

31/07-06I 10245 Capitol Veiw Avenue
Kensington Historic District, 31/06

Plausin
michere's ofc

HAWP #

418358

3-3-08

sent DPS
approval memo to
Gail (in case she
doesn't have it)

will w/ H
A first
(HR
approved)

met w/ Brian
shepherd

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10245 Capitol View Ave, Silver Spring **Meting Date:** 05/10/06
Resource: Outstanding Resource **Report Date:** 05/03/06
 Capitol View Park Historic District
Review: HAWP **Public Notice:** 04/26/06
Case Number: 31/07-06I **ax Credit:** N/A
Applicant: Carl Mahany **Staff:** Michele Oaks
 (Tom Manion, Architect)

PROPOSAL: Construct two, new houses on the newly subdivided Lots 1 and 2.

RECOMMEND: Approve with Conditions

STAFF RECOMMENDATION: Staff recommends that the Commission approve this HAWP application with the conditions that:

- The applicants will utilize painted, wood, simulated divided-light windows, which contain muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance.
- A tree protection plan will be prepared by a certified arborist, submitted to HPC staff and implemented prior to any work beginning on the property.
- The applicant will work with M-NCPPC's environmental planning division to ensure that the proposed tree removal does not need approval under the Forest Conservation Law.
- The roof pitches delineated on the drawings will not be altered unless reviewed and approved by the Commission.
- The permit sets of drawings will show the true finish grades on the elevations.
- The front porch floors will be painted or stained, wood tongue and groove.
- The proposed driveways will be installed with gravel. The driveway aprons may be asphalt or concrete to comply with SHA regulations.

BACKGROUND:

At the September 22, 2004 public meeting, the Commission reviewed a subdivision proposal to subdivide Parcel 850 (1.398 acres) to create 2 additional buildable lots. The historic, Dwyer House on the site would remain on Lot 3 and the remaining acreage would be divided as follows:

Lot 1	.16 acres	Lot 3	.39 acres
Lot 2	.17 acres	Outlot A	.14 acres
Outlot B	.12 acres		

HPC recommended approval of this subdivision proposal to the Planning Board with following conditions:

1. At the time of the Historic Area Work Permit review of the new houses to be built on Lots 1 and 2, a tree survey will be submitted indicating all trees larger than 6" in diameter. The survey will include the species and size of each tree and identify which trees are to be saved and which trees proposed to be removed.
2. If the proposed ROW for Capitol View Avenue is abandoned and Outlots A and B are joined to create a new lot, only one (1) additional house will be permitted.

The Planning Board approved the subdivision proposal with the following conditions:

- 1) Limit the preliminary plan to three single-family residential lots and one outlet.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan including preparation of a detailed tree protection plan and an on-site management plan for non-native, invasive plant species. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) At the time of Historic Area Work Permit review for any construction on Lots 1, 2 or 3, and any future construction on Outlot A if it is converted into a lot, the applicant will submit the following to Environmental Planning and Historic Preservation Commission staff:
 - a) a full tree survey prepared by a certified arborist, indicating size, species, health and location of all trees greater than 6" in diameter;
 - b) a detailed grading plan for the lot(s); and
 - c) a tree save plan prepared by a certified arborist identifying necessary tree protection measures.No issuance of building permits prior to approval of the tree save plan.
- 4) Prior to record plat the owner will sign an agreement with the Historic Preservation Commission to outline a short-term renovation/stabilization plan for the Historic Dwyer House, and a long-term timeline for the entire site including timing for the new construction and the rehabilitation of the Dwyer House.
- 5) Place in involuntary reservation on proposed Lots 1, 2 and 3 the master plan right-of-way for relocated Capitol View Avenue, for a period not to exceed three years from the date of preliminary plan approval or until a determination is made whether the right-of-way will be acquired, whichever occurs earlier. No structural improvements may be made within the reservation area during the reservation period.
- 6) Place Outlot A containing the master plan right-of-way for relocated Capitol View Avenue and the possible extension or terminus of Meredith Avenue in involuntary reservation for a period of time not to exceed three years from the date of preliminary plan approval or until a determination is made whether a portion of the Outlot will be acquired, whichever occurs earlier.
- 7) No structural improvements may be made within the reservation area during the reservation period.
- 8) Record plat shall contain a note stipulating that Lot 3 may not be reduced in size in the future, except to permit the reserved right-of-way for relocated Capitol View Avenue at the rear of the lot to be used in the event that this road is constructed. If the reservation areas are not acquired for construction of relocated Capitol View Avenue or Meredith Avenue, an application may be filed to convert the Outlot into a maximum of one record lot through the minor subdivision process.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 30, 2004.
- 10) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 11) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 12) Record plat to reflect a Category I conservation easement over all areas of forest retention, and a Category II easement over all tree save areas as determined by the tree save plan. No clearing or grading on Outlot A without prior M-NCPPC approval as part of a final forest conservation plan.

- 13) Category I conservation easement to be placed over that portion of Outlot A within Reservation Area #1 and within the part of Reservation Area #2 north of Reservation Area #1. If and when Outlot A is converted to a buildable lot, Category I conservation easement on the new lot must be revised to allow for a house and usable area. Specific boundary of revised conservation easement on the new lot to be reviewed and approved by M-NCPPC Environmental Planning staff and to be shown on a revised final forest conservation plan.
- 14) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 15) Compliance with conditions of MCDPWT letter dated, November 30, 2004 unless otherwise amended.
- 16) Other necessary easements.

At the Commission's December 7, 2005 public hearing a preliminary consultation was reviewed for two houses to be constructed on the subject new lots. The HPC's comments recommended some re-design mainly focusing on the house to be placed closest to the historic resource (House A) (transcript begins on circle). The comments were as follows:

- Scale down the two-story bay projections.
- Simplify the elevations
- Diversity in design so the historic house and the new construction complement each other
- Scale of the houses is fine
- Good materials need to be used
- Houses could be similar if they fit into the context of the historic district and are compatible with its setting and the existing architecture
- House A's two-story bay projection is problematic because of its proximity to the Dwyer House.
- Try to slide House A farther back on the lot
- Reduce House A slightly in footprint
- House B is not a great concern, as it is farther away from the historic resource
- Make the houses look as they are part of a family
- Maintain in the redesign, the rooflines being lower than the Dwyer house and a traditional massing and front porch
- Rethink the use of towers on the right elevation of House B and the left elevation of House A
- Simplify the large windows. Either use plain glass or something that is evenly divided into divided lights
- Re-position House A so that it's footprint relates to the existing angle in the road

HISTORIC INFORMATION

Capitol View Park is a railroad community begun in 1887 when Mary and Oliver Harr purchased and subdivided land along the B&O's Metropolitan Branch between Forest Glen and Kensington. The community's name came from the view of the Capitol dome afforded by the upper stories of some of the early houses. Because of the growth of trees in intervening years, this view is no longer possible. Capitol View Park, however, continues to retain the scenic, rural setting which attracted its first inhabitants from Washington. Narrow, country lanes wind between large lots, the average of which is 12,000 square feet. Farmer Thomas Brown built a house in the post-Civil War era, before the railroad bisected his farm. Set back on a long curving driveway, Brown's dwelling still stands, known as the *Case House*, at 9834 Capitol View Avenue.

