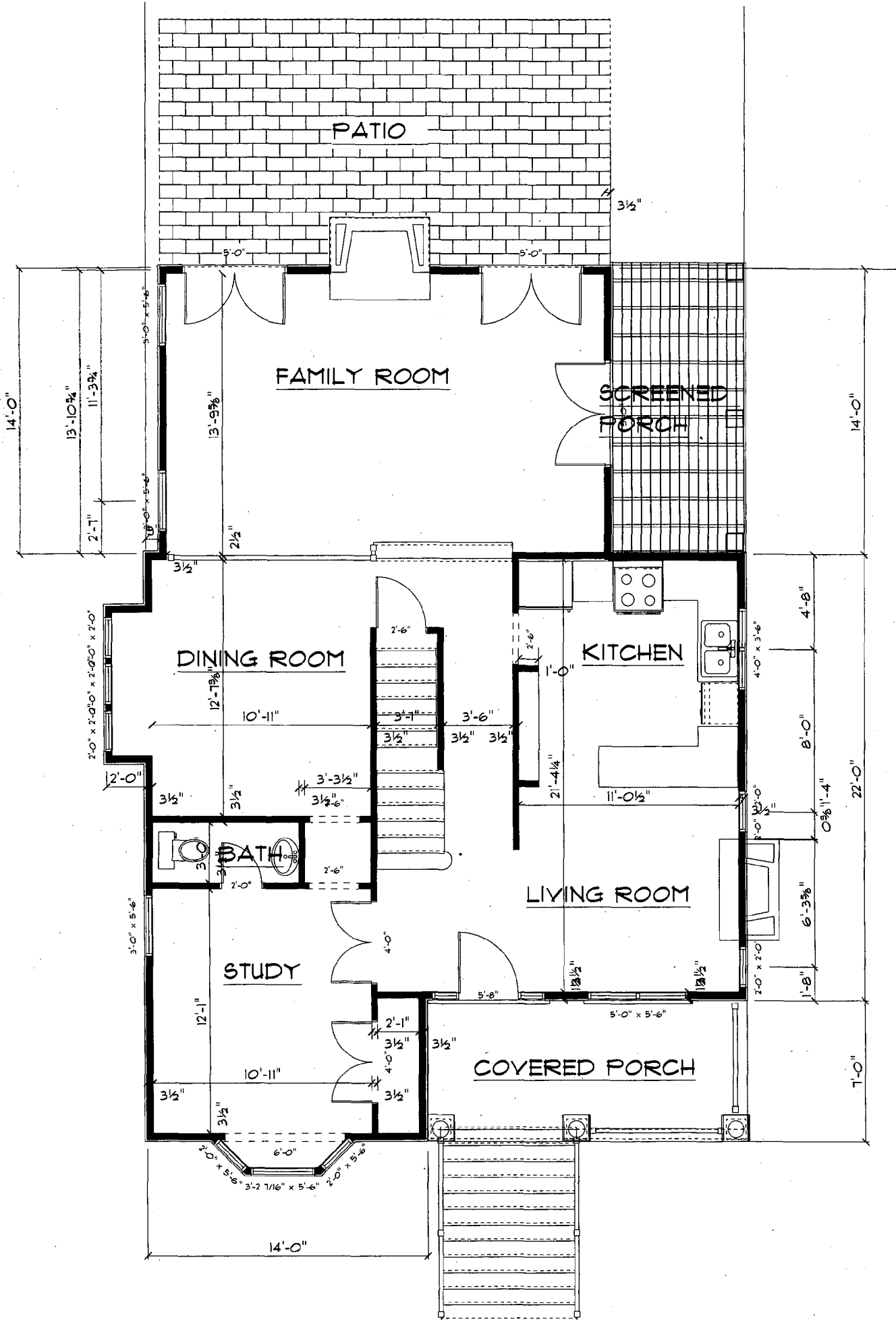
REAR ELEVATION

SCALE: 3/16" = 1'-0"

11



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN - 1080 SF

Sept. 8, 2004 HPC meeting

1 MS. O'MALLEY: The first case we'll hear tonight is Case A at 10115 Meadowneck Court. Could we have
2 a staff report, please?

3 MS. FOTHERGILL: Yes, this is a revision to a Historic Area Work Permit application that came before
4 the Commission in May of 2004. The -- the proposal is a new house at 10115 Meadowneck Court, which is in the
5 Capitol View Park Historic District. I'm going to show you some visuals and then I'll explain what the applicant is
6 proposing --

7 The -- this is a view looking down Meadowneck Court and as you can see, it's a row of houses that were
8 built in the 90's. They are all non-contributing resources in the historic district. A year ago the Planning Board
9 approved subdivision of lot on Capitol View Avenue and allowing the back part of that lot to be a buildable lot -- the
10 last in this row -- there are five -- six -- last house in that row.

11 The applicant is proposing a one-and-a-half story single-family residence with an attached single-car
12 garage with an unfinished basement. Like these houses, the house would have vinyl siding and asphalt roofing
13 shingles. The proposed house is 30 feet wide in the front and 49 feet one-and-a-half inches long and it's 32 feet two
14 inches tall with a first floor footprint of 1265 square feet.

15 These are the neighboring houses as you go down the block towards the lot. And then this is the lot and
16 you can see the back of the house that fronts Capitol View Avenue.

17 The -- at the May meeting, the applicant was proposing a house that was similar to those ones you just saw
18 in design and scale and the Commission discussed with the applicant the need to reduce the size of the house
19 overall; that perhaps this house shouldn't be as big as the other five houses because it sits right next to the backs of
20 these houses that face Capitol View Avenue. And that the house should serve more as a transition house,
21 somewhere in between the two. And the applicant, in the current proposal, shows a height of 32 feet two inches,
22 which is reduced from 44 feet, which was the original proposal and that's a 27 percent reduction in height.

23 The footprint has been reduced from 1350 square feet to 1265 square feet. The applicant also submitted in
24 your packet a rendering of the new house as it would sit next to the existing house next door, so you could get a
25 sense of its height in relation to the other house. And the -- I think that Staff found the height reduction substantial
26 and was please with that. The overall reduction, though, in the footprint, Staff thought could be greater and it
27 discussed in the staff report a further reduction of the footprint so that it is, in fact, smaller than the other five houses
28 and helps, again, with that transition to the smaller houses on Capitol View Avenue.

29 The -- this is the back -- again, the backs of the houses -- lot that the proposed house would go on and you
30 can sort of stand back in the driveway.

31 The -- as was discussed in previous hearings, neighbors have concerns about some things that are related to
32 the historic district and some things that are related to the construction and they -- and you will find a lot of their
33 concerns in the staff report as well as two letters that were received by Staff today and were given to you in the
34 worksession.

35 And the tree removal for this proposal is 10 trees that are mulberries, locust, sassafras, and one dogwood
36 and one thing Staff recommended in the staff report is to replant new trees as a buffer between this new house and
37 the backs of these houses on Capitol View Circle on the left side of the house to -- new tree plantings there as part of
38 the condition of approval.

39 And the other recommendations that the Staff made are that a tree protection plan be in place before the
40 construction begins because there is the large pine that is supposed to be retained; that the footprint be reduced, as I
41 mentioned; and, that as with all new construction that a fully detailed construction set of drawings -- to Staff for
42 Staff approval --

1 The applicant is here. Unfortunately, he received the staff report for the first time about five minutes ago,
2 so he's now reading it. And then many neighbors are here as well.

3 MS. O'MALLEY: Just a question to Staff about delivering the staff report to the applicant. How is that
4 usually done?

5 MS. WRIGHT: It's mailed to the applicants and I will have to talk with our administrative assistant and
6 find out why the information didn't get to the applicant. I know that it was a very large packet to get out and it was a
7 holiday weekend and there were some issues about getting it out last week, but there's no reason that it should not
8 have been mailed out and received by the applicant.

9 MS. O'MALLEY: Is the applicant ready to come forward? Have you had a chance to --

10 MR. HAINES: Yeah, I think -- I have it memorized at this point, too.

11 MS. O'MALLEY: Did you have anything you wanted to add?

12 MR. HAINES: Well, I think the only thing in regards to the Staff recommendations that I would want to
13 point out is that the -- the tree protection measures required by the County with the forestation -- Park & Planning;
14 that's already in the works. I have to call them -- comes out and he's going to show me where he wants the tree
15 fences put up.

16 So, the second thing is, is that in regards to the size of the house, if you go back to the last meeting I was
17 told that, you know, as long as the basement plan -- I guess where it says first floor is under 1100 square feet, that's
18 what they were looking for. Now, that's dropped down again to 1000 square feet. I don't really understand why.
19 You know, I think I've done a great job getting the height way down, getting the overall size way down, and so I'd
20 like to go ahead with the plan as is. Maybe, you know, 100 square feet bigger than what was originally, you know,
21 suggested, but I think that, you know, in order to keep the house integrity, I think I need to have that.

22 That would be all I had.

23 MS. O'MALLEY: Are there questions?

24 MR. BURSTYN: Do you have the page where it has the 1100 feet?

25 MR. HAINES: Yeah, it's actually -- if you look -- it was on the previous --

26 MS. FOTHERGILL: It's actually Circle 1, because it's the first page of the previous staff report, so if you
27 go about a third into your packet, the numbers start. And the reason for the change from 1100 to under 1000 is
28 based on the staff report was written before your May 26th hearing and at your May 26th hearing, Staff was under
29 the impression that you really wanted it smaller than was -- than other houses on the block, which range from 1100
30 to 1300. So, that's why it's been brought down further. But, in fact, the current submission is 1265.

31 MR. HAINES: In response to that -- if you look at the first floor plan, or the basement plan, the actual
32 footprint is 992 square feet.

33 MS. FOTHERGILL: That's the same as the first floor?

34 MR. HAINES: I'm not sure what the difference is. I'm going to have to figure it out myself, but he
35 measured both of them, so --

36 MS. FOTHERGILL: In Circle L, which kind of looks like a one, but in Circle L, from the architect, it
37 states the first floor plan square footage of 1265.

38 MR. FULLER: I guess normally we'd comment to that applicant right now as to commend his effort to
39 reduce the height of the house. I think that was very successful in terms of what we're asking him to do.

40 MS. ALDERSON: I agree, and I'd like to add I believe the -- proposed square footage is within range --
41 within the acceptable range. It is within the Victorian houses. I know there is some desire to have it smaller, but I
42 think in reasonableness, this is consistent.

1 MS. O'MALLEY: It looks like maybe the 1265 includes the front porch?
2 MR. HAINES: It may. I'd have to add that all up.
3 MS. O'MALLEY: The basement goes underneath of the entire house?
4 MR. HAINES: Yes, ma'am.
5 (Discussion off the record.)
6 MR. HAINES: It could be. I'm not sure. Quite honestly, I haven't looked at it that closely.
7 MS. O'MALLEY: We can't have people calling out from the audience. Thank you.
8 (Discussion off the record.)
9 MS. O'MALLEY: Do we have any other questions for the applicant at this time? We do have some
10 speakers that would like to come up. If you would step down for a few minutes and then you can come back.
11 The first speaker is --
12 MR. MALKO: Barry Malko.
13 MS. O'MALLEY: Well, I was going to call the names as you gave us the forms --
14 MR. MALKO: Well, I have an upset stomach so I'm trying to get out of here.
15 MS. O'MALLEY: And your name --
16 MR. MALKO: And your schedule -- I mean, you sat down and talked for --
17 MS. O'MALLEY: Your name was what?
18 MR. MALKO: Barry Malko, 10208 Capitol View. I front the property.
19 MS. O'MALLEY: And did you fill out a form?
20 MR. MALKO: Yes, ma'am.
21 MS. O'MALLEY: Go ahead.
22 MR. MALKO: And I also would like to say the delayed announcements really make it difficult for the
23 community to respond. I never got any announcements. Fortunately, my neighbors came over.
24 Briefly, I would say that it's too big; the existing proposal. It's unsafe with regard to construction -- and
25 also that there's a consistent serious flooding that we have in the neighborhood, which this project will contribute to.
26 You know nothing about that and you, of course, are not obliged to respond to that. But we disagree with you on
27 that matter.
28 The truth of the matter is this proposal does not meet any of the conditions of the Planning Department so
29 you are actually acting on something that doesn't meet the requirements of the Planning Department and that should
30 -- in fact, I mean I could suggest a procedure for you that would make some sense, in that if it doesn't meet those
31 requirements upon review of your Staff, let them check -- look at those conditions and say this meets or it doesn't
32 meet and then make that submission to you in the staff report.
33 But until then, like any other historical commission and planning department, you really have to remand
34 this back to the Planning Commission. That makes sense because this does not meet the requirements of the
35 County; in this case, the Planning Department. So, you're really out of order at this stage of the game. You really
36 have to take this thing, send it back to the Planning Commission and let them say, "Yes, this meets our requirement"
37 or "It doesn't."
38 MS. O'MALLEY: Did you have some specific items?
39 MR. MALKO: Yeah, I just said them. If you listened carefully, you'd see --
40 MS. O'MALLEY: Oh --
41 MR. MALKO: -- too unsafe and there's serious flooding onto a historical property, which I think you guys
42 are concerned about.

1 Thank you.

2 MS. O'MALLEY: Thank you.

3 MR. BURSTYN: Excuse me. I have a question.

4 MR. MALKO: Sure.

5 MR. BURSTYN: Yes, if you say it's too big, could you -- can you give your opinion as to what the size
6 should be?

7 MR. MALKO: The three properties that abut -- not the ones that you've seen pictures of, but the ones that
8 are shot far away from the proposed property, the cottage is about 400 to 500 square foot. My property -- my
9 footprint is 600 square feet, and the single story ranch home -- the Gonzalez property -- the third property -- is about
10 800 square feet.

11 They're on -- roughly 39 feet from the property line, Gonzalez is about 32 feet from the property line. So,
12 if you put the numbers and you juxtapose them, I think you can see that almost anything that they would put on this
13 property is going to be too big. And so I'm suggesting to you that it would be something between 800 and 1000 feet.
14 But the size -- forget the height of the thing --

15 MS. O'MALLEY: Thank you. Hernan Hidalgo.

16 (Discussion off the record.)

17 MS. O'MALLEY: It's -- we call them as they are handed in.

18 UNIDENTIFIED MALE: I thought you did them in alphabetical order last time. Now, he -- Hernan
19 arrived last --

20 (Discussion off the record.)

21 MS. O'MALLEY: I have to go by the way I receive them from Staff.

22 (Discussion off the record.)

23 MS. O'MALLEY: We will listen to everything you have to say.

24 (Discussion off the record.)

25 MS. O'MALLEY: This is -- we're following our procedures.

26 UNIDENTIFIED MALE: You're not. You're doing --

27 MS. O'MALLEY: I'm going to have to ask you to leave the room if you continue to interrupt. Would you
28 please state your name for the record?

29 MR. HIDALGO: Yeah, my name is Hernan Hidalgo and I'm still opposed to the construction on
30 Meadowneck Court and after perusing through the diagrams -- the architectural diagrams, didn't look very
31 aesthetically pleasing. It didn't seem to match the other houses. And there's many factors at stake here, which
32 include: 1) aesthetics, safety, and the surrounding -- the concrete driveway -- the concrete driveway leading up to the
33 house is not made to withstand heavy machinery, concrete trucks, or any such equipment because I've already seen
34 evidence that it's been sort of damaged and cracked in some places.

35 Not only that; even when a construction vehicle or anything comes up there, it leaves an oil stain. That's a
36 minor thing, but more runs down -- we've got a big runoff problem, a lot of runoff, and since it's on a steep area, the
37 place is very prone to flooding and I am very discontent with the way the house matches up with the other ones. It
38 doesn't really seem to fit in place.

39 And we have an elderly person living in our house and if we had an emergency -- and this also applies to
40 my neighbors. If there's a medical emergency and we have an ambulance or fire engine apparatus or anything
41 arrived, we've got a problem because we're going to have construction vehicles blocking the way and it's a one-lane
42 driveway. It's not made to endure heavy stuff and we're probably going to have vehicles blocking and this four-foot

1 addition proposal on both sides of the driveway, it's going to take away the whole aspect of aesthetics and it's not
2 going to look pleasant. They're probably going to add a gutter to it and it's not going to look very nice.

3 I realize it's right-of-way, but it just doesn't seem to fit in correctly. I wonder if he'll be liable for the
4 damages because the weight -- it's not made to endure heavy stuff.

5 So, other than that, we're going to lose obviously four feet of our property on the front and it's not -- we're
6 not very happy about that. And I'm just concerned for -- also for my neighbors. We've got a lot of young children
7 and elderly there, so that's basically what it boils down to. Just the aesthetics, the safety factor, concrete damage,
8 water runoff and just doesn't look very well for a historical neighborhood to put this house in there. It doesn't look
9 pleasing to the eye. It doesn't match up in a very tight location there.

10 So, that's my view..

11 MS. O'MALLEY: Thank you. Steve Kramer. I have here that Jeff Adler is donating three minutes to you.

12 MR. KRAMER: That's correct.

13 MS. O'MALLEY: Is he here tonight?

14 MR. KRAMER: Yes, he is.

15 MS. O'MALLEY: So that gives you six minutes.

16 MR. KRAMER: Okay. Good evening. Based upon what Staff has said and the submission by the
17 applicant, it's very unclear this evening what we're even approving. It appears that he has chosen selectively which
18 conditions he wants to implement. That seems really inappropriate.

19 The house that he's proposing, I do agree, that he has lowered the height of the house significantly to make
20 the transition, but the footprint remains inappropriate. It is the longest footprint of any house on Meadowneck
21 Court. He has done some fuzzy new math here with the footprints he has shown because he hasn't counted the
22 garage. If we don't count our garage, I can make my house footprint a lot smaller as well. The actual footprint, if
23 you look at the pages in your book, is 1265 square feet. That's a very large house. That footprint should be
24 somewhere between 1000 to 1100 square feet, which changes the dynamics of that house significantly.

25 So, before we go ahead and approve anything today, we must see what this house looks like -- be
26 approving. I certainly don't know. Do you?

27 The house, as you recall, is bordered by six backyards. This makes it a very unusual house by anyone's
28 standards that we look at here. That creates certain runoff issues that other houses don't have. And in particular we
29 talked about the Flavin property that this will increase the runoff on that, so that is an historic issue that has not even
30 been addressed. So, we must address the runoff issue to historic properties. Those are two issues that remain
31 unaddressed.

32 The tree issue -- there is no tree plan here. How can we call ourselves an historic community, which one of
33 the reasons we're even called an historic community is because of the trees. So, if you're going to take down all of
34 the trees, shouldn't you be specifying in the tree plan the size, the placement, and the type of those trees? Again,
35 what are we approving today? I don't know. Do you?