Unlike the homogenous suburban developments that make up a great deal of

Montgomery County, Capitol View Park is a picturesque blend of many architectural styles dating from the 1890s to the 1980s. The community represents the architectural history of Montgomery County over the last century. The first houses built in Capitol View Park were designed in the Queen Anne style, characterized by their picturesque rooflines, large scale, numerous porches, and variety of building materials, including clapboard and fishscale shingles. Notable Queen Anne-style houses, built in the 1880s and 1890s, are found on Capitol View Avenue, Meredith Avenue, Lee Street, and Menlo Avenue. Residents built Colonial Revival style dwellings beginning in the 1890s. These dwellings feature classical details including cornices with entablatures, heavy window molding, and large round porch columns. Colonial Revival-style houses are found on Capitol View Avenue and Grant Avenue.

By the turn of the twentieth century, smaller-scale houses were becoming popular. Designed to harmonize with natural settings, these structures have a horizontal emphasis and were painted in natural tones. This group includes Bungalow- and Craftsman-style houses built from 1900 into the 1920s. Early examples are found on Stoneybrook Drive, Meredith Avenue, and Capitol View Avenue.

The pace of growth in Capitol View Park continued at a constant rate until the 1940s when a construction boom added nearly 50 houses to the community. Since then, houses have been added at a more leisurely rate, continuing the pattern of diversity that characterizes Capitol View Park.

APPLICABLE GUIDELINES:

When reviewing alterations and additions to outstanding resources within the Capitol View Park *Master Plan* Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Montgomery County Code Chapter 24A (Chapter 24A)* and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

Secretary of the Interior's Guidelines 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.

PROPOSAL:

The applicants are proposing to:

1. Construct a single-family house on Lot 2. – Adjacent to Dwyer House. The proposed house on Lot 2 (House A) will be sited at an angle to the property line. Therefore, the setback from the property line to the front porch is 17'2" at its closest and 24' at its farthest. The width of the front façade is 33'4" and the length of the house excluding porches is 52'. The subject house is a two-story house with a full-width front porch supported by square Doric columns.

Proposed Material Specifications: Hardi-plank siding, stucco on concrete, masonry units with ½ parging, MDO plywood panels, fiberglass asphaltic shingles, standing-seam metal porch roof, Crestline Windows with simulated divided-lights, painted wood columns, and painted wood railings and trim.

Lot size:	8,132 sq. ft.
Footprint of house	1490 sq. ft.
Total Lot Coverage	18.3%

2. Construct a single-family house and detached garage on Lot 1. The proposed house on Lot 1 (House B) will be sited with 17' setback from the property line to the front porch. The width of the front façade is 36' and the length of the house excluding porches is 52'10". The subject house is a three-bay, two-story house with a full-width front porch supported by square, Doric columns.

Proposed Material Specifications: Hardi-plank siding, stucco on concrete, masonry units with ½ parging, MDO plywood panels, fiberglass asphaltic shingles, standing-seam metal porch roof, Crestline Windows with simulated divided-lights, painted wood columns, and painted wood railings and trim.

The lot will also contain a detached, one-car garage measuring 14' x 20'10" to be located along the left side of the house.

Lot size:	8,860 sq. ft.
Footprint of house	1565 sq. ft.
Footprint of Garage	294 sq.ft.
Total Lot Coverage	21%
Lot Coverage w/o Garage:	17.7%

3. Remove 21 trees from lots 1 and 2, for the construction of the subject houses. These trees are denoted on the attached tree plan on circle

STAFF DISCUSSION:

The applicants have addressed most of the comments that were received at the preliminary consultation in December 2005.

In regards to the site plan, House A has been re-positioned so that it relates to the curvature of the road and has been pushed back on the property slightly. The State Highway Administration has approved the existing driveway as the new access for Lot 2, as well as continuing to be the access for the Dwyer House. This approval negates the need for a driveway to run across the front yards of the subject lots. The letter that was sent to SHA for the Commission is attached on circle

House A has had some modifications, which reflect the HPC's comments. The "tower" feature on the right elevation was eliminated and simplified to a hipped roof projection. The "supersized" siding reveals and the divided-light proportions in the larger windows have been changed in the projecting bay on the left elevation of the house. This was in response to the HPC's request to simplify. Additional changes to this house include the adjustment from two, double-hung windows on the second level of the front facade to an arched ribbon of windows and the porch roofing material changing to standing seam metal.

The major change to House B is in the exterior materials (see original design in preliminary consultation staff report beginning on circle). The applicant has completely changed their material selection for this house. The original house in the preliminary consultation contained horizontal clapboard siding with shingled gables. The current design utilizes board and batten in the gable ends and as a decorative band detail. Most of the building footprint is unaltered, however a second floor master bath was expanded. This expansion of the master bath requires a second roofline projection, which is visible on the left elevation.

The proposed material change on House B is very ornate in comparison with the previous design, as the Commission is striving for simplicity. Secondly, the roof projection on the left elevation for the master bath extension adds another element to this already complex facade. Therefore, we are recommending approval with the condition that the design is returned to the original design as submitted in the preliminary consultation.

STAFF RECOMMENDATION:

Staff recommends that the Commission *approve with the above stated conditions* the HAWP application as being consistent with Chapter 25A-8(b)1 and 2:

and with the Secretary of the Interior's Standards for Rehabilitation.

with the general conditions applicable to all Historic Area Work Permits that the applicant shall present three (3) permit sets of drawings to HPC staff for review and stamping prior to submission for building permits.

with the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will contact the Historic Preservation Office if any alterations to the approve plans are made prior to the implementation of such changes to the project.



HISTORIC PRESERVATION COMMISSION


Douglas M. Duncan
County Executive

Julia O'Malley
Chairperson

Date: June 21, 2006

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Michele Oaks, Senior Planner 
Historic Preservation Section, M-NCPPC

SUBJECT: Historic Area Work Permit # **418358** for two new houses

The Montgomery County Historic Preservation Commission (HPC) reviewed the attached application for a Historic Area Work Permit (HAWP) at its public hearing on May 10, 2006. This application was **APPROVED with conditions**. These conditions of approval were that:

- The applicants will utilize painted, wood, simulated divided-light windows, which contain muntins that are permanently bonded to the interior and exterior of the insulating glass simulating a divided light appearance.
- A tree protection plan will be prepared by a certified arborist, submitted to HPC staff and implemented prior to any work beginning on the property.
- The applicant will work with M-NCPPC's environmental planning division to ensure that the proposed tree removal does not need approval under the Forest Conservation Law.
- The roof pitches delineated on the drawings will not be altered unless reviewed and approved by the Commission.
- The permit sets of drawings will show the true finish grades on the elevations.
- The front porch floors will be painted or stained, wood tongue and groove.
- The proposed driveways will be installed with gravel. The driveway aprons may be asphalt or concrete to comply with SHA regulations.
- Return elevations for House B to shingle/clapboard. Re-submit to staff for approval.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED AND CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HISTORIC AREA WORK PERMIT (HAWP) CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER TOWN GOVERNMENT AGENCY BEFORE WORK CAN COMMENCE.

Applicant: Carl Mahany (Tom Manion, AIA)

Address: 10245 Capitol View Avenue, Silver Spring (Lots 1 and 2), Capitol View Park Historic District

With the general condition that the applicant shall present the 3 permit sets of drawings to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits.

This HAWP approval is subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will contact the Historic Preservation Office if they propose to make any alterations to the approved plans.





RETURN TO: DEPARTMENT OF PERMITTING SERVICES
 288 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
 240/777-8370

DPS - #8

M

HISTORIC PRESERVATION COMMISSION
 301/563-3400

APPLICATION FOR
 HISTORIC AREA WORK PERMIT

Contact Person: TOM MANION & KATHERINE MA
 Daytime Phone No.: 301-229-7000

Tax Account No.: _____
 Name of Property Owner: ELLEN O'BANNON & CARL MAHANEY Daytime Phone No.: ELLEN: 202-244-3604
CARL: 301-252-3031
 Address: 10245 CAPITOL VIEW DRIVE (KENSINGTON SILVER SPRING), MD. 20910
Street Number City Street Zip Code
 Contractor: CARL MAHANEY Phone No.: 301-252-3031
 Contractor Registration No.: (15715)
 Agent for Owner: TOM MANION / KATHERINE MA Daytime Phone No.: 301.229.7000
 Address: 1st 2nd

LOCATION OF BUILDING/PREMISE
 House Number: HOUSES A & B (10245) Street: CAPITOL VIEW AVENUE
 Town/City: (KENSINGTON) SILVER SPRING Nearest Cross Street: CAPITOL VIEW AVE + MEREDITH AVE.
 Lot: 1 & 2 Block: (NEWLY SUBDIVIDED) Subdivision: (NEWLY SUBDIVIDED)
 Litter: (1 & 2) (PARCEL 850) Folio: _____ Parcel: (P-850)

PART ONE: TYPE OF PERMIT ACTION AND USE

IA. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate AC Slab Room Addition Porch Deck Shed
 Move Install Wreck/Teare Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: _____
 IB. Construction cost estimate: \$ \$385,000 Each House
 IC. If this is a revision of a previously approved active permit, see Permit # N/A

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.

Thomas Manion Signature of owner or authorized agent 04-19-2006 Date

Approved: X W/ CONDITIONS For Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: Julia O'Malley Date: 5/11/06
 Application/Permit No.: 418350 Date Filed: _____ Date Issued: _____

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:

THE EXISTING STRUCTURE ON THE SITE IS THE DWYER HOUSE WHICH WAS RECENTLY RENOVATED. THE ORIGINAL DWYER HOUSE WAS BUILT IN 1893 & THE STYLE IS SIMILAR TO A COLONIAL REVIVAL HOUSE. THE DWYER HOUSE IS IN THE CAPITOL VIEW PARK HISTORIC DISTRICT. CAPITOL VIEW PARK HAS SEVERAL ARCHITECTURAL STYLES FROM QUEEN ANNE STYLE HOMES TO COLONIAL REVIVAL HOMES BUILT BETWEEN 1880'S-1890'S. LATER HOMES IN THE NEIGHBORHOOD INCLUDE BUNGALOWS & CRAFTSMAN STYLE HOMES BUILT FROM 1900-1920'S. OUR DESIGN FOR THE TWO NEW HOMES WILL TAKE INSPIRATION FROM THE DWYER HOUSE PRIMARILY & THE OTHER HOMES IN THE HISTORIC PARK DISTRICT.

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

TWO (2) NEW HOMES TO BE BUILT USING STUCCO PARADING ON CEMENT WALLS, HARD PLANK SIDING, CRESTLINE WINDOWS W/SDL'S. BOTH OF THE NEW HOMES WILL HAVE LOW ROOF PROFILES OF FIBERGLASS ASPHALTIC SHINGLES & MDO PANELS ON THE SIDE & REAR ELEVATIONS. THE FRONT ELEVATIONS OF THESE HOMES WILL EMULATE THE LOOK & FEEL OF THE EXISTING HISTORIC HOMES, WHILE THE REAR & THE SIDES OF THE HOMES WILL UTILIZE LARGER OVER SIZED WINDOWS TO TAKE ADVANTAGE OF THE NICE VIEWS TOWARDS THE BACK OF THE LOT. WE WILL TAKE THE DETAILS ON THE DWYER HOUSE INTO CONSIDERATION WHEN DESIGNING OUR DETAIL FOR THE NEW HOMES.

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS - See drawings

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

- 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.
- 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 - provided in package

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. HARD PLANK SIDING, STUCCO ON CONC. MASONRY UNITS W/ 1/2" PARADING, MDO PLYWOOD PANELS, FIBERGLASS ASPHALTIC SHINGLES, CRESTLINE WINDOWS W/ SIMULATED DIVIDED LIGHTS, PAINTED WOOD COLUMNS, RAILINGS & TRIMS.

5. PHOTOGRAPHS

- 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.
- 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 - See site w/ trees