36 And while we say the Historical Commission doesn't care about the safety of the residents because it
37 doesn't apply to you, well I certainly do. And I want to remind the applicant tonight again in a public forum that we
38 intend to enforce the no parking zones on that driveway, on that cul-de-sac and any blockage to that road and if that
39 takes calling the police every day, we will be doing that. If it takes hiring a private security services, we will be
40 doing that --

41 MS. O'MALLEY: You have to speak into the mic; I'm sorry.

1 MR. KRAMER: If it takes hiring a private security services or calling the police every day, we will do
2 that. We will not tolerate your vehicles illegally parked or any blockage of that common driveway. I hope you
3 understand the severity of this. Just in the last 12 months, there have been four cases where ambulance and fire
4 service has been called to that cul-de-sac for three different families. This is serious business.

5 MS. O'MALLEY: I think this is an issue for you to take up with him rather than the Historic Preservation
6 Commission --

7 MR. KRAMER: Well, I'm here today speaking my peace. You've chosen selectively how to present this.
8 I think I'm allowed to speak on anything I want. If you choose to ignore it, I accept that. I can -- you can ignore it.
9 But the applicant, I want to make sure understands what we're talking about here. That's the point. So, there's no
10 disagreement down the road about blockage or why the police are sitting in the cul-de-sac every day to enforce
11 what's going on. I won't tolerate it. The people - residence won't tolerate it, and I hope that you understand the
12 seriousness that I place on this issue.

13 I see you smirking. If it was your child, Paul, I'd hope that you wouldn't be smirking that needed
14 ambulance service.

15 Again, there is no reason to approve this lot as submitted. He must resubmit plans that are in compliance
16 with the requests made by this Commission and where we know what we're approving. If you go ahead and approve
17 it, you've chosen to shut your eyes and you ignore what you're sitting here and chose as Commissioners to do. If
18 you choose to do that, you probably should recuse yourselves.

19 Thank you.

20 MS. O'MALLEY: Thank you. Bonnie Adler. And I believe Ruta Kadanoff has ceded time to you, so you
21 have six minutes.

22 MS. ADLER: Thank you.

23 MS. O'MALLEY: If you could just state your name for the record.

24 MS. ADLER: I'm Bonnie Adler and I want to concur with the Capitol View Citizens Association letter
25 faxed to you earlier today. I -- tells you in his memo dated 7/15 that the new size of this house proposal is a
26 footprint of 1000 square feet and only 16 percent lot coverage, when it's closer to 1265 and 20 percent lot coverage.
27 He didn't even consider the reduction to 1100 square feet requested from HPC in their recommendation from May's
28 hearing. Now they're recommending the house to be under 1000 square feet. Since this proposal is barely smaller
29 than the previously proposed home, the builder should go back to his architect and draw some plans for a small
30 home. I want to point out that it's also larger than the three smaller Victorians pictured earlier in the row. My home
31 is just under -- just over 1200 square feet.

32 But I'm really here to talk about the trees. This proposal removes 10 trees; five of which are in the right-of-
33 way. Unfortunately, staff recommendation is ask to -- tree plan to only 10 two-inch DBH, which is diameter at
34 breast height for a total of 20 DBH. Here's what the two-inch tree looks like, however - hardwood sapling. It will
35 take a good 40 to 50 years for a hardwood sapling to reach maturity -- up to 10 trees being removed.

36 The two largest trees to be removed both measure 21 inches DBH. I don't have a -- that large, but it's larger
37 than the circle I can make with my arms. The rest of the trees to be removed are better than 12 inches, 10 inches,
38 eight inches, seven, and six DBH. The total loss of DBH for this property equals 107 inches, so the total replanting
39 value of only 20 inches, which Staff recommends, is tremendously deficient.

40 I proposed that there be seven trees replanted in the right-of-way; three eight-inch, three six-inch, and one
41 four-inch tree. I'd also suggest that two eight-inch, two six-inch, and two four-inch trees be planted on the lot. The
42 total DBH replanted at 82 inches would still fall short of the 107 that would be lost by the proposed plan, but by

1 planting larger trees, they will mature sooner and provide more of a screen to the surrounding homes and neighbors,
2 as well as assist with soil retention and stormwater runoff. Perhaps the remaining DBH of trees lost can be planted
3 in the Legacy Open Space or in the open space on Lee Street.

4 Erosion to the surrounding historic resources, namely the Flavin property, due to stormwater runoff was
5 mentioned in the May meeting. I think it's the HPC's job to ensure that those historic resources are protected. I'm
6 also concerned that the 18-inch pine tree will not survive the construction. If this tree were to die within three to
7 five years, then a replacement of similar size and stature should be required. Perhaps the builder could put up a
8 bond to ensure replacement if such loss were to occur.

9 In closing, I'll suggest the Commission not approve this proposal until they receive a complete tree removal
10 and replanting plan and that those plans be provided to all the neighbors who commented on the proposal at these
11 hearings. In addition, I would like to see the builder create a smaller house in line with Staff recommendations and
12 provide that to the HPC as well as the community prior to any approval of the HAWP.

13 Many of the neighbors were not notified about this hearing. I'm shocked that even the builder himself
14 didn't get a copy of the staff report until tonight. Since we've already expressed an interest in this project, I thought
15 we would all be informed. If the Commission cannot enforce that neighbors are advised of new plans and hearings,
16 then you're -- to serve the communities you claim to represent.

17 Thank you.

18 MS. O'MALLEY: Thank you very much. Thank you for your display. Stephan Beauchesne. Three
19 minutes.

20 MR. BEAUCHESNE: Good evening. It's actually Stephan -- okay.

21 MS. O'MALLEY: I'm sorry.

22 MR. BEAUCHESNE: That's fine. I'd like to -- well, first of all, I'm here on behalf of my wife and my two
23 children, and I'm at 10113 Meadowneck Court. I'm the blue house right next to -- I'd like to echo a lot of Steve's
24 comments. Actually, he always steals my thunder. This is the third time we do this. Every time he comes in first
25 and gets all the good points out.

26 But so specifically I've got -- we -- my family and I have three concerns. The first one is the square footage
27 of the house, which has been brought up three times, I believe, right now. The Staff recommends something closer
28 to 1000 square feet. We're not even close to that yet, and I think this reduction also from 21 percent to 16 percent, I
29 would be in favor of something like that. So, in other words, we don't have the plans that we should be discussing
30 right now, so I'm not sure what I'm commenting on because there's proposals and there's plans on the table; neither
31 one match at this point.

32 Furthermore, I -- and I think the Hidalgos have -- Hernan has mentioned that. There's a question about
33 widening the driveway. That's the common driveway that fronts the four properties; Steve's, myself, and Hernan,
34 and the new house. Widening the driveway is something that concerns me on many aspects, but first of all, we don't
35 even know what that means. I heard four feet, the builder's not too sure. I think this is another case of we don't have
36 all the facts here. Widening the driveway potentially means cutting four -- I think it's five actually -- extremely tall
37 cedar trees that are right in front of my house. Or, some bushes that I have right across the side of it. So, whichever
38 way you do this, you're cutting a lot of greenspace and more trees. That's not in the proposals and I don't think that
39 the Staff even is aware of this. So, I think we need more facts on that.

40 Simply looking at the plans of the house is not giving us the whole picture. We are asked to comment and
41 the Commission is asked to approve building plans, development plans --

1 Now, the third point I'm very concerned about, I'm starting to have some water problems with my house.
2 It's not flooding just yet, but this is starting to seep into the basement. The new plan calls for some sort of water
3 barrel system. I'm very unclear as to the effect it will have on the water runoffs and overall flooding that we're
4 starting to notice -- neighborhood. So, that's my third concern.

5 So, again, at this point I don't think we can either approve or disapprove. I think we need to get more facts
6 before we can go ahead with this.

7 MS. O'MALLEY: Thank you. Jim Secker. I'm not doing too well with names tonight; I'm sorry. Please
8 state your name for the record.

9 MR. SECKER: Thank you, that was very close. Jim Secker. So, you did much better than three months
10 ago, so again, I appreciate all of your time tonight and, again, my name is Jim Secker. I live at 10107 Meadowneck
11 Court. It's one of the five Victorian homes that you saw in the pictures that your Staff had up earlier.

12 Again, first of all I want to thank you for at least your initial proposal and recommendation by lowering the
13 height of the house; that obviously has significant impact on us. You can see that, you know, almost every neighbor
14 in the court on Capitol View are here tonight are obviously concerned and emotional about it because it does have a
15 major impact. And it is a unique situation. I know, Madam Chairperson, you came out a number of months ago, so
16 I respect you to come out and see that it is a unique situation; not just a straight road and it runs on a big square lot.
17 This is tucked up in a corner, very unusual, and it has to share a driveway with three other homes. I'm the first
18 house before that shared driveway starts. I just wanted to talk to you about that.

19 Also, it just seems that we're not getting all the facts. I think that's the main point that I want to reiterate
20 tonight. The builder comes in, he's thinking it's this and but he's not really sure what he wants to do. And the
21 neighbors are all very close. We talk to each other. I just found out on Saturday that they want to widen the
22 driveway on which side and we don't know which side is going to be cut and it's going to impact trees and bushes in
23 the area, so all we're asking for is, you know, to delay this proposal just so, you know, the builder can provide you
24 and especially us with all the facts so we know what is going on.

25 And, finally, as the father of a young son who's just learning to walk, I'm certainly very concerned about
26 the debris and the construction equipment because, again, it is a very unique situation being on a court, that I don't
27 want my son walking into an area where there's dumpsters and trucks and nails and other garbage are out on the
28 court.

29 So, again, I appreciate your time and, again, I ask you to please delay this proposal until the builder gets all
30 his facts together. So, again, thank you so much for your time.

31 MS. O'MALLEY: Thank you. Wayne Goldstein. Representing an organization, so you get five minutes.

32 MR. GOLDSTEIN: Thank you. I'm Wayne Goldstein, president of Montgomery Preservation. This
33 sounds like one of the most problematic infill developments of this sort that I've ever heard of, although there are
34 perhaps a few similarities with what you had to work with and finally approving a design for the house that's going
35 to go up next to the Bethesda Community Store.

36 The builder or a succession of builders just came forward with very large houses and you told them smaller
37 and smaller and eventually we had a smaller one. That may still be necessary in this case. Given what I'm hearing
38 that there's a number of uncertainties, it may be that you might want to ask the applicant to a brief -- for a delay so
39 that there can be clarification of some of the issues that we're hearing about now.

40 I also want to -- I've heard about there's great concern with stormwater runoff and you may know -- the
41 applicant may know about this, but I'd like to bring attention to a company called Urban Environmental Products
42 that sells large chambers that can be put underground on a site that can pick up most of the water generated by the

1 impervious surfaces and recharge the area so that there can be very little runoff. It will be more expensive, but it can
2 also solve a lot of problems by dealing with the runoff on the site.

3 And I'd also like to mention that there are several landscape contractors who sell very large trees and that
4 they can bring tree space and to install these trees in tight spaces. And I just wanted to let you know I'd be glad to
5 give him more information if he's interested.

6 Thank you.

7 MS. O'MALLEY: Thank you.

8 MS. WATKINS: Wayne, I have a question. At one of our hearings previously, there's testimony about the
9 fact that trying to transplant larger trees; the viability declines. It's really hard to transplant like an eight-inch tree or
10 -- and have it survive. Is that true?

11 MR. GOLDSTEIN: No, it's actually fairly easy. There's a couple of companies that can do that with no
12 trouble. I had -- I'm a landscape contractor and I had a 25-foot pine tree transplanted into a relatively tight area and
13 that was about at least a 10-inch caliper and that survived just fine.

14 MS. WATKINS: Thank you. I believe it was the Park & Planning arborist who did state that.

15 MR. FULLER: Our experience has been that large trees are okay to transplant, but they are stunted for a
16 longer period of time. Smaller trees continue to grow faster for the first, say, five or 10 years. Larger trees stay at a
17 slower growth rate for a period of time.

18 MS. WATKINS: Thank you.

19 MS. O'MALLEY: Would the applicant come back up, please?

20 MR. FULLER: I've got a question. There's been a lot of discussion on what's called a driveway, but on the
21 plans it's shown as a public right-of-way. What is in front of this property?

22 MR. HAINES: A public driveway. The County owns it. It is supposed to -- that court was originally
23 planned to go through to Capitol View. As a result, unfortunately, the County is going to dictate what happens --

24 MR. FULLER: So, when you build it, you'll build it to the County standards.

25 MR. HAINES: Right.

26 MR. FULLER: If you damage the land coming in to it, they're going to make you responsible to fix it.

27 MR. HAINES: Correct.

28 MR. FULLER: And when you're finished, it gets turned over to the County for maintenance.

29 MR. HAINES: No, it's privately maintained. That's the weird thing about this particular area.

30 (Discussion off the record.)

31 MS. O'MALLEY: I believe you had that -- you can fill us in on that issue.

32 MR. HAINES: Yeah, what it is is that the County owns it, but they do not maintain it. Because those plans
33 -- put that extension through. So, unfortunately though, they dictate, you know, what I put in there and,
34 you know, right now they're saying they want it four feet wider, which I, you know, told them all before the last
35 meeting.

36 MR. FULLER: And is it built to a road specification or parking lot or what's the --

37 MR. HAINES: I have an approved bond for it, so you know obviously I have to get off the bond before I
38 can get my money back. So, yeah, the -- will come out and do whatever inspection, you know, they deem necessary.

39 MS. O'MALLEY: So, that means you would have to redo the entire stretch --

40 MR. HAINES: Yeah, like if I damage them, then I have to do that anyway because, you know, quite
41 honestly I have a sewer that's going to require -- it will be -- you know one of the other guys said it was already
42 damaged, and it will probably be damaged -- you know, I'll end up replacing quite a bit of the driveway.

1 MS. WILLIAMS: One of the concerns that I had with your previous proposal that hasn't in great part been
2 addressed is the height of the proposed house. One of the aspects of the house that made it high, I thought, was the
3 raised foundation and the garage and I had suggested you look at putting the garage underground or partially
4 underground. I'm not sure how you eliminated your height because the garage is still at grade.

5 And I'm also just sort of noticing that in the plans in your ground level, you basically have a garage and -- I
6 mean, basically your ground level appears to service strictly a garage and not really livable space.

7 I am concerned about the runoff due to the impervious surface on the historic resources surrounding the
8 house. I'm sort of wondering about eliminating the garage altogether, having a driveway that is gravel, so you
9 reduce the amount of impervious material, and then you tuck in your study, which is above the garage, on, you know
10 -- on the first floor somewhere since you will be reducing it -- or, even put it on the second floor since you'd be
11 reducing the height by eliminating the garage.

12 And I sort of --

13 MR. HAINES: Well, I -- can I address --

14 MS. WILLIAMS: Yeah.

15 MR. HAINES: Because of the fact I'm on a hill, even taking the garage away cannot lower -- like, I'm still
16 locked in. I've got to have an eight-foot basement wall in the rear, so you're going to still have the front exactly as it
17 is with or without a garage.

18 MS. WILLIAMS: So, you're still going to have this raised foundation in the front --

19 MR. HAINES: Correct.

20 MS. WILLIAMS: -- whether or not you have a garage?

21 MR. HAINES: Correct. Just like the other houses on the driveway, because we're on a hill that goes like
22 this. So, the problem is you come straight out and unfortunately, the more you come out, you know the more
23 exposed space you have.

24 MS. WILLIAMS: So in the plan of your basement floor, you say - you have unfinished basement. Is that
25 to code; that height?

26 MR. HAINES: Yes.

27 MS. WILLIAMS: Then you've actually then excavated into the hill there?

28 MR. HAINES: Correct. And it is actually -- it says unfinished, but it could also be finished. I mean, what
29 it is is it's a -- you know, a concrete slab with concrete walls around it. So, it could be finished. You could put
30 rooms down there if you wanted to.

31 MS. WILLIAMS: I'm just trying to help you figure out how you can eliminate your square footage to meet
32 the condition that Staff recommends.

33 MR. HAINES: Right.

34 MS. WILLIAMS: And it seems like the basement level is - has got some wasted space there.

35 MR. HAINES: Right.

36 MS. WILLIAMS: And maybe you could accommodate some of your upper floor space there, but then
37 you're still stuck with you garage jutting out.

38 I -- I just -- that's the one thing that really strikes me about this house is it does have a cottage look to it that
39 we were sort of striving for and yet it's not organic in the sense that it's not built into the hillside; it rises above it.

40 MR. HAINES: With that comment, it is built into the hillside. Like, if you look at the rear of the house,
41 you don't see the third floor -- or, the bottom floor.

42 You know, I think you also addressed the runoff issues?

1 MS. WILLIAMS: Yes.

2 MR. HAINES: Right now I've met all the Montgomery County requirements for the runoff issues and
3 that's why they want the storm barrels so -- and they dictated that. I do know who he was referred to -- the owner is
4 Vince Deberg and we wanted to use the infiltration devices, but because of where the easements are, I'm not allowed
5 to do that. I have to do it on the site.

6 Now, you know, I can go back to the County and try to allow them -- allow me to put one of those in their
7 easement area, but as of right now I can't do that because I don't have enough room on the property to get those in
8 there.

9 MR. FULLER: This is basically a glorified French drain?

10 MR. HAINES: Yeah, what it is is you take -- it's like a big black barrel that's turned upside-down. You fill
11 it with gravel. The water runs into that and then it allows it to permeate into the ground.

12 MS. WILLIAMS: In terms of the square footage, if we were to approve this proposal as the Staff
13 recommends with a limit of a 1000 square foot footprint, what would you do -- how would you go about eliminating
14 that extra 200-some odd feet?

15 MR. HAINES: I have no idea at this point. I'd pretty much --

16 MS. O'MALLEY: You would have to continue it and come back with a --

17 MR. HAINES: Right.

18 MR. FULLER: I mean, to me that would be too big a change. I mean, to me if we told him he had to take
19 four feet off the length of the house, I think that's sort of -- he could make the project work and find ways to make
20 that work, but to take this down to 1000 would be a redesign I have to assume.

21 MR. HAINES: Yeah. One additional issue and, you know, I think that I would challenge the people that
22 have spoken here because there is no way their house is the same footprint as mine, and I would say they're a lot
23 bigger and I can -- I can probably prove that if I have enough time, but, you know, obviously I don't feel -- I'd rather
24 not --

25 MS. O'MALLEY: Well, the house that you would be facing --

26 MR. HAINES: Very much smaller. But the ones on the court are definitely quite a bit larger than mine.

27 MR. FULLER: Didn't Staff tell us --

28 MR. HAINES: -- driveway.

29 MS. O'MALLEY: -- that the older houses around you as well is just --

30 MR. HAINES: Right, I agree with that.

31 MS. O'MALLEY: I know that there are -- that there are good designs that can be done with 800 to 1000
32 square feet.

33 MR. HAINES: Right. I'm still --

34 MS. O'MALLEY: And that are two stories.

35 MR. HAINES: -- I would still like to submit this one. I think I've done a great job getting to the look that
36 you guys want and everything else.

37 MR. BURSTYN: I was just going to say on their testimony, of course, on the importance of trees in
38 Capitol View Park and it's part of the setting. The testimony as to the size of the trees and Staff's recommendation
39 to put two-inch. Could you comment on the possibility of if it was a four-inch tree -- trees, instead of two, and if
40 that would be feasible and you believe that would help fill in at a quicker rate maybe the lost trees.