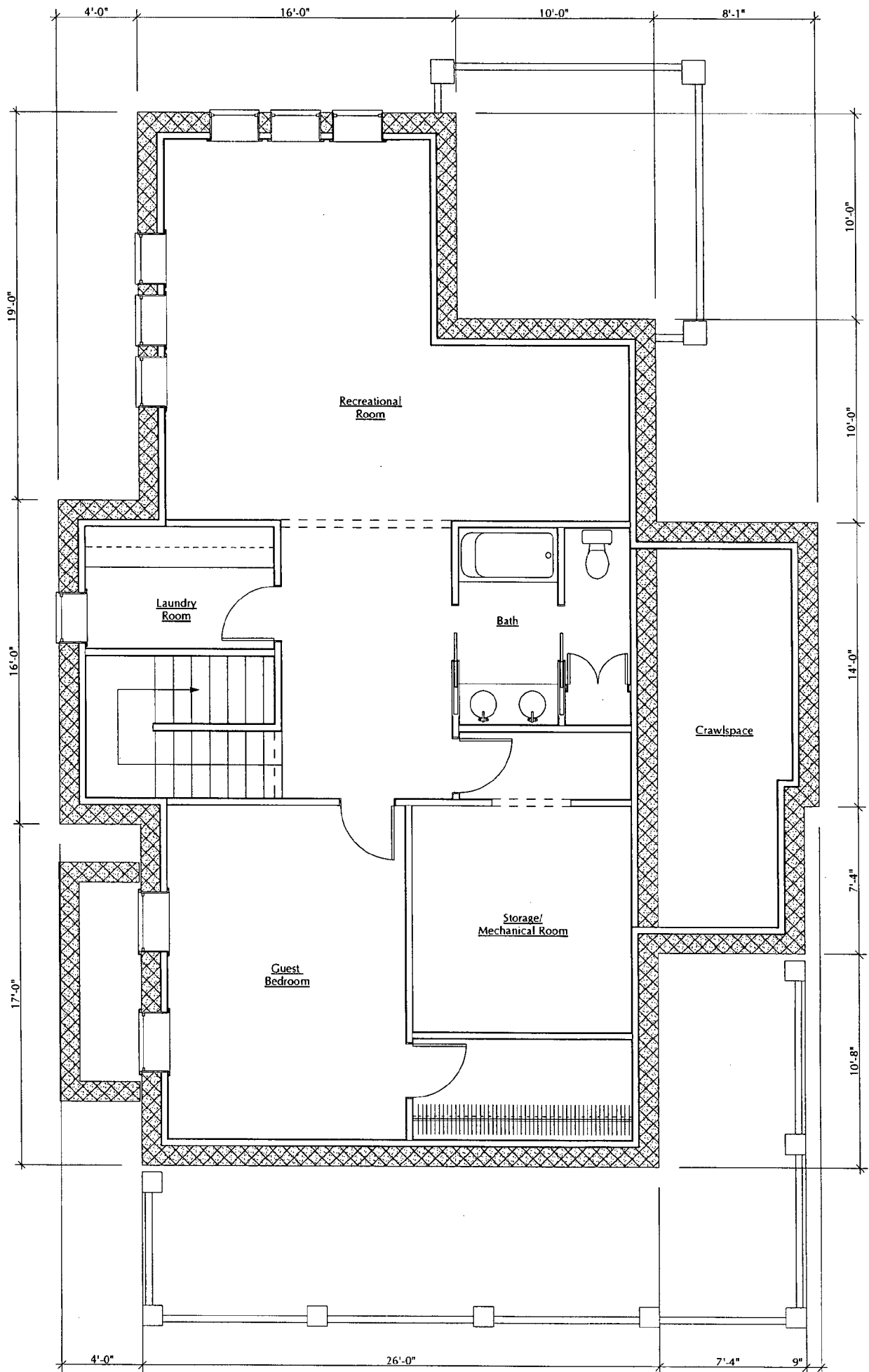
If you are proposing construction adjacent to or within the drip-line of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

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 abjoin 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) 779-1355).

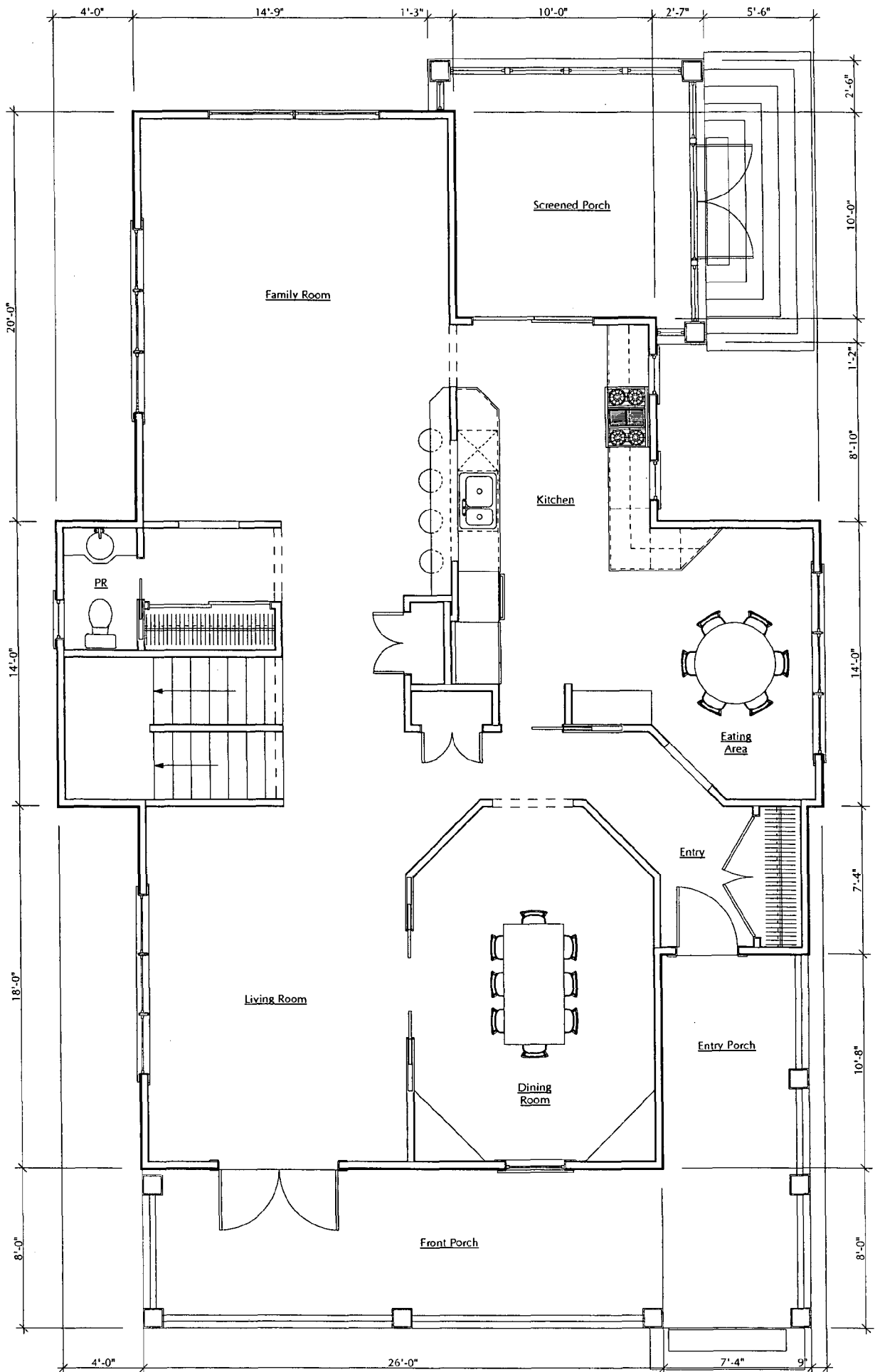
PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