41 MR. HAINES: Right. It may -- remember, once again, you know I think five of those trees are in the
42 County right-of-way so I think that, once again, I'm being told that I've got to take those down due to the fact that

1 -- I mean, that's what they're specifying.

2 The only other thing I'd say is that, you know, four-inch trees I'm capable of doing. You know, that's fine.
3 But the only thing is is that how often have you as a Board actually required four-inch trees?

4 MS. WRIGHT: There have been occasions where we've required larger trees. It is not our standard
5 condition, but there have been occasions where we have. Or, denied removal, yes.

6 MR. HAINES: Okay. But, you know, I'm open to it. It's just a matter of, you know once again I'm not
7 sure what your standard is. I assume --

8 MS. ALDERSON: Since there is a lot of discussion -- some contradiction in both the submission and the
9 commentary on -- mass and footprint and how this compares with the adjoining properties, and our intention in the
10 last hearing -- our recommendation was to bring the overall -- the height down to mediate between the adjoining
11 houses and the houses behind, and also to bring the footprint within the range of the adjoining properties and
12 somewhat smaller, again to mediate between -- and those houses behind.

13 There are different ways to look at footprint and even -- the initial -- I think looking at the basement
14 without the garage, that's a bit deceptive. What I would like is a little clarification on your overhangs. Counting the
15 overhangs in the footprint -- actually looking at -- and once we look at it that way, I'm going to give you two
16 questions. How does that footprint where the house meets the ground compare to others, and particularly I think it's
17 helpful to look at it perceptively and to me, first of all, perception one has walking down the sidewalk of a house is
18 width. Can we just take a quick -- have you compared the width to the adjoining houses so that we see what the
19 perceptive size of this thing is, not just the height?

20 MR. HAINES: We have, and I think if you take a look at the -- I know that the house immediately next to
21 me is at least, I think, 34 to 35 feet wide and mine's 30, so from that standpoint -- and I know the house, once again
22 on the court, I believe is over 55 feet or at 55 feet long. So, you know, mine's around 49. So, from that angle -- you
23 know, I've tried to really make it quite a bit smaller. Obviously, mine's a story-and-a-half, whereas the last one I
24 submitted was two full stories. So, you know, I did the best I could do on really trying to cut it down and make it a
25 lot smaller.

26 I don't know if I answered it fully, but, once again, I haven't gone to, you know, the County to request their
27 plans. You know, I'm not really -- I don't really -- I could do that. I don't really --

28 MS. ALDERSON: I make that comment because when we're considering the rhythm of the street, which is
29 one of the principle concerns of our jurisdiction, our job is the width and spacing between the houses is - that and the
30 height and roofline are the biggest components.

31 MR. HAINES: Right.

32 MS. WRIGHT: I do want to emphasize or just re-emphasize one part of the Staff recommendation, which
33 is this is an unusual lot. The other houses that -- Victorians that have been built, you know all sort of do follow a
34 certain pattern. But this lot is encircled on three sides by non-Victorians. And it only has those Victorians on one
35 side.

36 On the other three sides, as I think you were hearing testimony, you're seeing houses that range in size from
37 600 to 800 square feet. Now, I haven't gone out and taken a tape measure, but just eye-balling them, they're small
38 houses. So, this is a property where you have -- it's like an interlocking puzzle almost and this is the part of the
39 puzzle that fits in. All the other parts to the right are maybe 1100 to 1300 square feet, but the other three sides are
40 600 to 800 square feet.

1 And so I think in our Staff recommendation we were really saying that 1000 maximum was important in
2 terms of making that transition from the bigger houses to the much, much smaller houses. Certainly, lowering the
3 height is important as well, but basic amount of volume and square footage is also important. Just reiterate that.

4 MS. FOTHERGILL: Commissioner Alderson, in Circle 8 -- again the previous staff report, no. 8, it does
5 show sort of the rhythm of the block. That is the previous submission so it's actually --

6 MS. ALDERSON: Which circle is it?

7 MS. FOTHERGILL: Circle 8.

8 MR. FULLER: And Circle 24 there's a photograph of the --

9 MS. ALDERSON: These are footprint boundaries --

10 MS. WRIGHT: Again, if you're looking at Circle 8, unfortunately it doesn't have the whole footprint of all
11 the buildings, but it does have the Victorians. What it doesn't show are the buildings on those empty lots that are to
12 the left of this lot or to the above it or across the -- street called Oak Street. And all three of those sides are very
13 moderate to small size houses.

14 They -- so, again, I think we're focusing a lot on the Victorians that are along -- that are on that court. We
15 aren't really focusing on the ones that surround all three sides of this lot, and those house are, again, I would estimate
16 600 to 800 square foot.

17 MS. O'MALLEY: Yeah, and I think in this case it's not the streetscape that we're looking at. We're
18 looking at the overall --

19 MR. FULLER: Circle 23 and 24 on the old report, we basically get the photographs looking back into
20 some of the smaller houses.

21 MS. WRIGHT: And, again, that was just why Staff felt, you know, pretty strongly about the
22 recommendation -- and it seemed to be the guidance this Commission was giving at the previous meeting that you
23 were looking for about 1000 square feet or less; something that would appear to be essentially one-and-a-half or
24 cottage-type design. I think they got -- they're moving towards that one-and-a-half story cottage, but the footprint is
25 still bigger than at least Staff was hearing the Commission talk about.

26 MR. FULLER: I'd also have to say that I believe that the height has come down more than I expected it to,
27 and to me, when you're looking at massing, you have to look at both height and size and the 1200 I think really is - I
28 think 1260 I think this first floor number is probably the correct number, is maybe a little bit bigger. I'm not so sure
29 with the height, do I feel that it needs to get all the way down to the 1000. That's why I was wondering if we could
30 work towards something that identified a certain amount -- because to me the most objectionable part of this house
31 is probably the length of it. The front face of the house doesn't really bother me because most people aren't going to
32 drive past the front of it and it really seems to maintain the rhythm the way it is right now -- rhythm that's
33 established. The side elevation in particular as it faces the side houses is kind of long.

34 MS. WATKINS: I would agree. I think that the right side elevation is very long and I think part of the
35 elevation is very successful; the front part, but that extension in the back seems that -- if you reduce that in length
36 and perhaps move some of that function to the lower level, you could -- that may get your square footage down and I
37 think give you more of a cottage look from the side as well.

38 MS. WRIGHT: I think a basic question, because there are certainly a number of ways the house could be
39 redesigned to meet some of the goals we're talking about, is if the applicant is open to making another effort at
40 redesign or if he simply wants us to take action on this current design. You know, do you feel like you've given
41 your best shot at what you want to build on this site, or are you open to looking at some additional design issues?

1 MR. HAINES: Well, I'm open to it, but I think, once again, it seems to be somewhat of a moving target, so
2 it's kind of hard to shoot it when it's kind of changing. So, you know we went from 11 down to 1000 --

3 MS. ALDERSON: Well, we're not down to 11 yet. My concern is we're not down to 11 yet. That part of
4 the target hasn't moved.

5 MR. HAINES: So, are we doing 1100 or are we doing 1000?

6 MS. WILLIAMS: Our target would be 1000. If you come in with something that's, you know, 1100, but
7 perceptively more like a thousand or less, then you know we might be amenable to it. But I think you should shoot
8 for 1000 square feet, as recommended by the Staff.

9 MS. O'MALLEY: I think the difficulty is that on three sides you have smaller houses.

10 MR. HAINES: Right.

11 MS. WRIGHT: So that -- would you want to continue this one more time, try one more design, or do you
12 want the Commission to take some action? And I can't tell what the action would be actually, given that different
13 people have said different things. I don't -- I'm not telling you what the vote would be. Do you want to try to do a --
14 one more effort at design or do you want to just get a vote and decide where to go from there?

15 MS. ALDERSON: Can we just add a nuance to that -- and thank you for reminding me about that
16 connection, which is an unusual unconventional connection between the lots, because there's no street there, and I'm
17 used to thinking of streets. That's my historic district.

18 That is a long facade to look at from the perspective of the diminutive buildings there. I would like to ask
19 specifically about your willingness to consider reducing the footprint specifically with relation to that long facade to
20 bring that more within a range that will blend.

21 MR. HAINES: Okay. I guess I'll wait. Continue one more time.

22 MS. O'MALLEY: That would be great. You can continue and come back again. I would also ask to see a
23 tree plan would you bring it --

24 MR. HAINES: When you say a tree plan, do you want me to make it meeting the recommendations or --
25 because right now we currently have an existing tree save plan, which is if you look at the site plan. You know, the
26 forester wanted me to do --

27 MS. WRIGHT: I think what they're really looking for is they would like to know if you're going to plant
28 10 new trees --

29 MR. HAINES: Where would I put them?

30 MS. WRIGHT: -- where exactly would you put them, what kind of trees would they be, could you do
31 larger than two-inch caliper -- I think there are some Commissioners who are interested in that. You know, can you
32 put together a proposal that literally shows where the 10 trees would be planted.

33 And the other thing, I know the widening of the driveway is an issue. Maybe that's something we can sit
34 down and talk with you and DPWT staff about.

35 MR. HAINES: I think that would be very helpful. I went back to him and more or less begged and
36 pleaded --

37 MS. WRIGHT: Right.

38 MR. HAINES: -- and I think as far as he was concerned, he said no, not worried about it. I tried to go back
39 and look at what the planning with the Zoning Board whenever they subdivided it. There's no mention of the
40 driveway shouldn't be widened, but DPW could care less what those guys say.

41 MS. WRIGHT: Well, maybe that scenario where we could, you know, help you intercede a little bit and
42 see if we could help you convince them that it should be widened.

1 MR. HAINES: All right. Because I know -- you know, Joe Chung's the boss over there and he may be a
2 little more agreeable to it whereas the guy I was dealing with was not even --

3 MS. WRIGHT: Yeah. Well, we've talked with Mr. Chung on other issues, so maybe we can - maybe we
4 can help on that in terms of the widening of the driveway.

5 MS. ANAHTAR: I have a question. Your neighbors are concerned about your construction vehicles
6 blocking the street. How are you going to deal with that?

7 MR. HAINES: Well, they won't be blocking the street -- I don't want to get arrested. I don't want to --

8 MS. ANAHTAR: -- space -- plans?

9 MR. HAINES: No, but what I'll tell you is, is that I mean there will be times when large trucks back in
10 there and, you know, they will not be blocking -- I think Mr. -- Steve there had a bad experience with the builder
11 with the builder previously that built the other two houses. But, you know, if you look at my site plan, I have quite a
12 bit of room in front of my house and, you know, that's what I'm going to utilize for parking, quite frankly.

13 So, I mean there may be an occasion where -- I was -- I talked to some of them before. You know,
14 obviously construction is construction. There are guys that will do things. You know, I can put up a sign and some
15 idiot will try to park there. And, you know, I'm going to have somebody there to make sure that doesn't happen. If
16 not, he'll get a ticket.

17 MS. ALDERSON: One more driveway question -- oh sorry, did I interrupt?

18 MS. ANAHTAR: Go ahead.

19 MS. ALDERSON: In addition to the possibility of considering narrowing your driveway, plus working
20 with Zoning -- and that is one of the times when historic district regulation can really help you. You can work better
21 deals sometimes. I did myself on my front yard -- a great deal.

22 But, I would like to suggest that if there is unwillingness to narrow the driveway, the possibility of
23 considering an alternative that the driveway construction might be porous lattice-type concrete material that allows
24 for rainwater to go through, but is not actually a solid concrete.

25 MR. FULLER: If the County's not willing to accept the width, they're certainly not going to be willing to
26 accept the paving material.

27 MR. HAINES: They may and we can run it by them, but they're -- you know, right now they're just being
28 jerks about it. You know, I've tried every tack I could with them and I was basically going to try to get all these
29 folks here to help me move it forward after I -- but I think that coming from the historic commission, it could be a
30 lot more likely to carry some impact.

31 MS. O'MALLEY: Commissioner Burstyn, did you
32 have --

33 MR. BURSTYN: Yeah, the only -- the comment that I had is that we also need to keep in mind that the
34 Planning Board obviously created this lot and contemplated that a house was going to be built there. And in trying
35 to come up with a compatible design, I believe it has to be compatible and fit in with the neighborhood. And if you
36 have some smaller older homes that are already there, then you have the row of new homes that are already there, I
37 would hate to have a design that kind of doesn't mesh with anything and kind of stands out as an aberration. It
38 seems to me that there should be some type of continuity with something here. So, I think -- I mean, we're talking
39 about size and massing, but it still has to fit in.

40 MR. HAINES: The only thing I can say with that is that I actually -- you know, the Staff recommended
41 that I go check out a couple houses on Capitol View. This house is the exact same house as those houses on Capitol
42 View.

MS. WRIGHT: I think Staff feels at least the architecture that's being proposed, which is, you know, trying to move towards one-and-a-half story more bungalow-type structure is a good direction to go. Architecturally, that that's good. It certainly isn't going to look like one of the original old bungalows because it's going to be bigger. And it isn't going to look like the Victorians that have already been built, but I think the general architecture will fit in with the character of the neighborhood.

MS. WILLIAMS: I think architecturally the applicants have followed our guidance on that in terms of, you know, the stylistic direction they took and I think it is compatible with the historic resources in the historic district. So, I -- I think the bigger issue is the size.

MS. O'MALLEY: And I guess when I was referring to the tree plan, often when we see a tree plan, it shows all the trees on the property and then which ones will be removed and --

MR. HAINES: Okay. Actually, one site plan does show that, but I'll make sure -- what I'll do is I'll get you a blank one that doesn't show the house but does show the existing trees --

MR. FULLER: I think it's as much the proposed trees -- it's the ones you're planting.

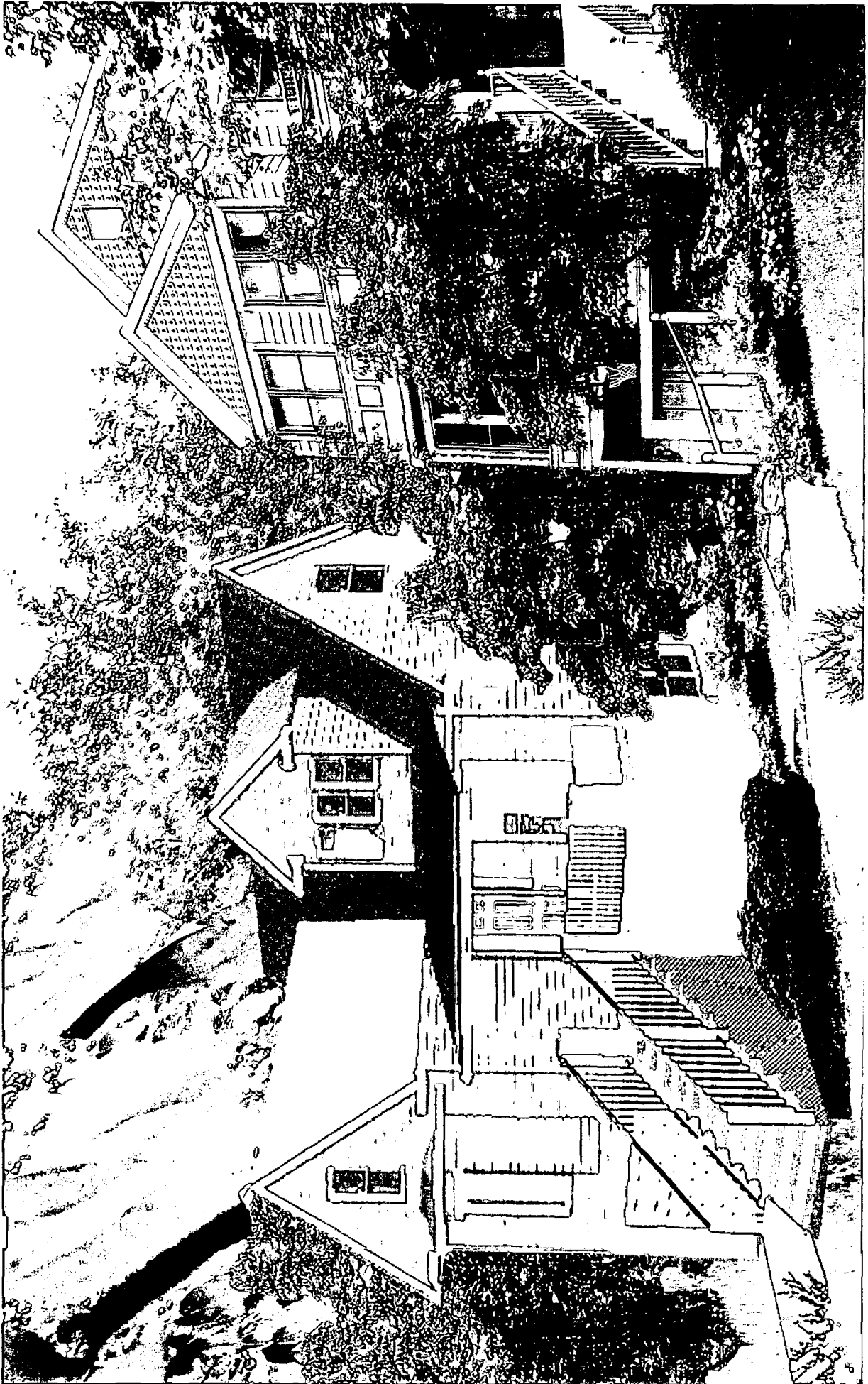
MS. O'MALLEY: All right.