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

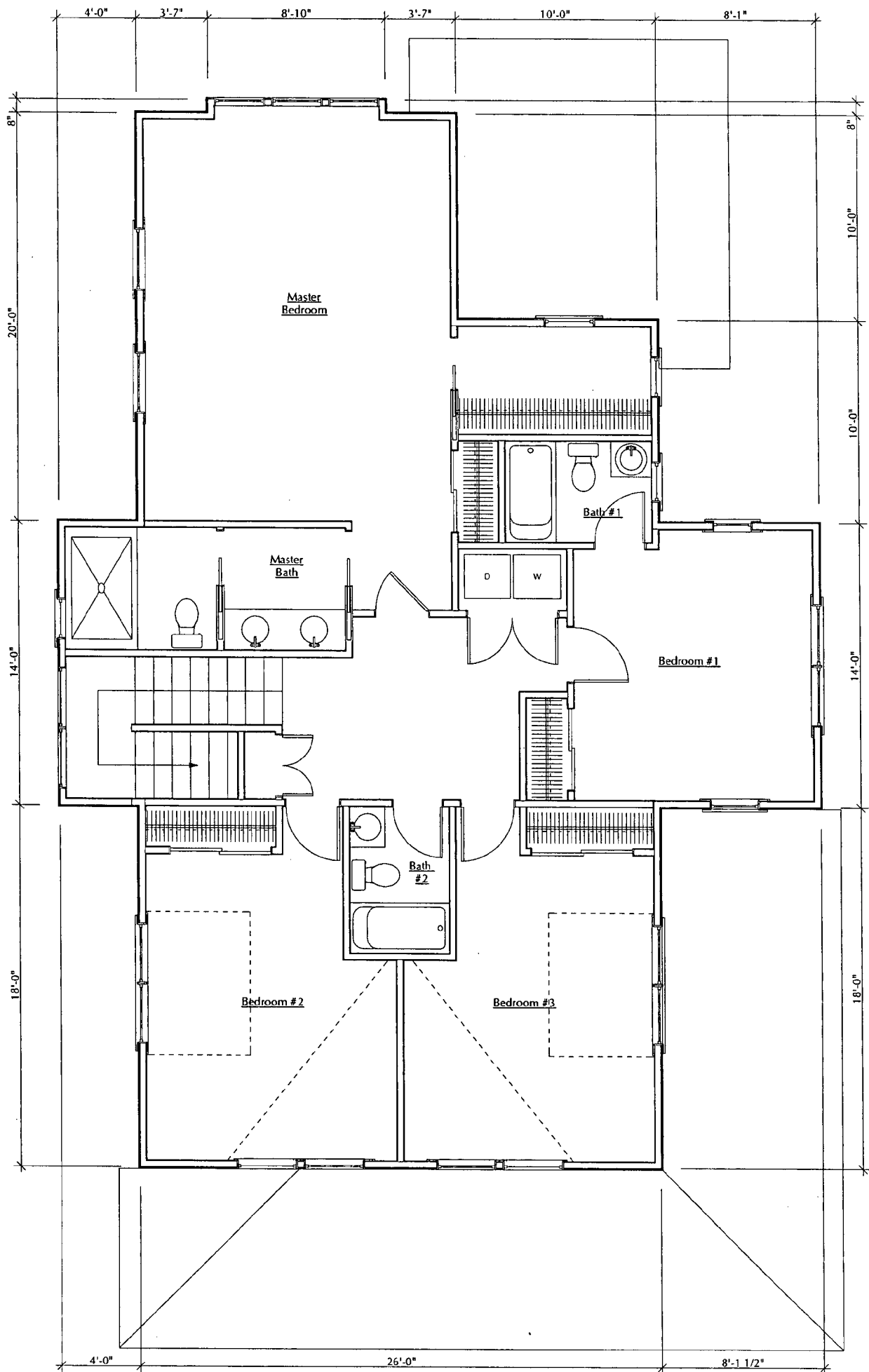


HOUSE A - BASEMENT FLOOR PLAN





HOUSE A - FIRST FLOOR PLAN



HOUSE A - SECOND FLOOR PLAN



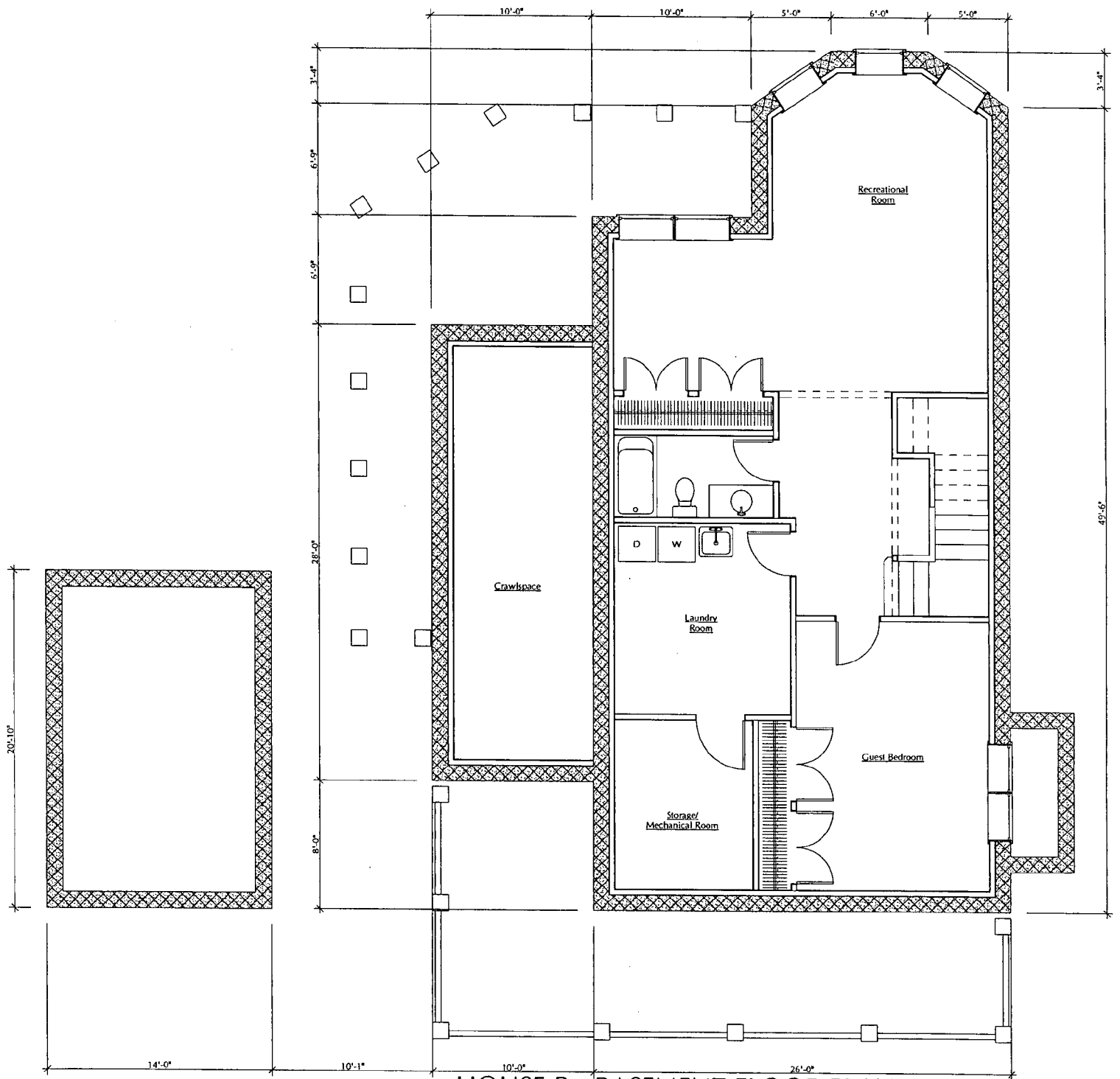
HOUSE A - RIGHT ELEVATION



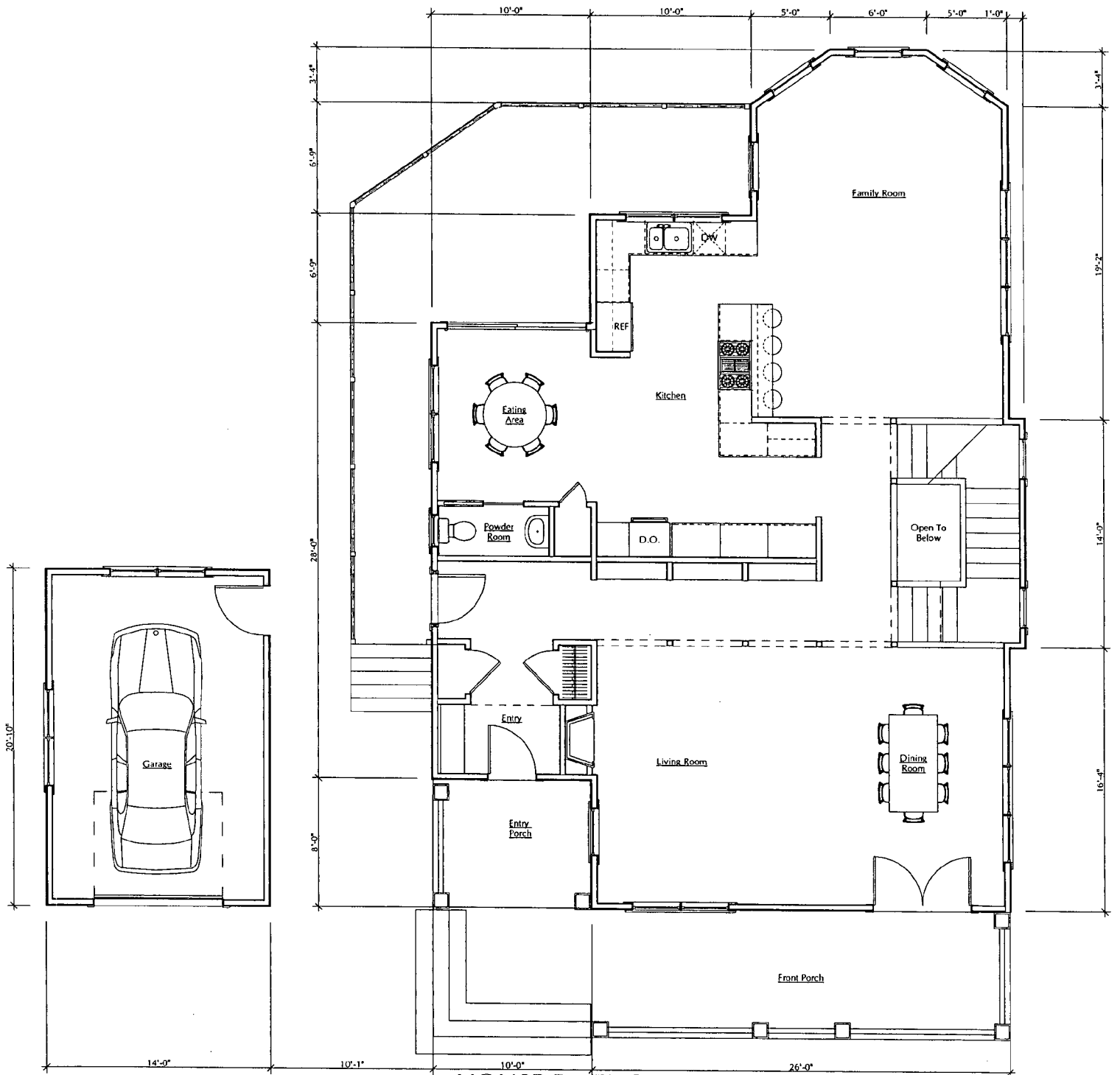
HOUSE A - REAR ELEVATION



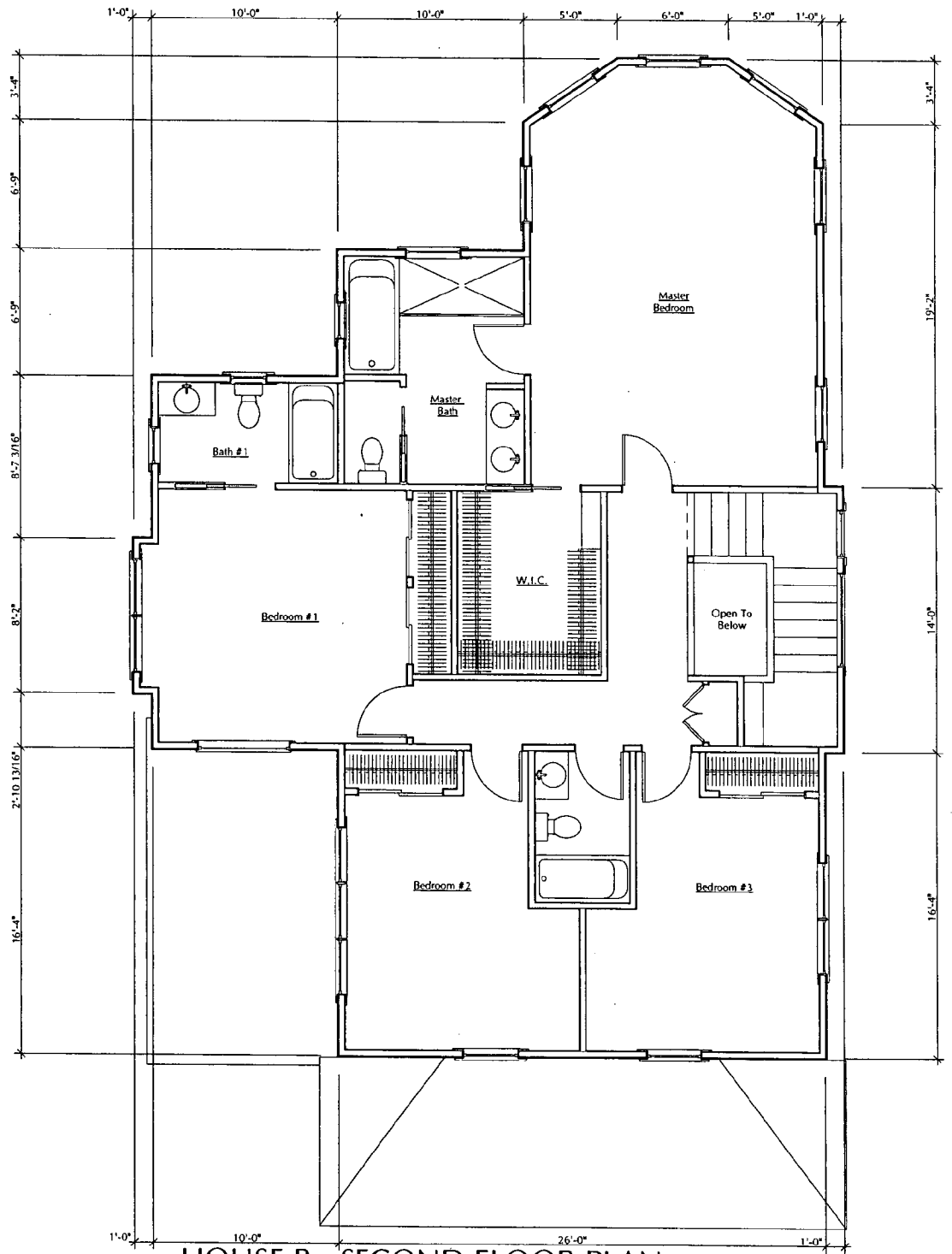
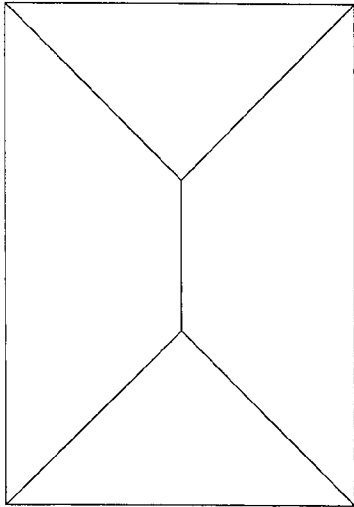
HOUSE A - LEFT ELEVATION