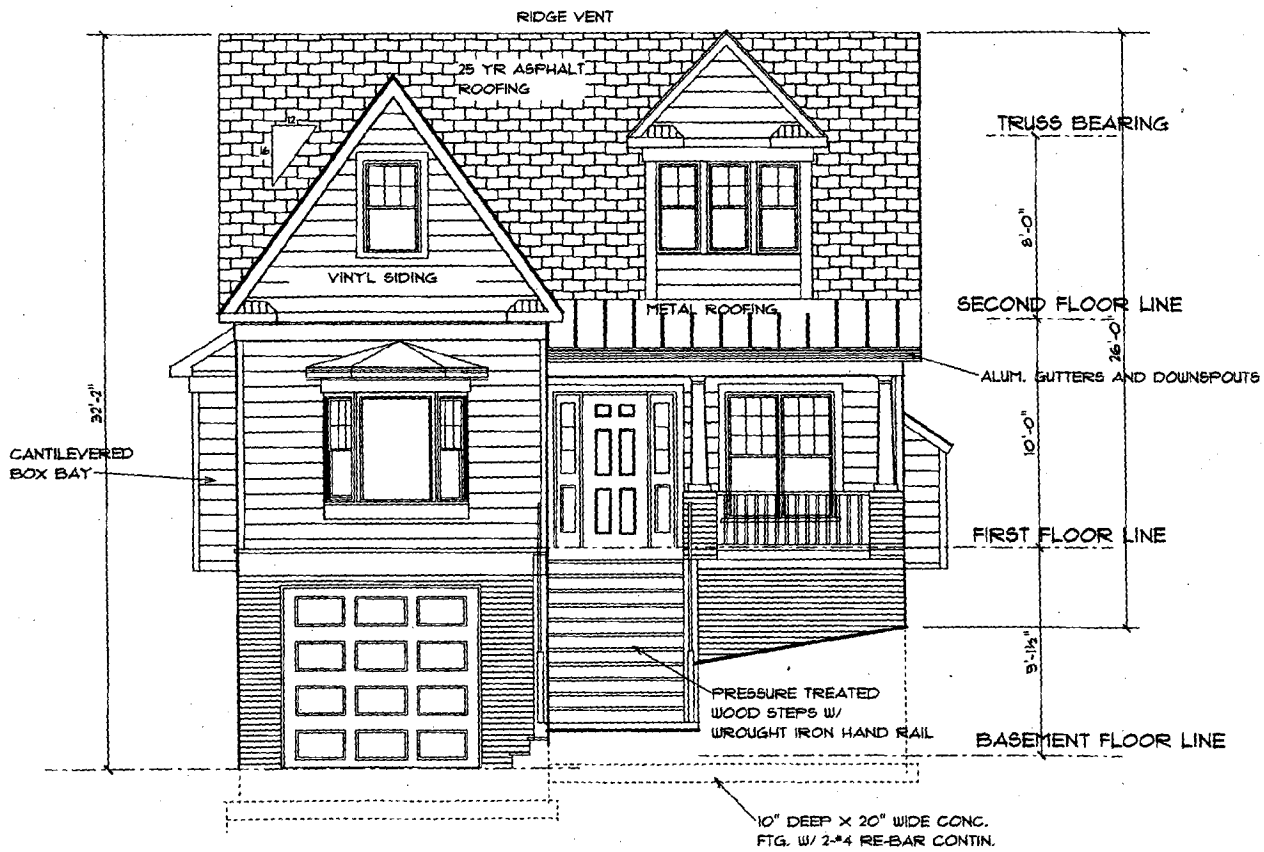
MS. WRIGHT: We will work with you to try to get some of these issues resolved and then get it back on the agenda as soon as possible, although I want to be realistic. We've al -- it will be October. We have already put out the agenda for September 22nd, so October 13th would be the very earliest that it would come forward.

MR. HAINES: Okay. I'll try to get the new plan to you probably within three or four days --

MS. O'MALLEY: All right, then we'll see you back again. Thank you for your willingness to continue to work on this.

MR. HAINES: No problem. I guess I'll have all your names memorized when we're through.

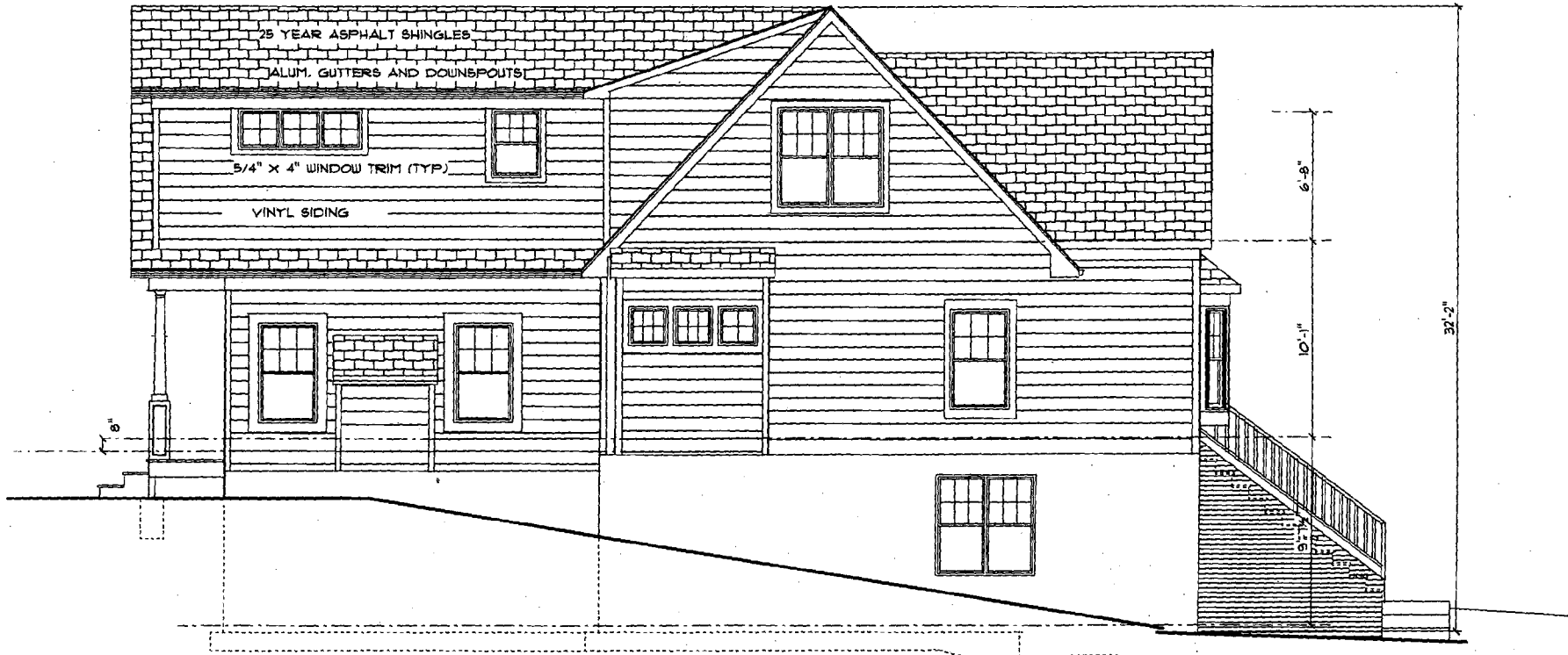




FRONT ELEVATION

SCALE: 3/16" = 1'-0"

10115 Meadowneck Court
 proposed new house

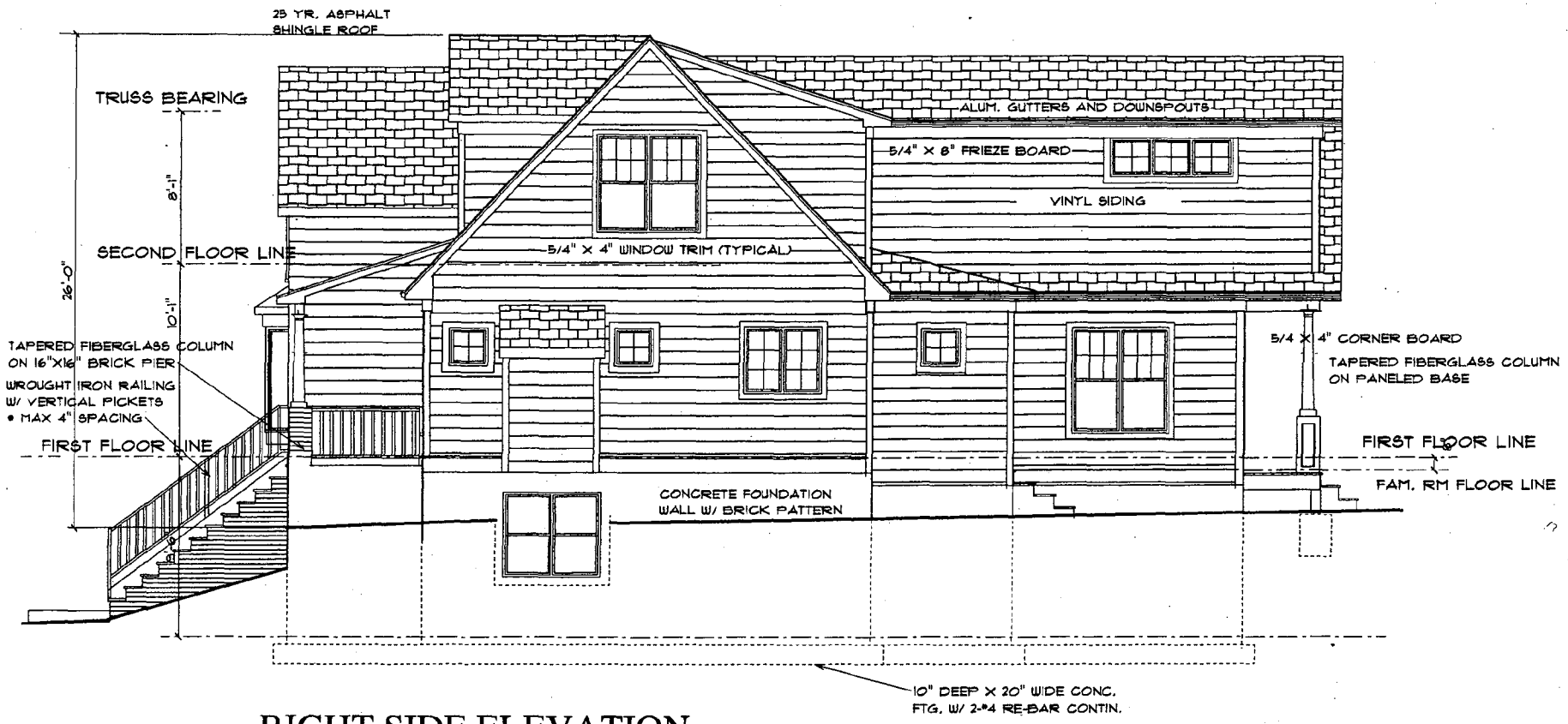


10" DEEP X 20" WIDE CONC.
 FTG. W/ 2-#4 RE-BAR CONTIN.

LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

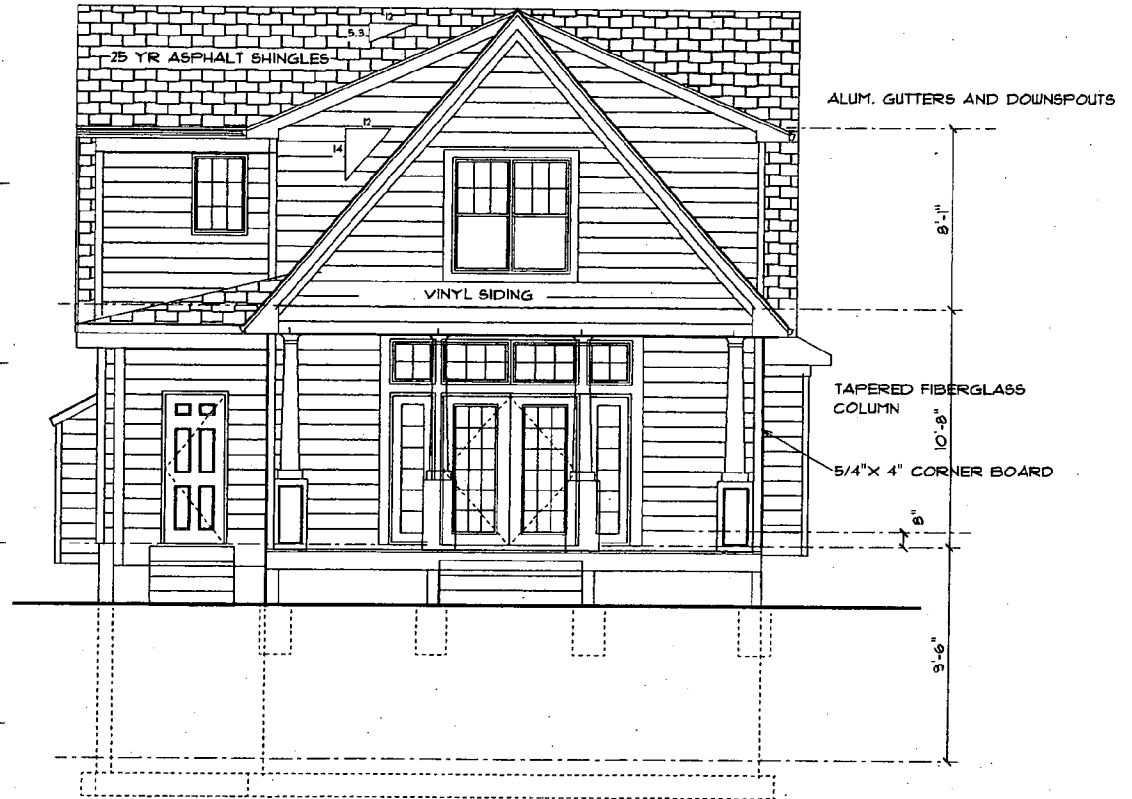
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RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

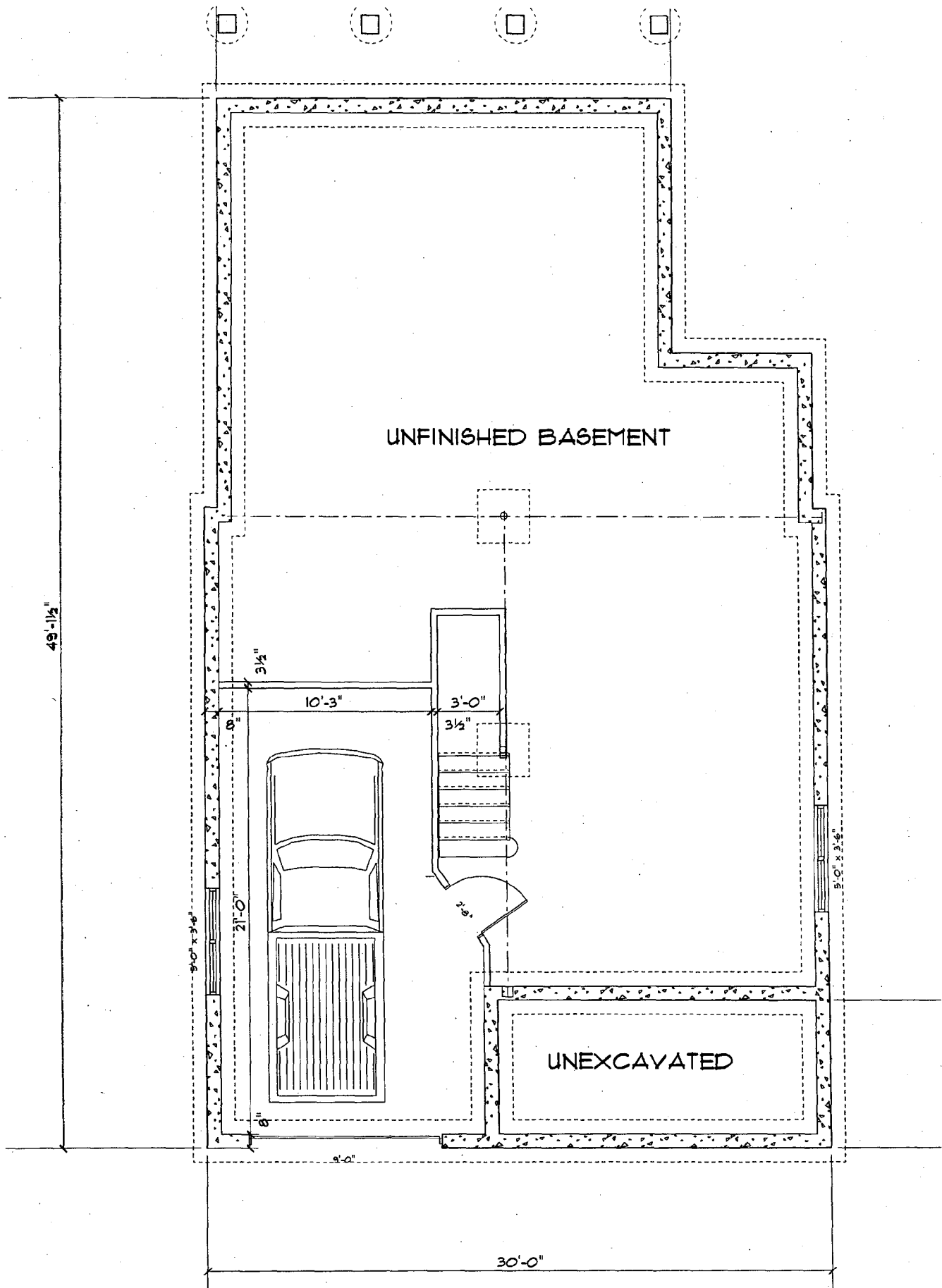
(K) (M)



REAR ELEVATION

SCALE: 3/16" = 1'-0"

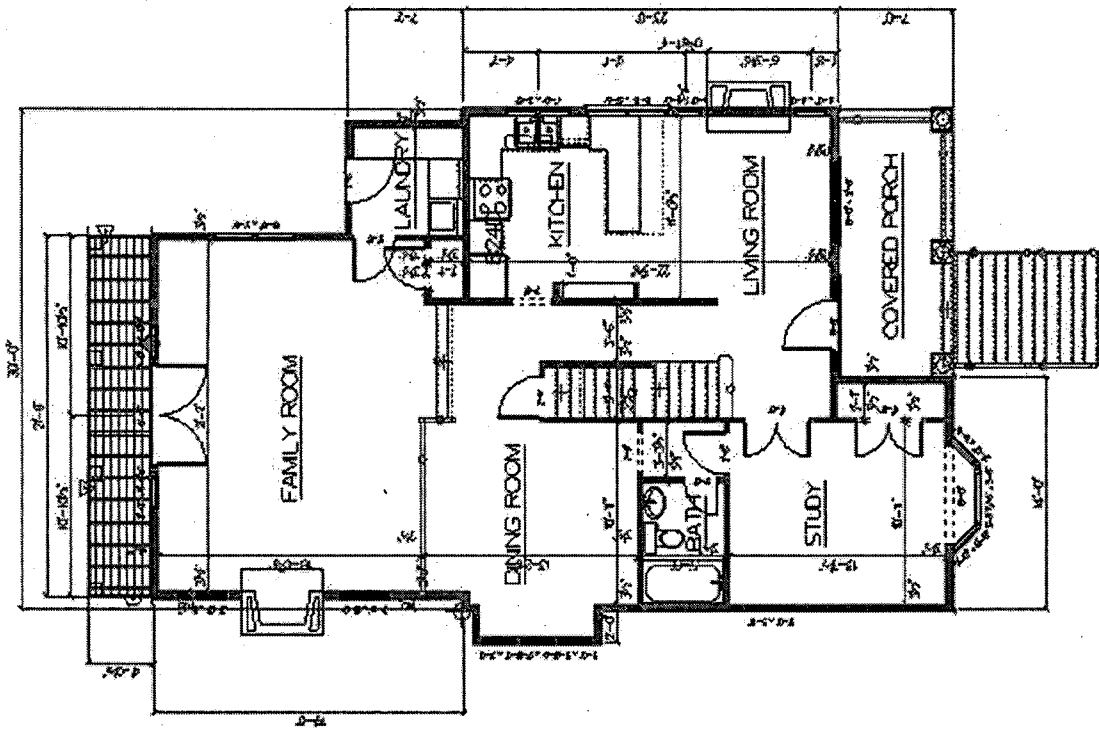
35
1



BASEMENT FLOOR PLAN - 992 SF

SCALE: 1/4" = 1'-0"

36
~~1~~

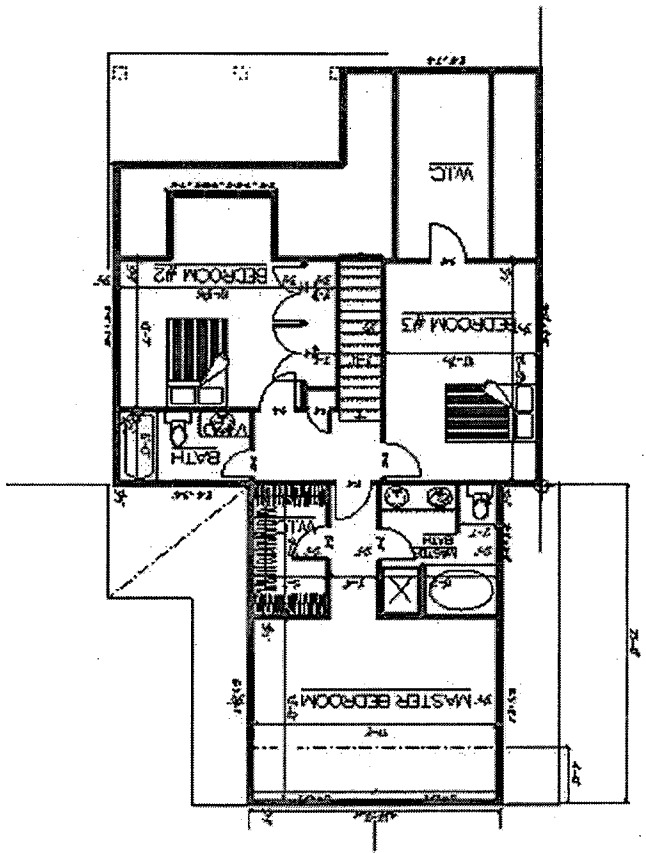


FIRST FLOOR PLAN - 1265 SF
SCALE: 1/4" = 1'-0"

37
G

38
~~11~~

SECOND FLOOR PLAN - 1106 SF



pg 2063

FAT

1-301-294-7313

Josh Haines Company

Landscape and patio design for Meadowneck Court, Silver Spring, Maryland.

Patio as shown in Pavers on stone dust: based on design rendering: 5,200.00

Optional seat wall: 2,800.00

Front yard plantings:

3	Foster Holly	6/7'	250.00	750.00	
7	Fire Power Nandina	3gal	25.00	175.00	
10	Inkberry	24/30"	30.00	300.00	
1	Crape Myrtle	6/8'	175.00	175.00	
5	Thread Leaf Cypress	24"	50.00	250.00	

Front Plantings:				1,650.00	1,550.00

Side yard screening:

15	Emerald Green Arborvitae	200.00	3,000.00		
1	Birch	8/10'	125.00	125.00	

				3,125.00	3,125.00

Back Yard Plantings:

9	Cryptomeria Jap.	5/6'	100.00	900.00	
2	Crape Myrtle	6/8'	175.00	350.00	
360	Liriope	4"	3.00	1,080.00	

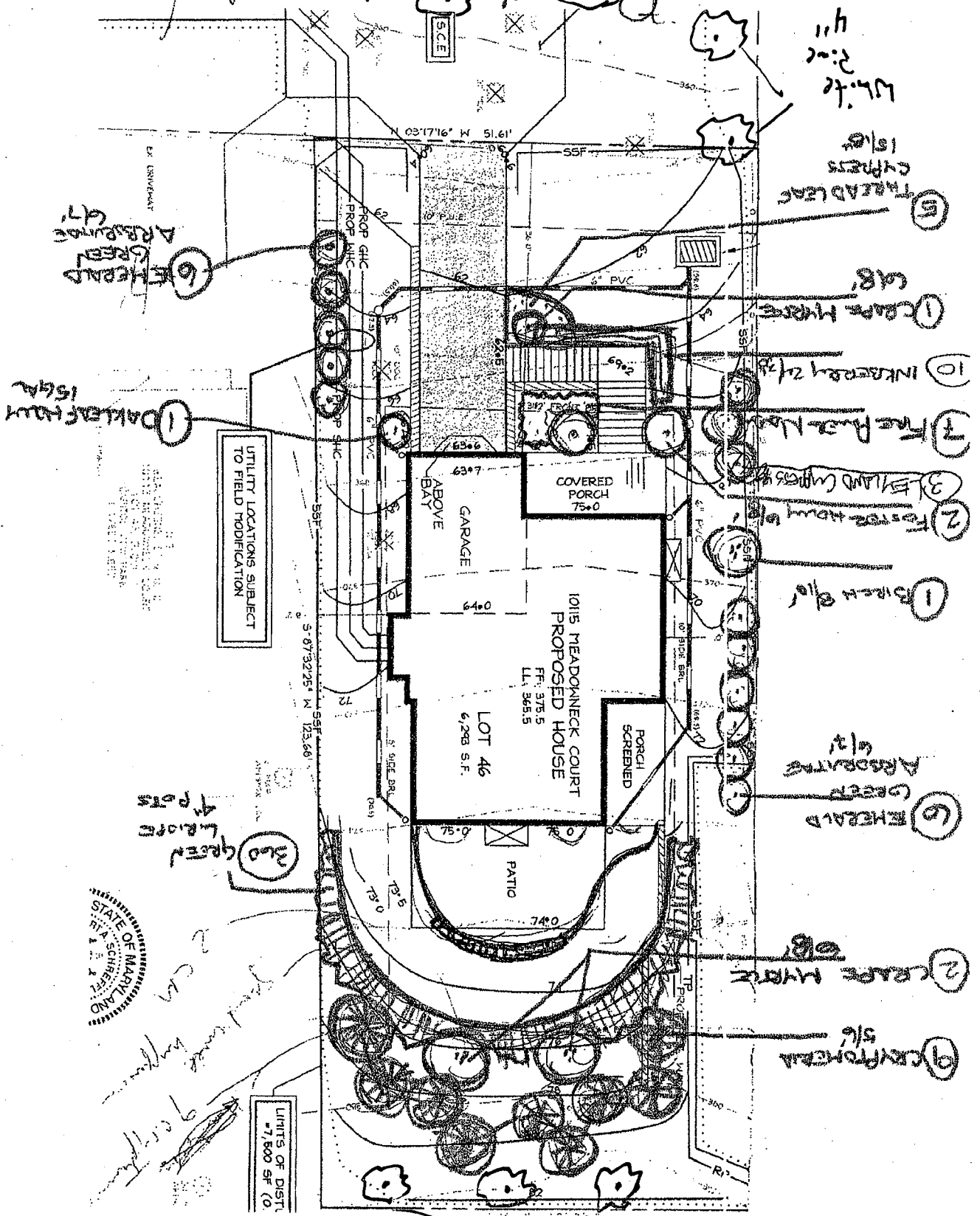
				2,330.00	2,330.00

Haines Company

C.C.B.G.

[Signature] 9/7/05

Josh Harris pg 1 of 3
4" Rd
4" W/te Pine



6 HERBARD GREEN
ARRANGED 47'
1 DARKER PINE 15 GA

5 THALIA LEAF 15 GA
4" W/te Pine
4" Rd
10 INTERMEDIATE 24 GA
7 Fine Bushes
3 Island Cypress
2 Foster Holly
1 Birch 8/10
6 HERBARD GREEN ARRANGED 6/2'
2 GRAPE HYDRANGE 8/8
9 CRYPTANTHA 5/6

UTILITY LOCATIONS SUBJECT TO FIELD MODIFICATION

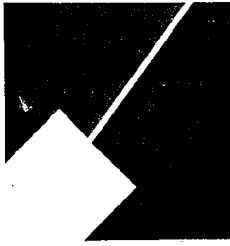
LIMITS OF DIST. 7,800 SF (0)



Handwritten notes and signatures at the bottom left of the plan.

4" W/te Pine

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

May 2, 2005

Reggie Jetter
Department of Permitting Services
255 Rockville Pike
Rockville, Maryland 20850

Re: Alterations to approved HAWP application at 10115 Meadowneck Court, Silver Spring,
Capitol View Park Historic District

Dear Mr. Jetter:

As the attached plans dictate, the homeowner is requesting a number of modifications to their approved Historic Area Work Permit (HAWP) for new construction at 10115 Meadowneck Court. These changes are:

- 1) Hardiplank siding on the house
- 2) Other changes:
 - The front porch stairs are centered for easier access to the driveway
 - Different front door
 - Narrower porch columns
 - Additional side windows on box bay window
 - Removal of some brackets from gables
 - Right side foundation level window change
 - Removal of a door from the rear elevation
 - Different transoms over doors on rear elevation

This letter is to confirm the Commission and its staff have reviewed and approved the attached modification to the design. Please use this letter as the Commission's formal approval to process a building permit for this design modification without further review by the Commission or its staff. Please note that any additional alterations or changes to the exterior of this house or its respective property must be reviewed by the HPC prior to the issuance of a Permit.

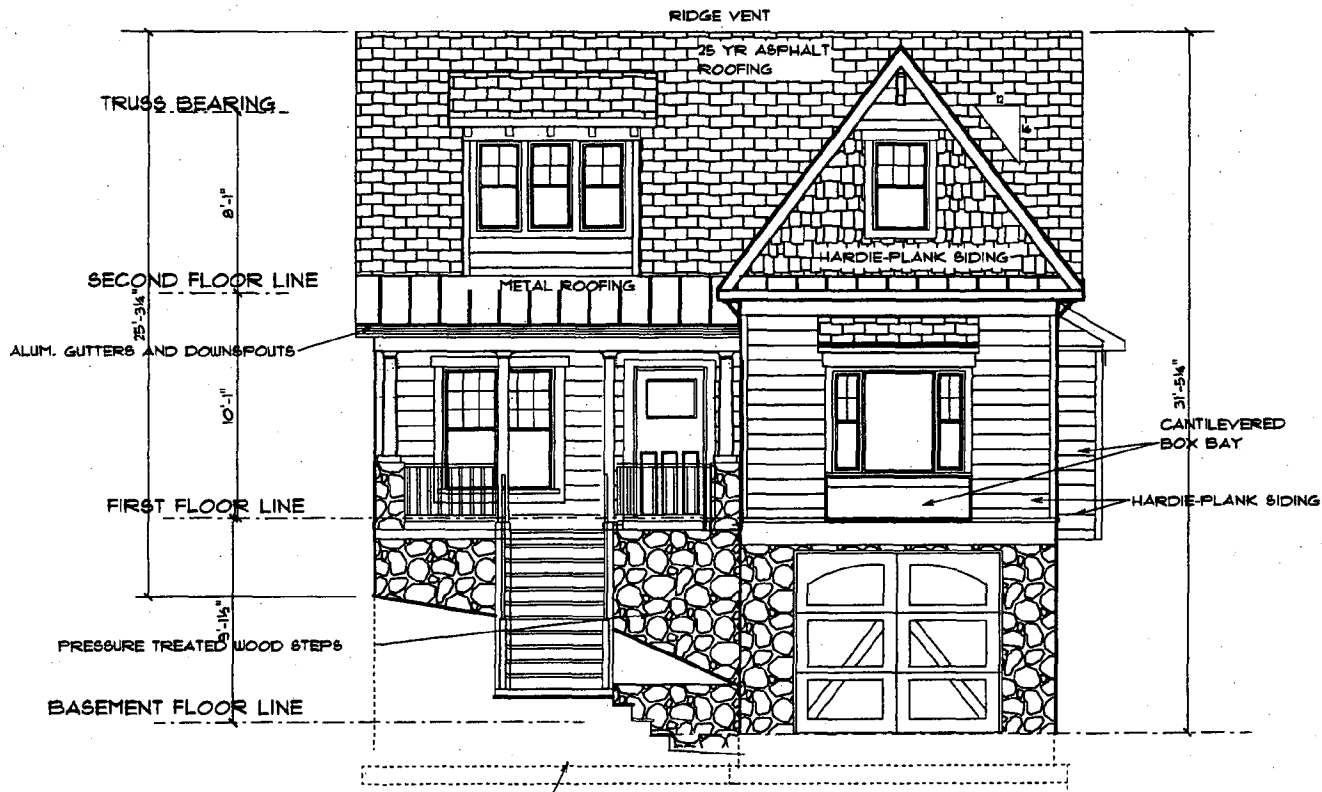
If you have any questions or concerns about this project, please do not hesitate to contact me at 301-563-3400. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Fothergill".

Anne Fothergill, Senior Planner
Historic Preservation Office

Cc: Josh Haines, Owner

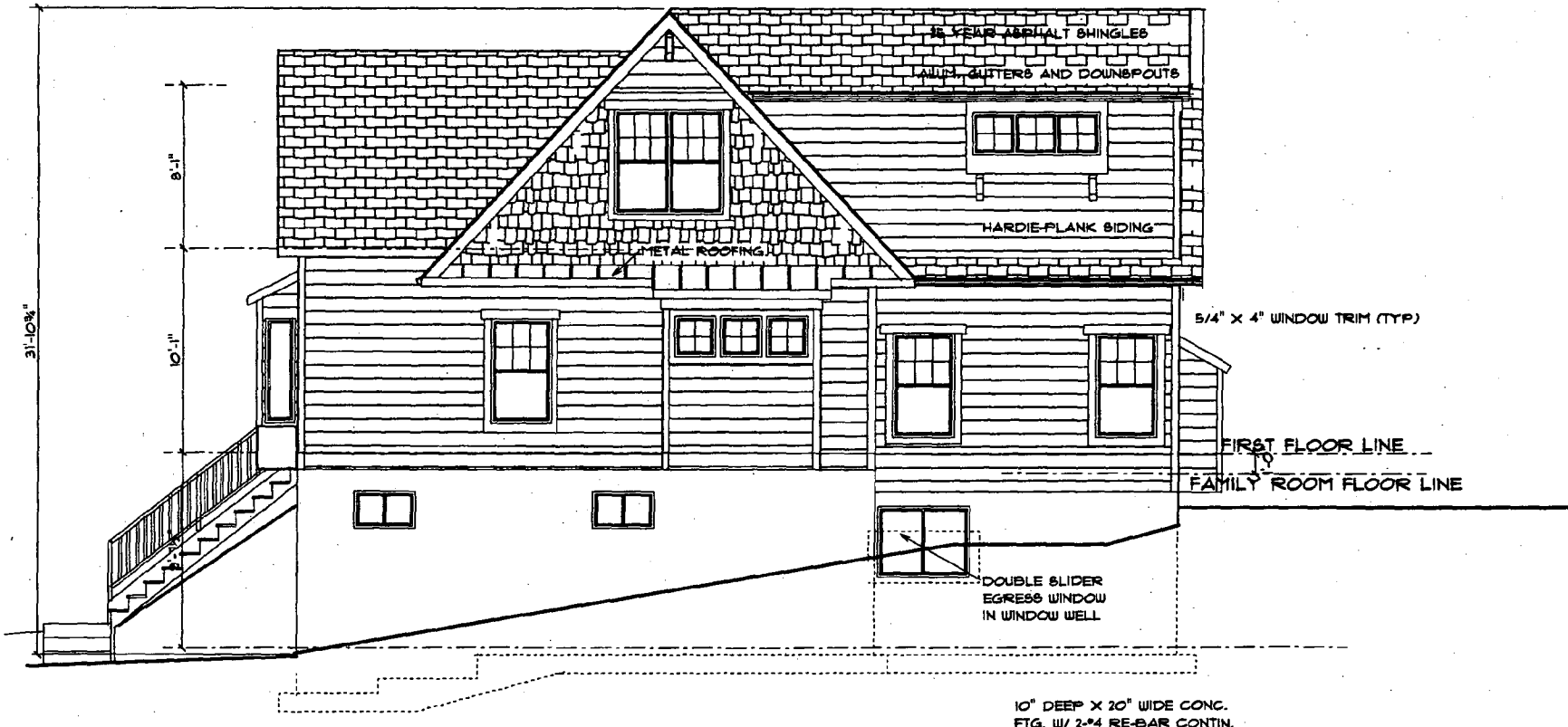


FRONT ELEVATION

10" DEEP X 20" WIDE CONC.
FTG. W/ 2-#4 RE-BAR CONTIN.

SCALE: 3/16" = 1'-0"

APPROVED
Montgomery County
Historic Preservation Commission
Julia O'Malley
5-4-08



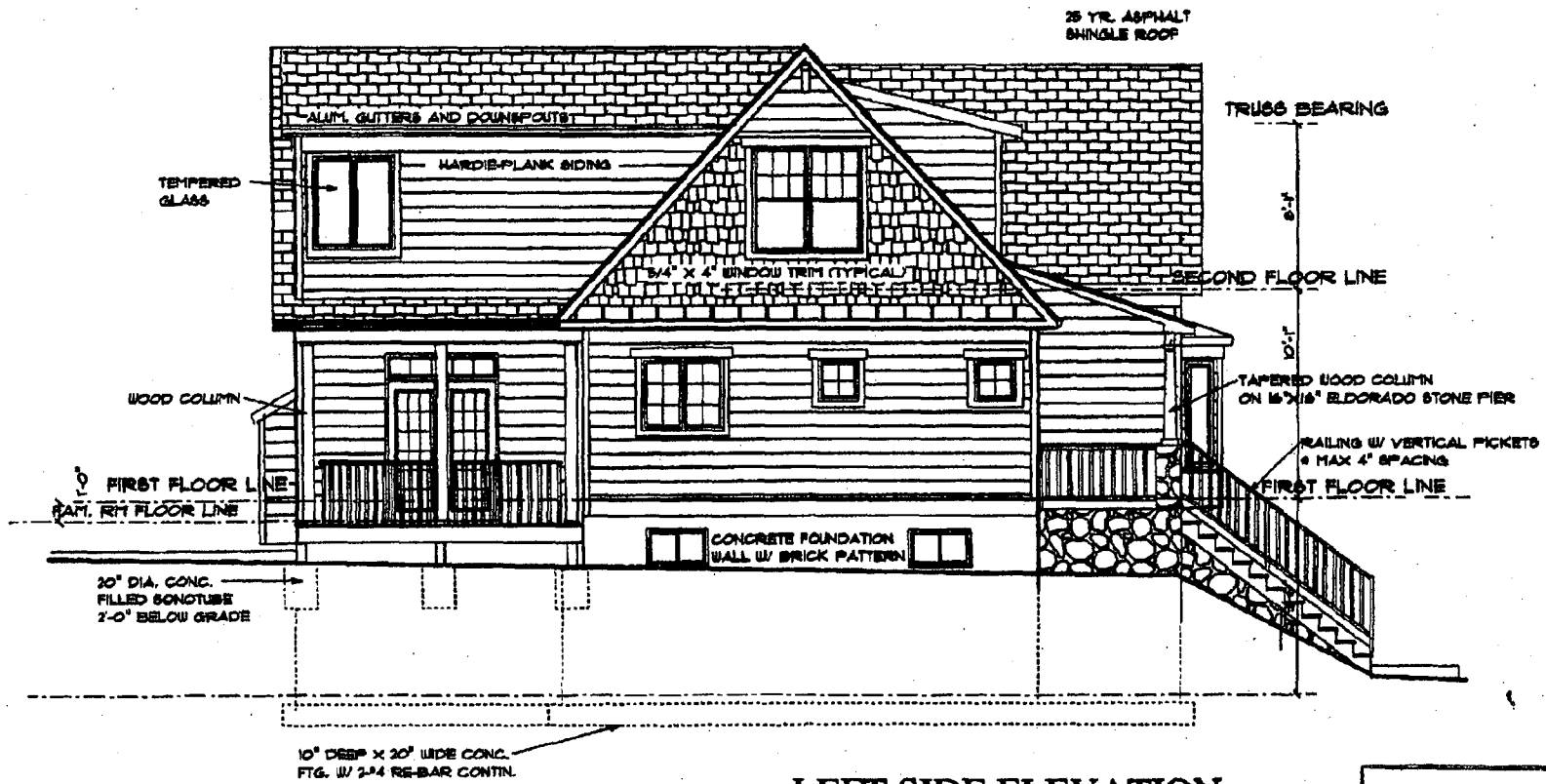
RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