HOUSE B - BASEMENT FLOOR PLAN

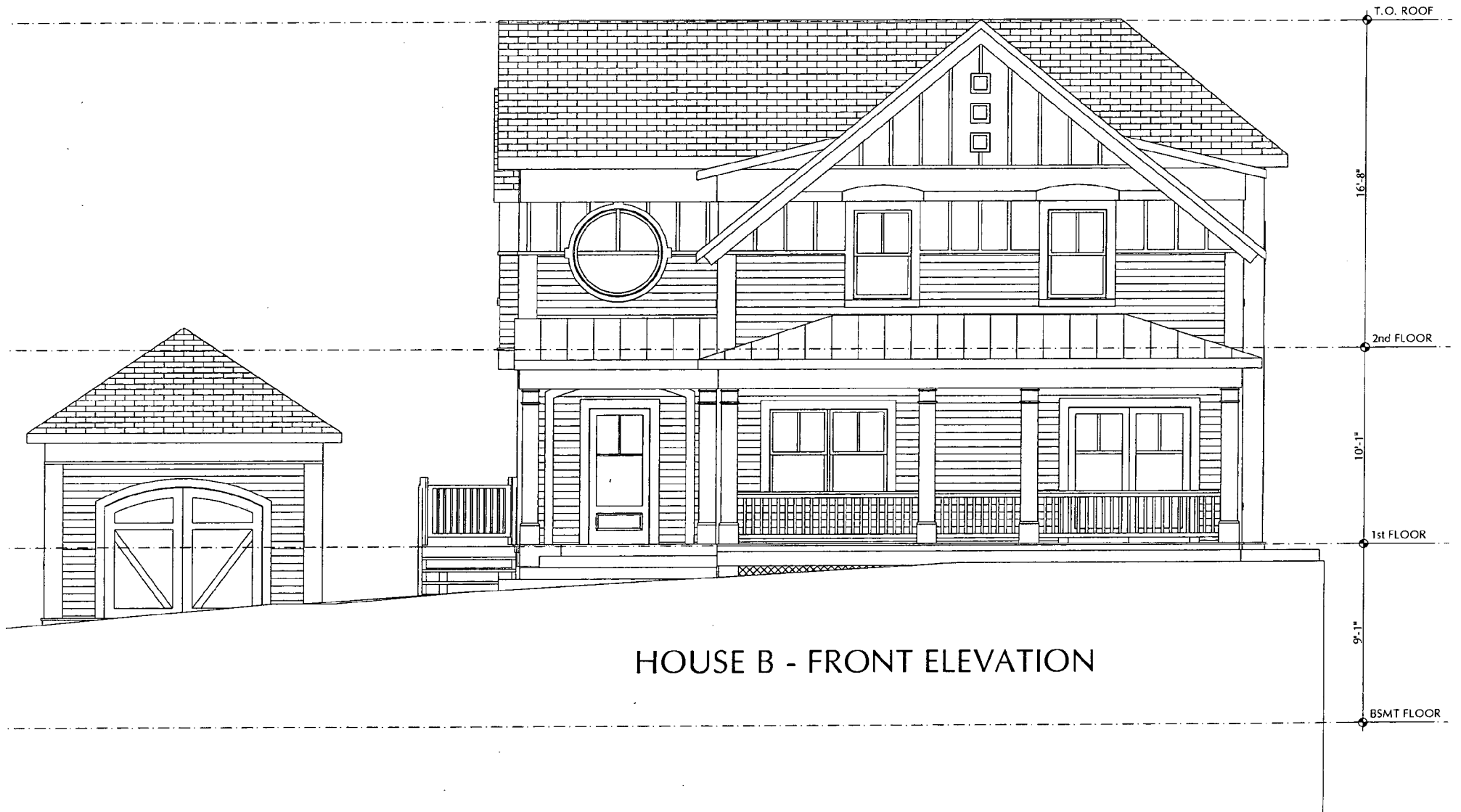


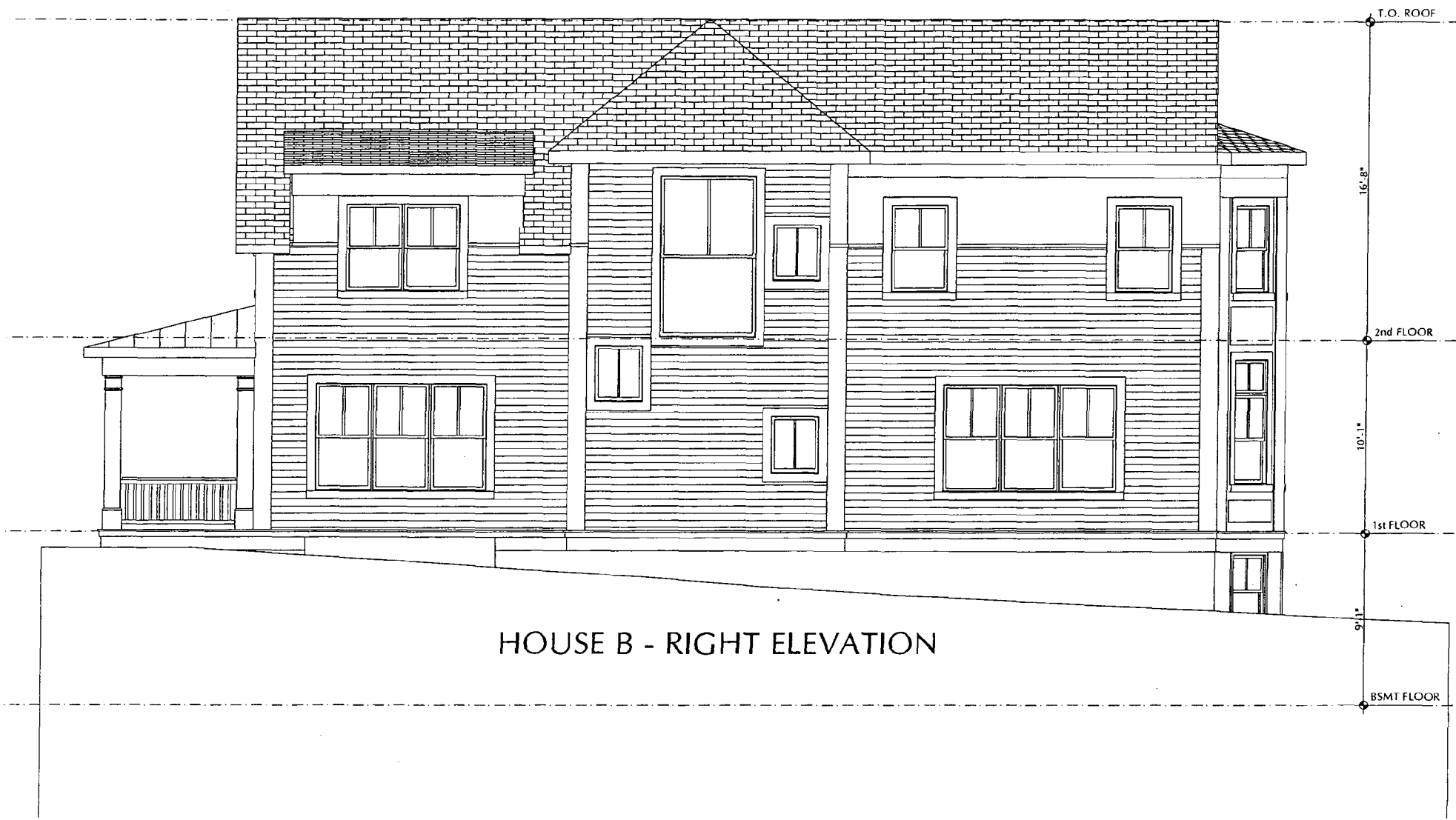
HOUSE B - FIRST FLOOR PLAN