APPROVED
 Montgomery County
 Historic Preservation Commission

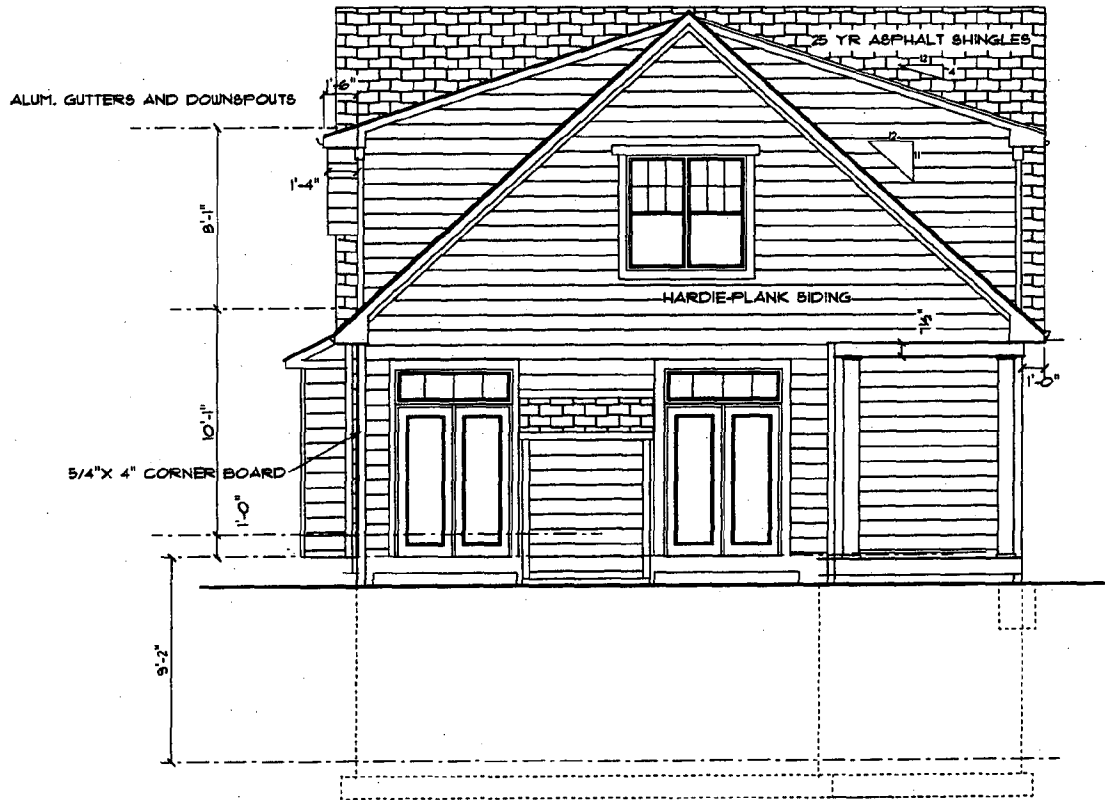
Julia O'Malley

5-1-05
 KP



LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

APPROVED
Montgomery County
Historic Preservation Commission
Julia O'Malley
5-4-05

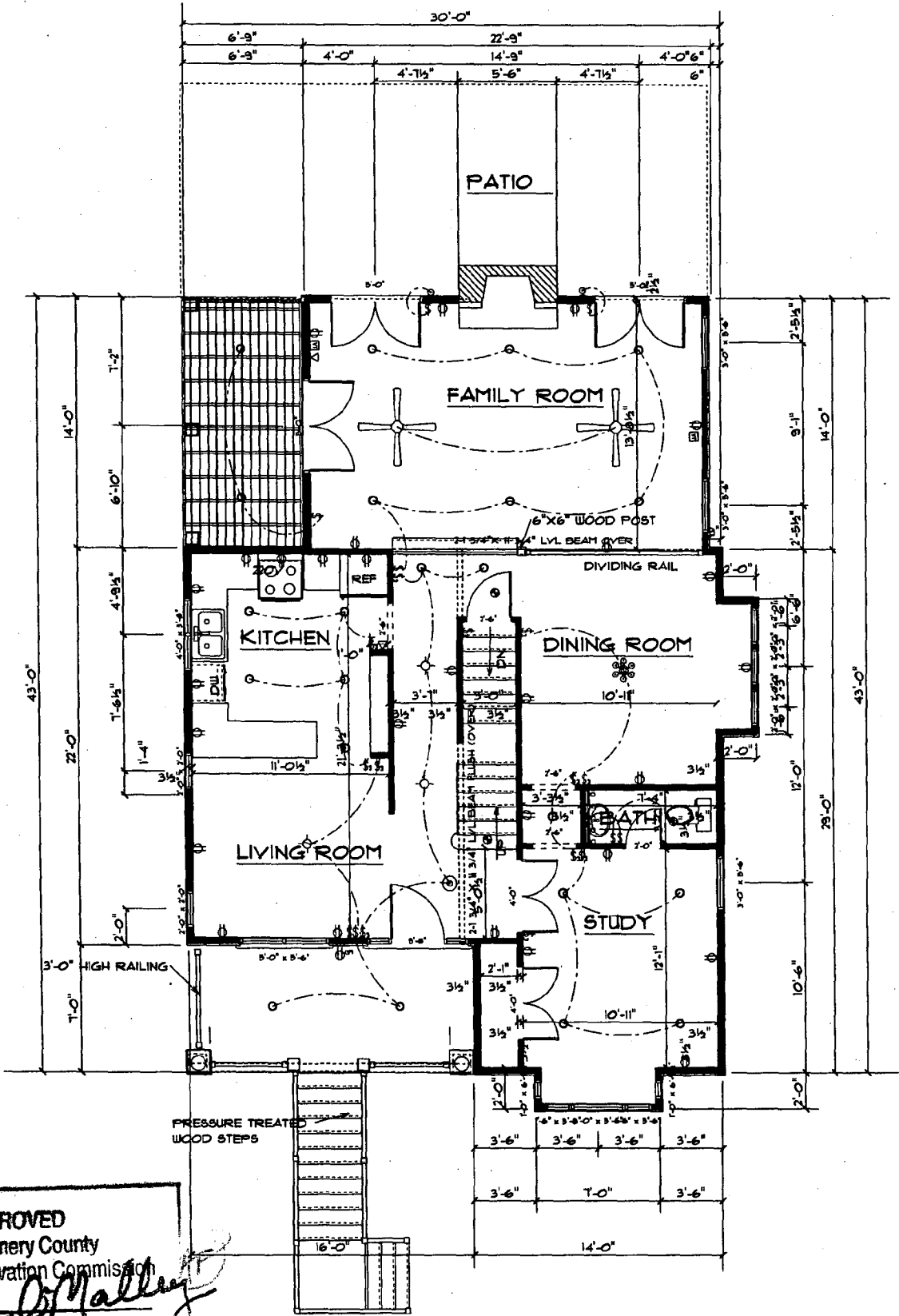


REAR ELEVATION

SCALE: 3/16" = 1'-0"

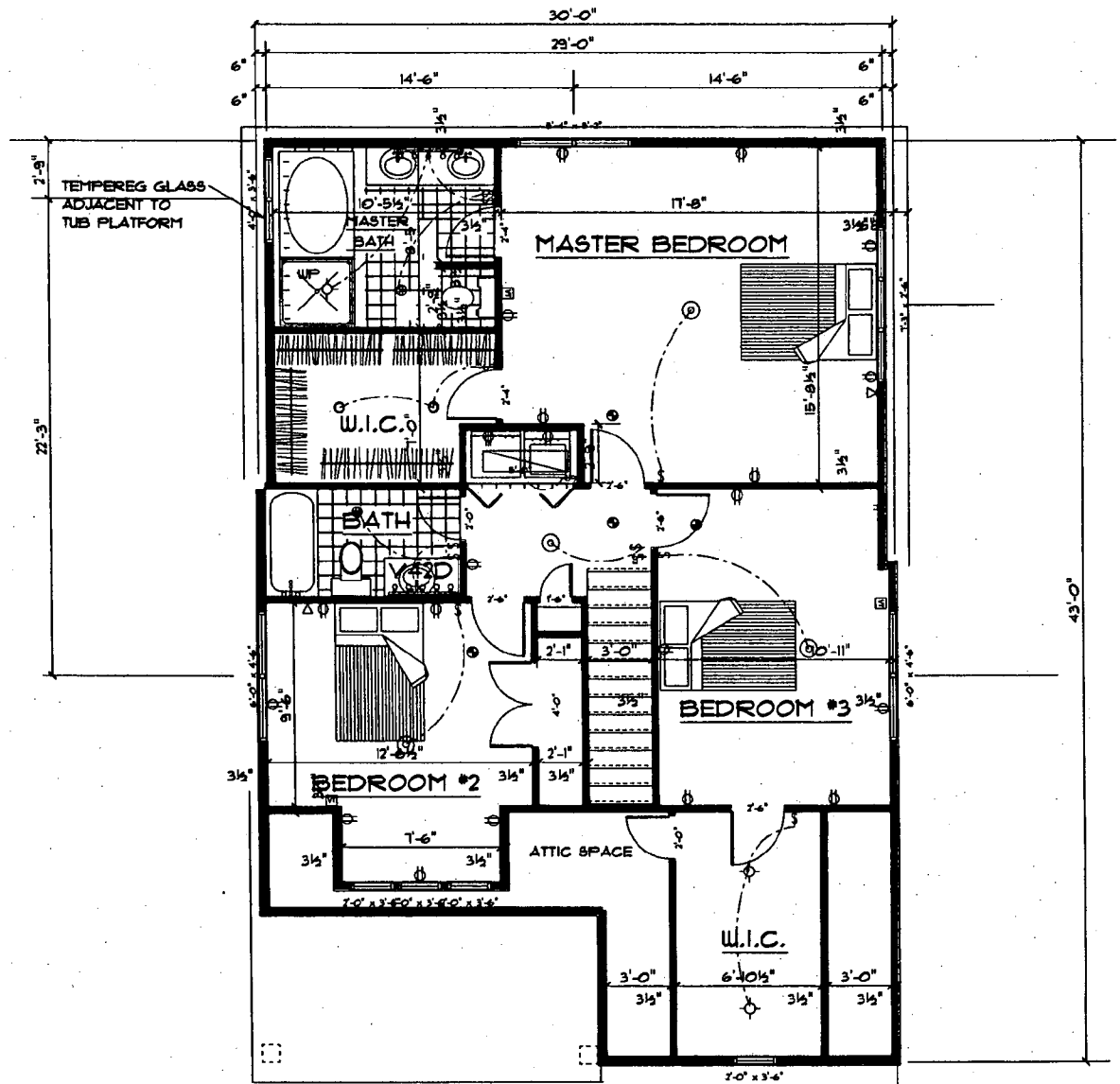
APPROVED
 Montgomery County
 Historic Preservation Commission

Julia O'Malley
 5-14-19



APPROVED
 Montgomery County
 Historic Preservation Commission
Julia O'Malley
 5-4-95

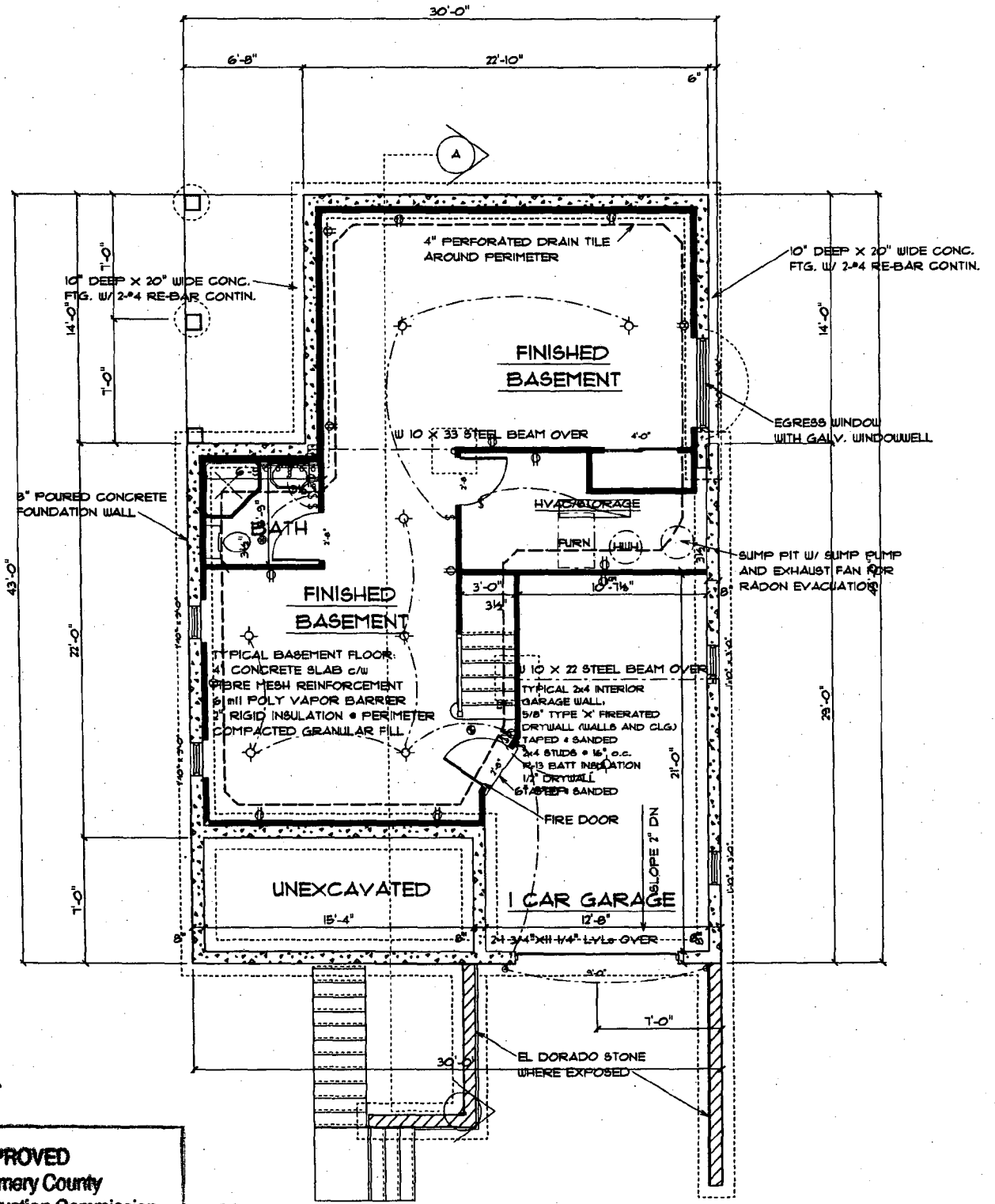
FIRST FLOOR PLAN - 1080 SF
 SCALE: 3/16" = 1'-0"



SECOND FLOOR PLAN - 1050 SF

SCALE: 1/4" = 1'-0"

APPROVED
 Montgomery County
 Historic Preservation Commission
Julia DiMally
 5-18-15



APPROVED
 Montgomery County
 Historic Preservation Commission
Julia O'Malley
 5-19-15

BASEMENT FLOOR PLAN
 SCALE: 3/16" = 1'-0"

MEMORANDUM

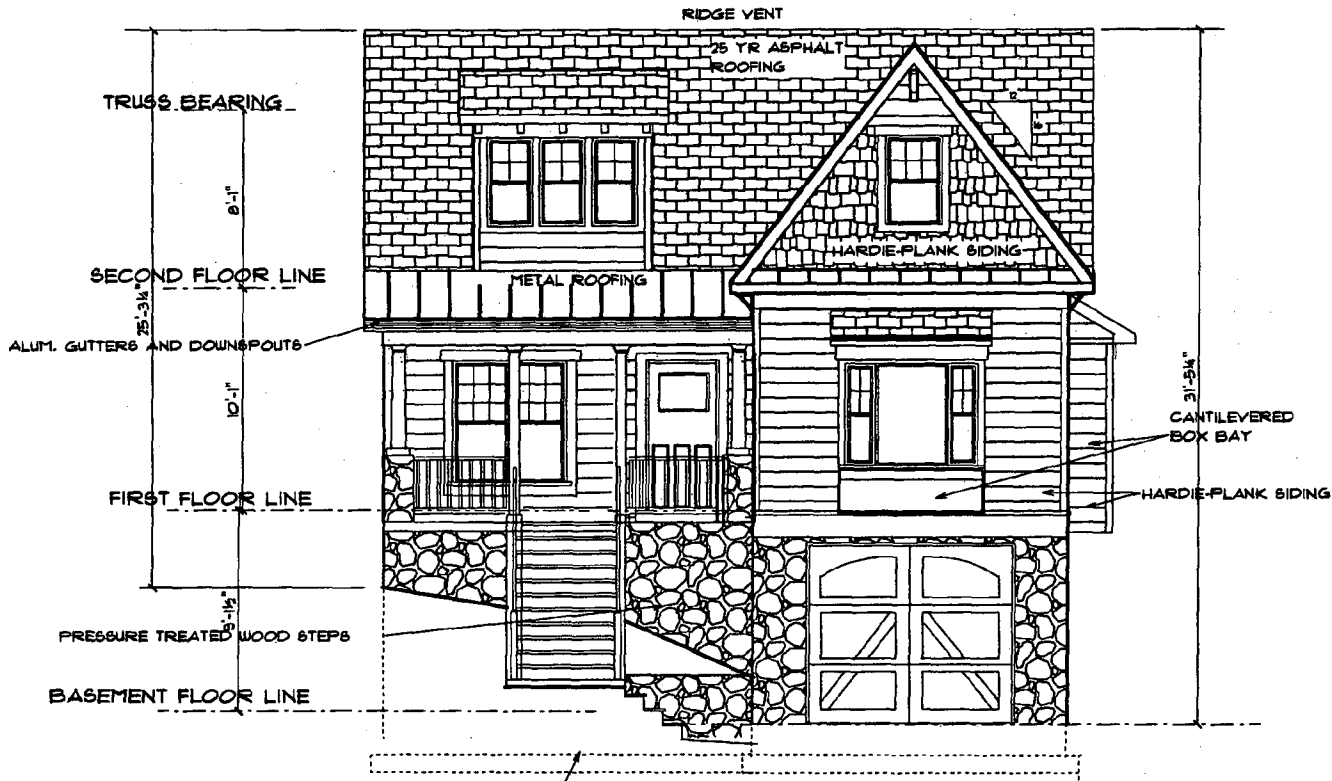
To: Historic Preservation Commissioners
From: Anne Fothergill
Date: April 27, 2005

The HPC approved a HAWP for a new house to be built at 10115 Meadowneck Court, Silver Spring (Capitol View Historic District) on October 13, 2004. The applicant, Josh Haines, would now like to make some minor design and material changes.

The proposed changes are (new elevations are attached):

- 1) The largest change is that the HPC approved vinyl siding but the applicant would like to install Hardiplank
- 2) Other changes:
 - The front porch stairs are centered for easier access to the driveway
 - Different front door
 - Narrower porch columns
 - Additional side windows on box bay window
 - Removal of some brackets from gables
 - Right side foundation level window change
 - Removal of a door from the rear elevation
 - Different transoms over doors on rear elevation

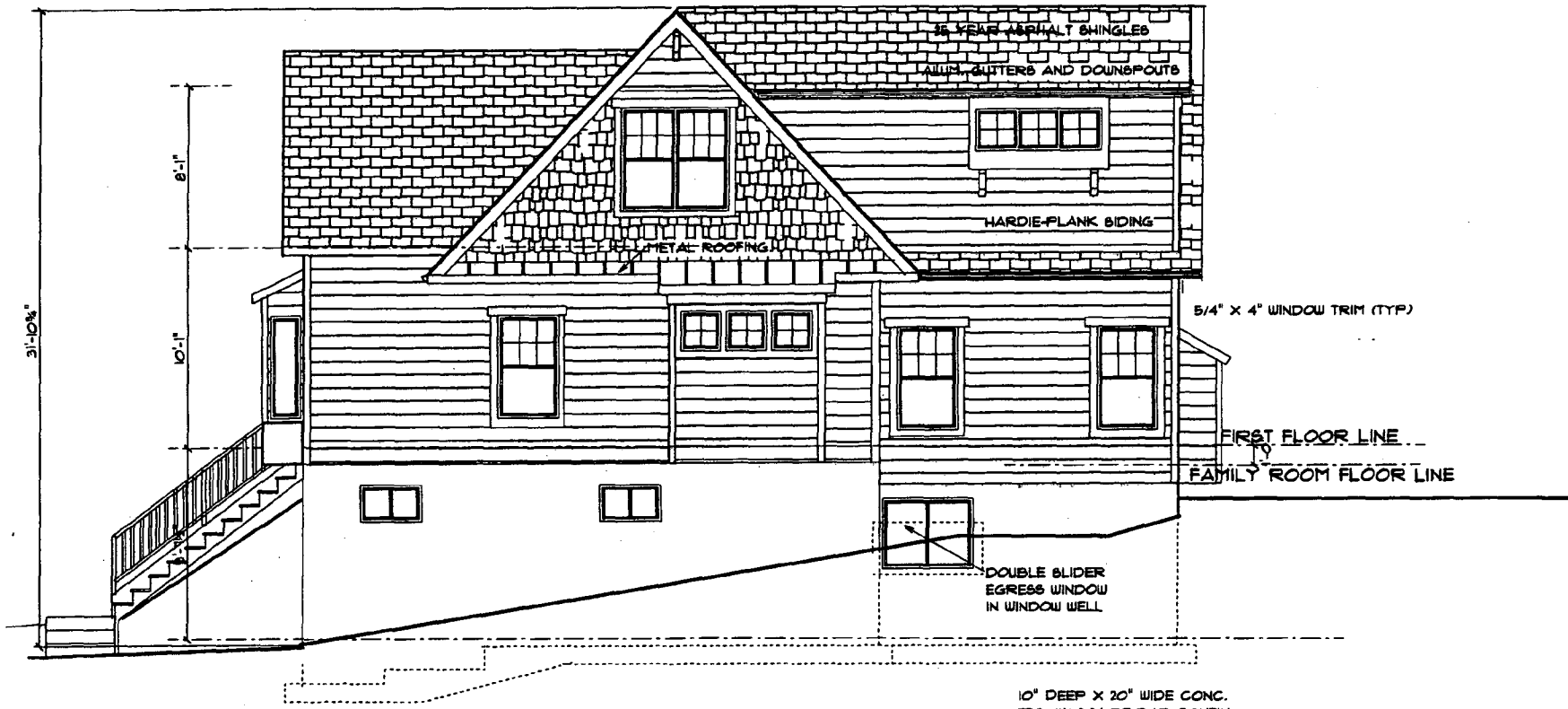
The neighbors have been made aware of these changes. Staff would like the HPC's approval for staff-level approval of these changes.



10" DEEP X 20" WIDE CONC.
 FIG. W/ 2#4 RE-BAR CONTIN.

FRONT ELEVATION

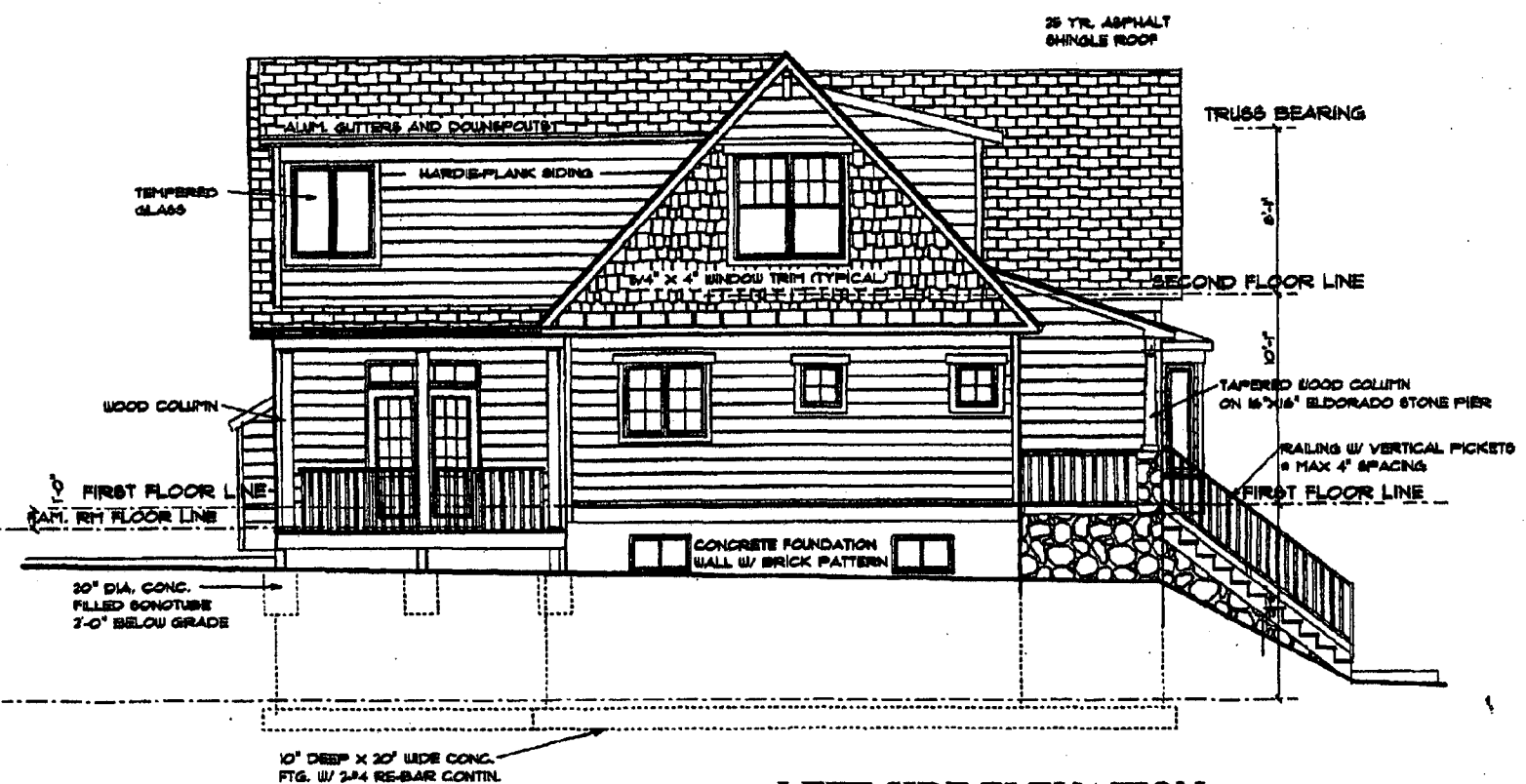
SCALE: 3/16" = 1'-0"



10" DEEP X 20" WIDE CONC.
 FTG. W/ 2-#4 RE-BAR CONTIN.

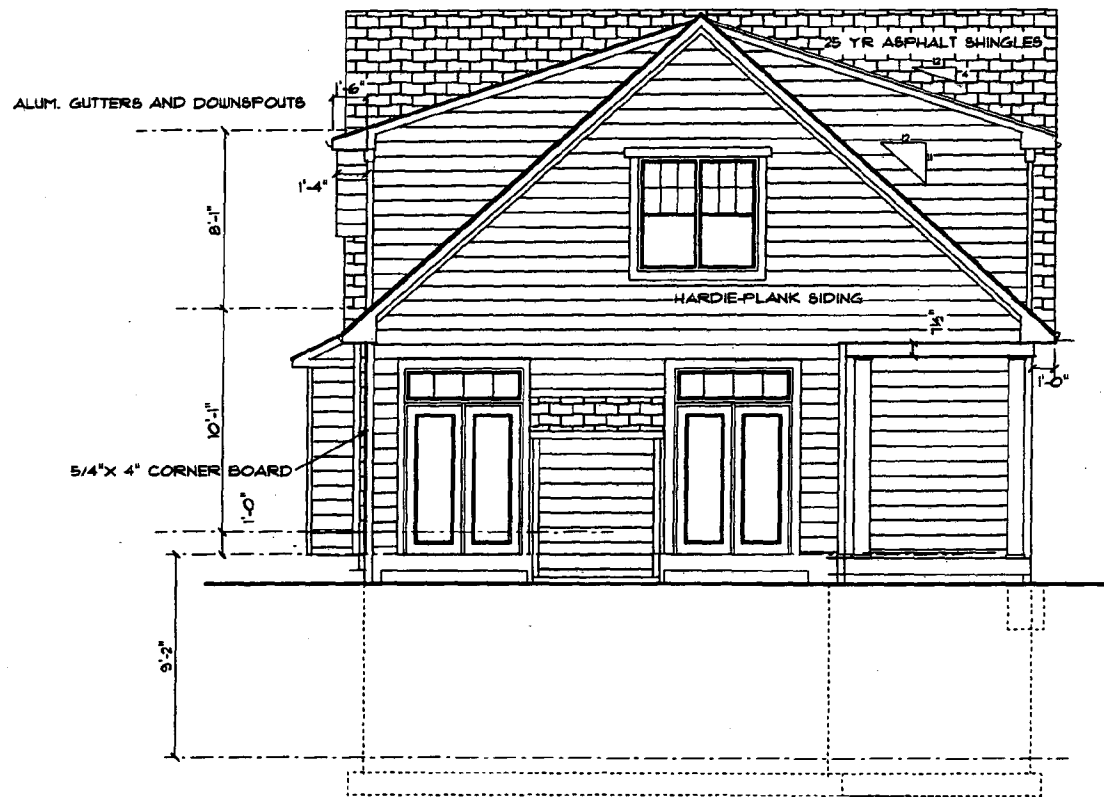
RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"



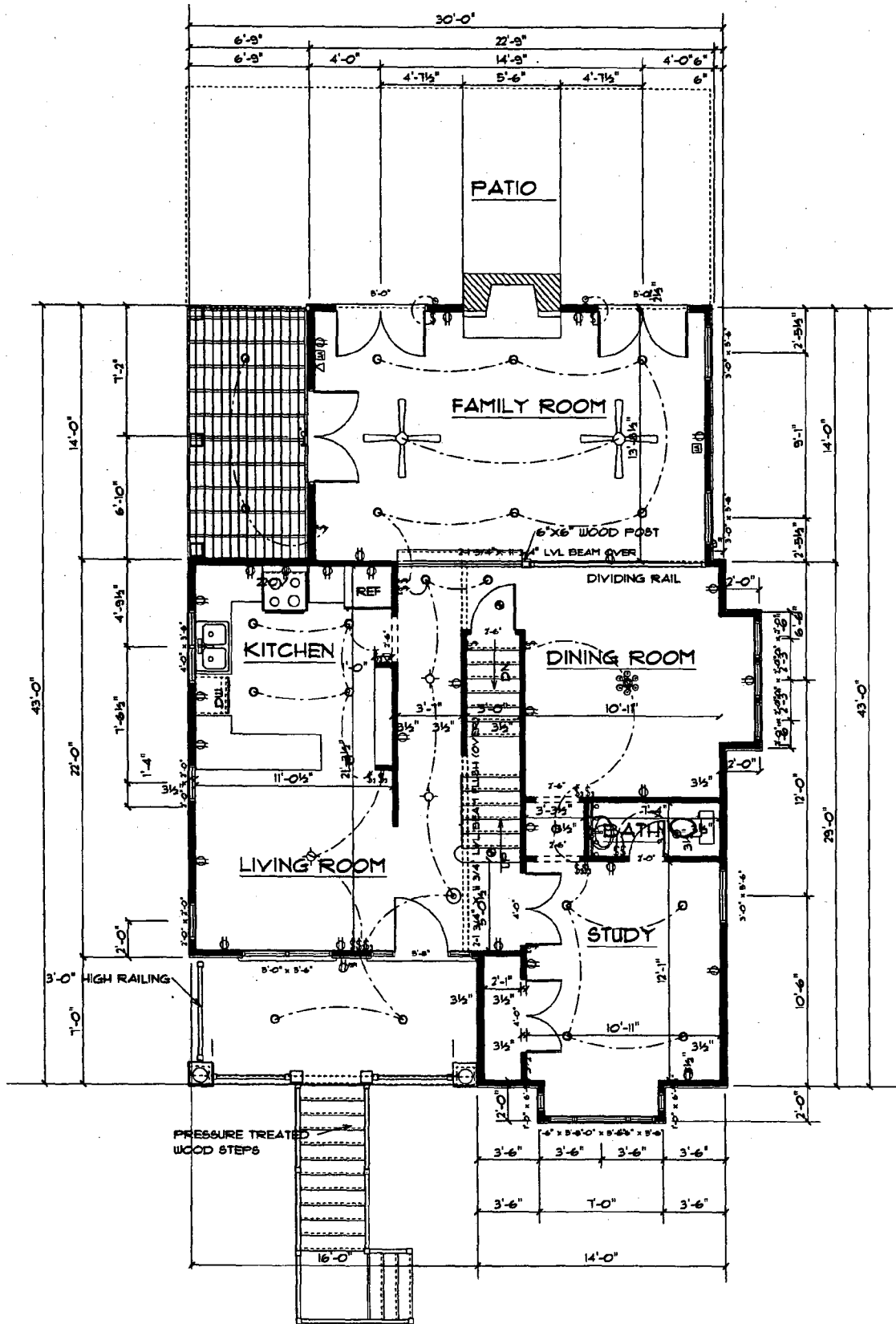
LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"



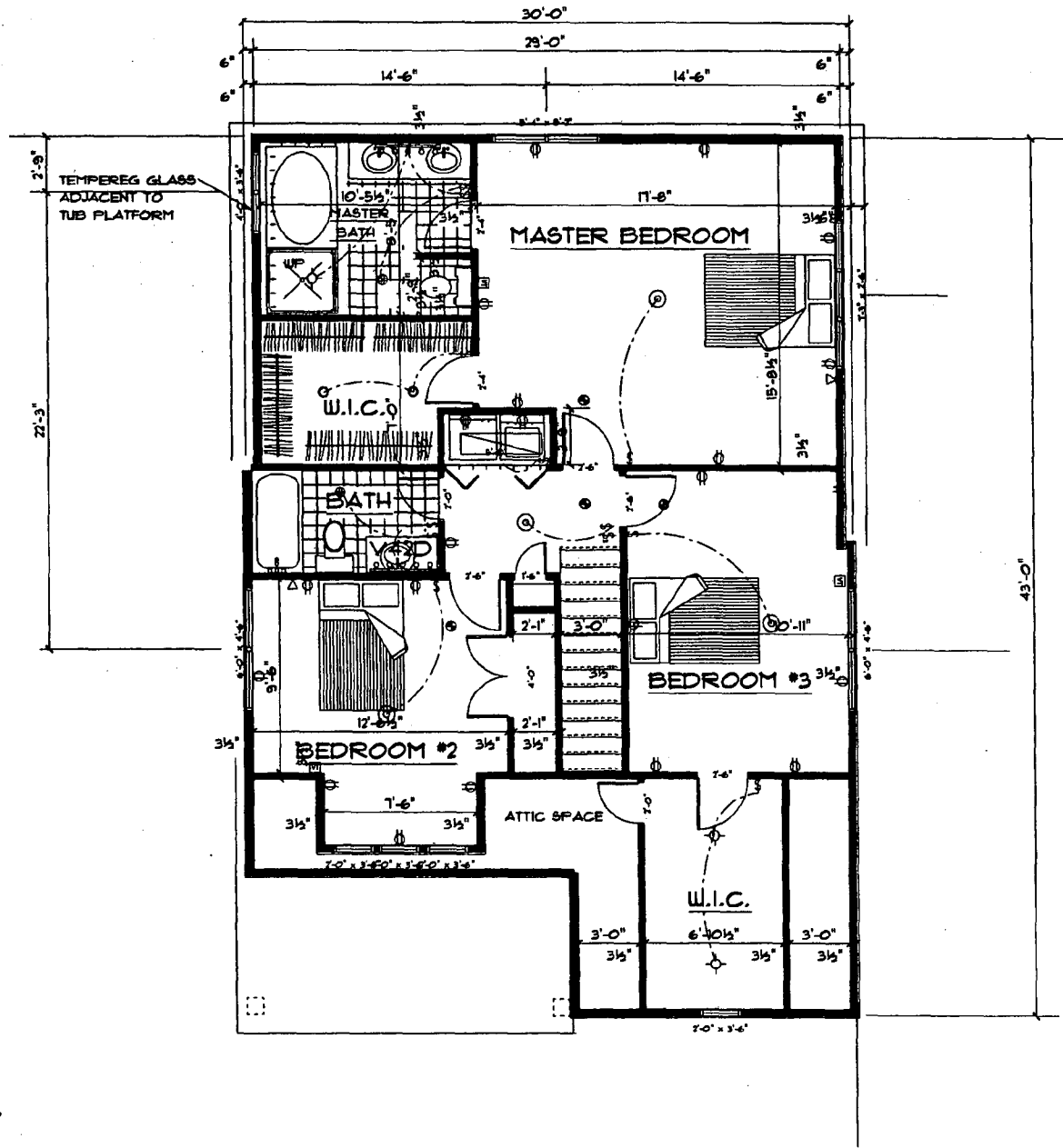
REAR ELEVATION

SCALE: 3/16" = 1'-0"



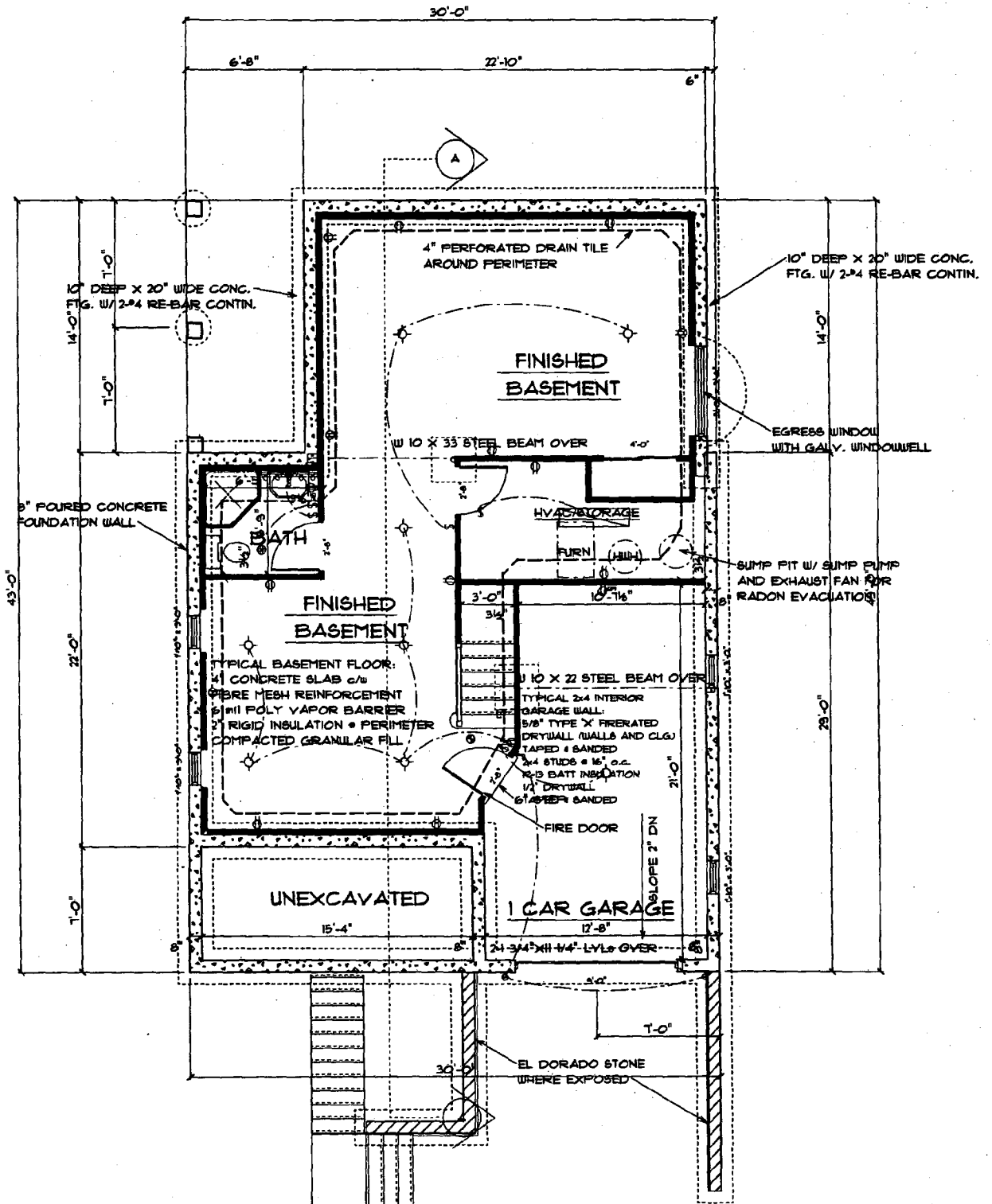
FIRST FLOOR PLAN - 1080 SF

SCALE: 3/16" = 1'-0"



SECOND FLOOR PLAN - 1050 SF

SCALE: 1/4" = 1'-0"



BASEMENT FLOOR PLAN

SCALE: 3/16" = 1'-0"

- Bracketed window above garage is a box bay
- Door w/ no side lights.
- Porch columns not battered
- porch ^{steps} centered -
- no left side elevation
- window on box bay (right side elev)
- ~~Window A in dormer extension bracketed 3 small side lights to a double element~~
- window A in foundation (right side elev)
- Door missing in rear elev.
- different configuration with transoms over door.

Apr 20 05 11:17a

MNCPPC Historic Preservat 301-563-3412

p.2



DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 11TH FLOOR, ROCKVILLE, MD 20850
240-777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Josh Haines
Daytime Phone No.: 301-294-7312

Tax Account No.: 52 2847289
Name of Property Owner: The Haines Companies, Inc. Daytime Phone No.: 301-294-7312
Address: 9710 Traville Gateway Dr #341 Rockville MD 20850
Contractor: Josh Haines (The Haines Companies) Phone No.: 301-294-7312
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/ENCLOSURE

House Number: 10115 Street: Meadowcreek Ct.
Town/City: _____ Nearest Cross Street: _____
Lot: 40 Block: 1 Subdivision: Capitol View Park
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate AC Stab Room Addition Porch Deck Stair
 Move Install Wreck/Reuse Solar Fireplace Woodburning Stove Single Family
 Revision Repair Reversible Feather/Whit (complete Section B) Other: _____
1B. Construction cost estimate: \$ _____
1C. This is a revision of a previously approved entire permit, see Permit # 333754

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 Date: _____

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No.: _____ Date Filed: _____ Date Received: _____

Edn 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

VOID

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:

- 1) Change siding from Vinyl to hard: Plank
book to remain the same.
- 2) Change location of Front Porch Stairs and
Columns to allow stairs to meet Driveway
- 3) Delete Brackets from Gables (to chattered)
- 4) Revised DPS Sediment Control Plan.

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

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plot. 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 finishes 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 canopy 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 100' diameter.

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 Marston Street, Rockville, MD 20850-1355.

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PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

Fothergill, Anne

From: Josh Haines [JHaines@hainescompanies.com]
Sent: Wednesday, November 03, 2004 3:09 PM
To: Fothergill, Anne
Subject: RE: Oak Street

Sorry,

With plans we call that reversed. If you want just write on the plans in red "the house is to be Reversed" it is slated to be built that way though. Let me know if that won't do.

Josh

From: Fothergill, Anne [mailto:Anne.Fothergill@mncppc-mc.org]
Sent: Wednesday, November 03, 2004 1:48 PM
To: Josh Haines
Subject: RE: Oak Street

hi Josh,

I thought you were going to flip the floor plan so the rear porch was on the left side (the Capitol View Avenue side) and the garage was on the front right side of the house so as to reduce paving. this isn't reflected in the plans you dropped off today.

Anne

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

WRITTEN DESCRIPTION OF PROJECT

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

N/A

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

• Single-family residence; to be constructed consistent with existing resources & district requirements

1. 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.

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- 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 effected 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 drieline 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, (301/279-1355).

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Oct. 13, 2009

1 MS. O'MALLEY: Thank you. The next case on the agenda is L, 10115
2 Meadowneck Court. Do we have a staff report, please?

3 MS. FOTHERGILL: This is a staff report for 10115 Meadowneck Court,
4 which is proposed new construction in the Capitol View Park Historic District. And this
5 application has actually come before the Commission twice in the recent months; in May
6 and then September 8th. So, I think the Commissioners are familiar with the proposal, so
7 I want to only point out what has changed since the September 8th proposal.

8 The proposed new house is 30 feet wide in front by 43 feet long and is 32
9 feet, two inches tall and it has a first floor footprint of 1,080 square feet. And it is set --- it
10 has 17 percent lot coverage. It is sited a few feet further back than the house next door at
11 10013 Meadowneck Court which, as you know, is a non-contributing resource. The
12 proposed side yard setbacks are 8.9 feet on the right side and 10.3 feet on the left. And
13 this new construction would require the removal of 10 trees on the lot.

14 The Commission, in previous meetings, had directed the application reduce
15 the overall size of the house and the idea was that the house would provide a transition
16 between the larger non-contributing resources on Meadowneck Court and the smaller
17 houses -- Capitol View Avenue, which their backyards are adjacent to the new house.

18 The Commission specifically asked the applicant to reduce the length of
19 the long left side facade as it faces Capital View backyards, and the house is now six feet
20 shorter than the previous submission, from 49 feet to 43 feet. The HPC also asked the
21 applicant to come back with a reduce footprint somewhere in the 1000 to 1100 square foot
22 range, and as I mentioned, it's now at 1080 square feet on the first floor and 1050 on the
23 second floor.

24 There also was some discussion at the last meeting with neighbors and
25 Commissioners about tree replacement plan and the applicant is now proposing larger
26 trees for the 10 replacement trees, eight four-inch caliper trees and two five-inch caliper
27 trees, and five of the trees would be planted along the left side of the house to sort of
28 provide a buffer for these Capital View Avenue houses backyards and the new house.

29 One other point I wanted to mention is that last time there was a lot of
30 discussion about the fact that the County was going to require a widening of the shared
31 driveway that the houses at the end of Meadowneck Court share, and the County has since
32 waived that requirement, and the driveway will remain at its existing width, which the
33 neighbors were very concerned about.

1 The Capitol View Park Citizen's Association has submitted a letter that you
2 received tonight and the adjacent neighbors at 10113 Meadowneck Court, the
3 Beauchesnes also submitted a letter. Those you have received, and Staff thinks the
4 reduction in size from the first submission is -- and what Commission and Staff had
5 recommended and Staff is recommending approval with three conditions; that tree
6 protection measures be in place before construction begins; that the tree replacement plan
7 is as stated and; that the fully detailed plans will come to Staff to be stamped before
8 building permits can be applied for.

9 The applicant is here and I think he has some things he wanted to talk
10 about, and then there is one neighbor here as well.

11 MS. O'MALLEY: Is there any questions for Staff? Can you come up,
12 please? State your name.

13 MR. HAINES: Josh Haines.

14 MS. O'MALLEY: And would you like to comment?

15 MR. HAINES: Well, the only real comment was is that we also flipped the
16 house and what that did is that it
17 brought the screened in porch around to the other side, which also makes that side softer.
18 And in so doing, too, I was able to shorten the driveway quite a bit. And I have a new site
19 plan that shows that, which I can submit to Staff. Obviously, you can take a look at that.
20 Do you want me to pass it around?

21 MS. WATKINS: Has anything else changed? Footprint size?

22 MR. HAINES: No. You know, I give full credit to Anne for that idea.

23 MS. WATKINS: I think it's a great idea -- accomplishes quite a bit of what
24 we were looking for and I think you've accomplished with your elevations, you reduced
25 the size and I think that really works. I think it's a good proposal.

26 MR. HAINES: And we also come up -- the neighbors and myself, I think
27 we can do some grading and also some storm drain work on the front there to try to catch
28 all the water and take it out to the -- headway there.

29 MS. FOTHERGILL: It's nice to hear that you've all kind of come together
30 hopefully.

31 MR. HAINES: To a point --

32 MS. O'MALLEY: Yes, you're not finished yet.

1 MR. FULLER: I think the solution to flip the house makes sense. It
2 shortens the amount of impervious area. And since this site is -- seems to be -- essentially
3 down across the site, it really makes no difference from that standpoint and it means the
4 more broken up part of your elevation faces the older houses, so I think that's a good
5 solution.

6 MR. HAINES: All right, there is one other note that I'd like to make. I
7 don't know -- I don't want to hold it up obviously, but I may increase some of the detail in
8 the elevation and give it a little bit more Craftsman style. I think -- move forward and I
9 think that the market conditions have somewhat increased. I'd like to increase some of
10 that detail moving forward, so I probably will be coming back in the next two months or
11 so to present that to you.

12 MR. FULLER: I assume we'll leave that up to Staff to determine whether
13 it's within their purview or not.

14 MR. HAINES: Sure.

15 MS. O'MALLEY: So, what was it that you were going to work on about
16 the stormwater situation --

17 MR. HAINES: Well, what we're trying to do is -- at least one culvert so
18 that as it comes -- as the water comes down off the hill, we want to catch it in the culvert
19 and then take it right on out the driveway down to the court. So -- but that will have to be
20 County approved obviously because it is in their right-of-way, but I think that somebody
21 has some pull up at the County and we think we're going to get that through. So, I can't
22 guarantee that, but that's what we're working on.

23 MS. O'MALLEY: Well, there's a -- they would enlarge the catch pan in
24 the court or something.

25 MR. HAINES: No, they don't need to do that as much as just channel the
26 water that's currently coming down through there and get it onto the street so that it would
27 naturally go into the culvert, the existing stormwater structure. Because the existing
28 stormwater structure can easily handle it, it's just getting the water coming off my lot
29 down to that area. So, we're -- right now we're going back behind houses in front of the
30 lot.

31 MS. O'MALLEY: Yeah, I was concerned about that house that's going to
32 be in front of you.

1 MR. HAINES: Correct. Yeah, so am I and I think that this is a good way
2 of doing it and the problem once again is is that I'm dealing with the County. Obviously,
3 when I threatened to bring you guys down there, they immediately changed their position
4 for some reason. I don't know -- I'm not sure why -- help me in the past. But I think it
5 will actually probably be feasible and work.

6 MS. O'MALLEY: And I do like -- your new plan shows the double stairs
7 in the front; the turning stairs instead of just straight.

8 MR. HAINES: Straight up, correct. And you can see the tree placement
9 and I think that I may -- I may want to work a little bit with you on that from the aspect of
10 the neighbors may -- there's some holes, apparently, in the trees and, you know, I may end
11 up adjusting those a hair so that to try to shield the house, you know, using the neighbors,
12 with their guidance. So --

13 MS. O'MALLEY: All right, we have one neighbor that wanted to speak.
14 Barry Malko.

15 MR. MALKO: I have a few conditions that I wouldn't be here otherwise.

16 MS. O'MALLEY: Would you state your name for the record?

17 MR. MALKO: Oh, Barry Malko.

18 MS. O'MALLEY: Thank you.

19 MR. MALKO: The three conditions are fairly simple. We think there has
20 to be some protection from the driveway -- the historic building, so we're proposing that
21 the developer put two or three bollards. They'll probably be covered with ivy; that's an
22 ivy-covered area there, and that, we think, will be able to stop any cars coming down.
23 You understand that that driveway slopes in two directions and it certainly comes down to
24 our properties and the historic building. I've talked to the developer. He said yeah, he had
25 no problem with putting two or three bollards at the end of his driveway to protect it.

26 The other thing is the question about the water that now runs behind the
27 certified building. I know there are some restrictions -- historic part of the -- and he
28 agrees also. We're going to do research. We came up with the catch basin idea at the
29 corner of his driveway to try to route the rainwater that now comes off of his property.
30 But in addition the other two properties that contribute to the water that's now running
31 down adjacent to the historic building. So, he's agreed to those two conditions. He's
32 already told you that he's willing to work with the neighbors to adjust the tree planting and
33 he's advocating that we -- so, you know, I would like to see it a little bit more formal,

1 though. I'd like to see Staff put it as a condition that we get the bollards because we don't
2 want anybody running into the historic house. And we want to see the catch basin.

3 I'm assured -- he thinks he's not going to get it maybe, but he will. I'm an
4 architect and a planner and I've spent so much time with these people, I'm sure that they
5 will agree with the idea of taking the water underground in a catch basin. You do
6 understand as nice as the design is, they're going to have beer barrels at the corner of the
7 house, catching the rainwater runoff. And there's just nothing attractive about that. And
8 that's basically the requirement that they have, and they have to be able to drain it some
9 way, so you put a certain amount of stone. It's the dumbest more stupid thing I've ever
10 heard in my life, so -- anyway, he said if we can waive that -- improve the quality of the
11 house.

12 The Craftsman idea is great. Spent a week with my daughter who owns a
13 Craftsman house in Oakland, California. If that's what happens, I think it's a nice
14 transition from the existing houses to ours that adjoin it.

15 I do want to take this moment to say that I have to compliment each and
16 every one of you. You do understand, and I think you do, that everybody has the right to
17 develop their property as they see fit. But they may not do damage to surrounding
18 neighbors. And you seem to be looking toward that. You're saying, yes, you may develop
19 your property, but don't do any damage to the surrounding properties, and you're looking
20 at the character of the buildings, whether there's, you know, stormwater runoff that would
21 do damage. You have to be complimented. And this is completely out of character for
22 me -- but as an architect and a city planner, I do have to say you should all be
23 complimented.

24 Now, if as good as you are -- I'm not going to -- my 15 minutes of fame,
25 that's how bad the Planning Commission is. As good as you Commissioners are, that's
26 how bad they are. I mean, you know I -- at one point I was talking to one of the staff, I
27 said, "You would think that they're all a bunch of lawyers." And she said, "They are a
28 bunch of lawyers." So, to come before you and actually, you know, talk to professional
29 people who are interested in design, I'm overwhelmed and I -- that doesn't mean I'm
30 completely satisfied with the Staff, but they're pretty good, too, so I compliment them.

31 And that's it. I mean, I think if he continues with the Craftsman style, I
32 mean that would really be a nice transition. I mean, you can see he's trying pretty damn
33 hard. Maybe that's my five minutes of fame.

1 MR. FULLER: We appreciate your comments. I do find it frustrating that
2 people who come before us, that they bring issues that are not ours, because exactly what
3 you're talking about. Those should be going to the Planning Commission or to DEP, and
4 not to this Commission. Anyhow --

5 MR. MALKO: Can we reverse it? I mean, can we have the Planning
6 Commission take care of --

7 (Discussion off the record.)

8 MR. FULLER: Can I make a motion?

9 MS. O'MALLEY: We appreciate it when the community takes an interest
10 in the development.

11 MR. MALKO: Again, my point is that the two conditions are the bollards
12 and the fact that the contractor develop a system -- catch basin for drainage down to the --
13 to Meadowneck Court. And he's agreed to that, so if you would put it on your staff
14 recommendations under conditions, the bollards to keep cars from running into the
15 historic building and two, taking the water to where it should go rather than into the
16 historic building.

MR. FULLER: All right, let me make a motion that we approve Case 31/07-04D with the two Staff conditions, with a fourth recommendation -- fourth condition that the applicant work with DOT to obtain approval to obtain -- install a catch basin, drainpipe and bollards within the public right-of-way. That would not be binding if DOT does not allow you to do it.

MS. WATKINS: Second.

MS. O'MALLEY: Any other questions?

MS. WILLIAMS: Does DOT have to approve bollards?

MR. FULLER: It's in their right-of-way. They can't build anything that's not --

MR. MALKO: It's either beer barrels or --

MS. O'MALLEY: All right, all in favor, please raise your right hand?

Thank you, it's unanimous.

MR. HAINES: Thanks, again.

MS. O'MALLEY: Good luck.