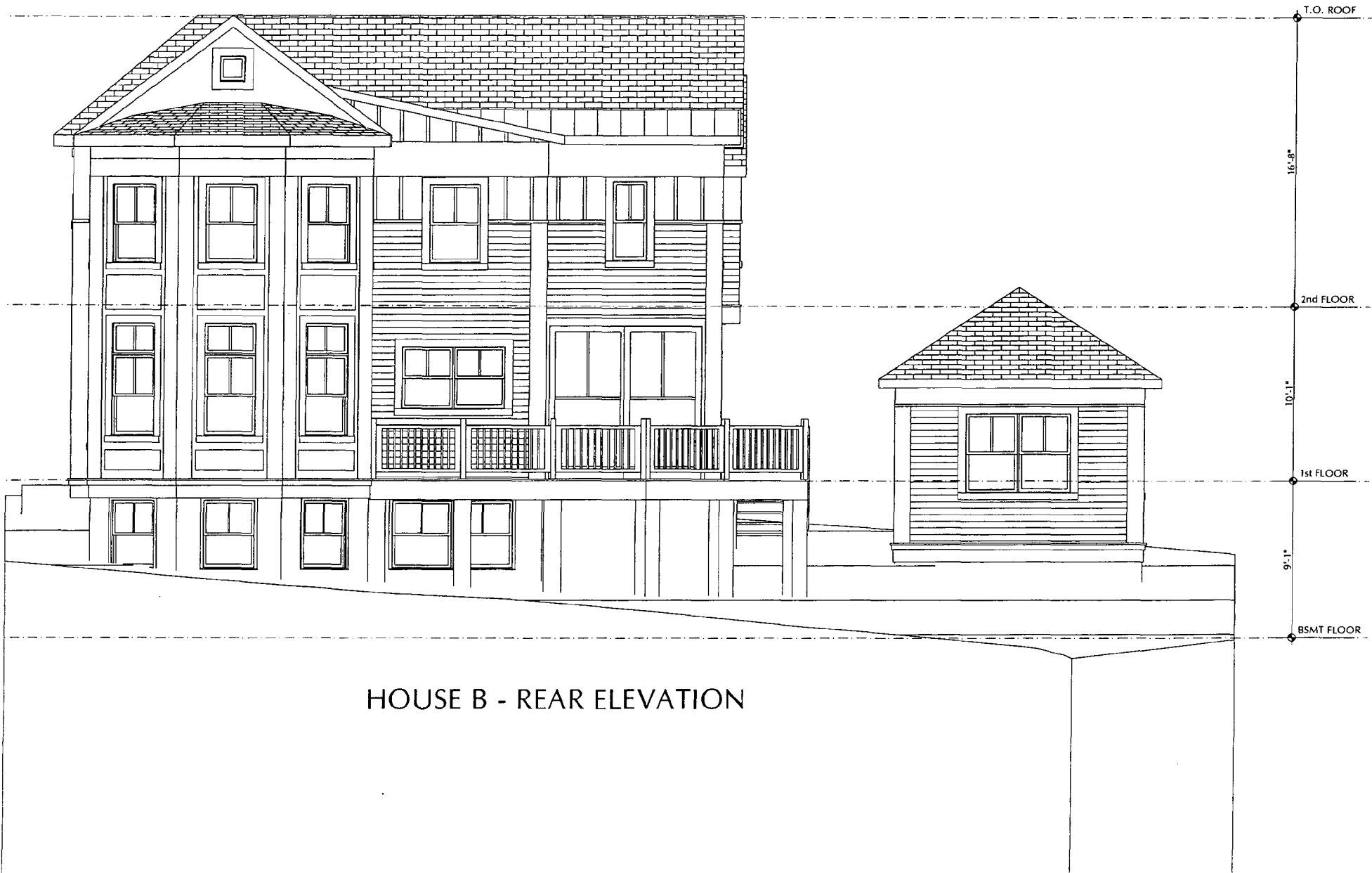
HOUSE B - SECOND FLOOR PLAN







HOUSE B - RIGHT ELEVATION

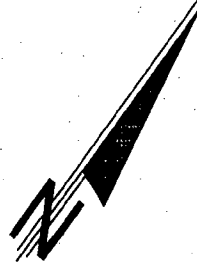
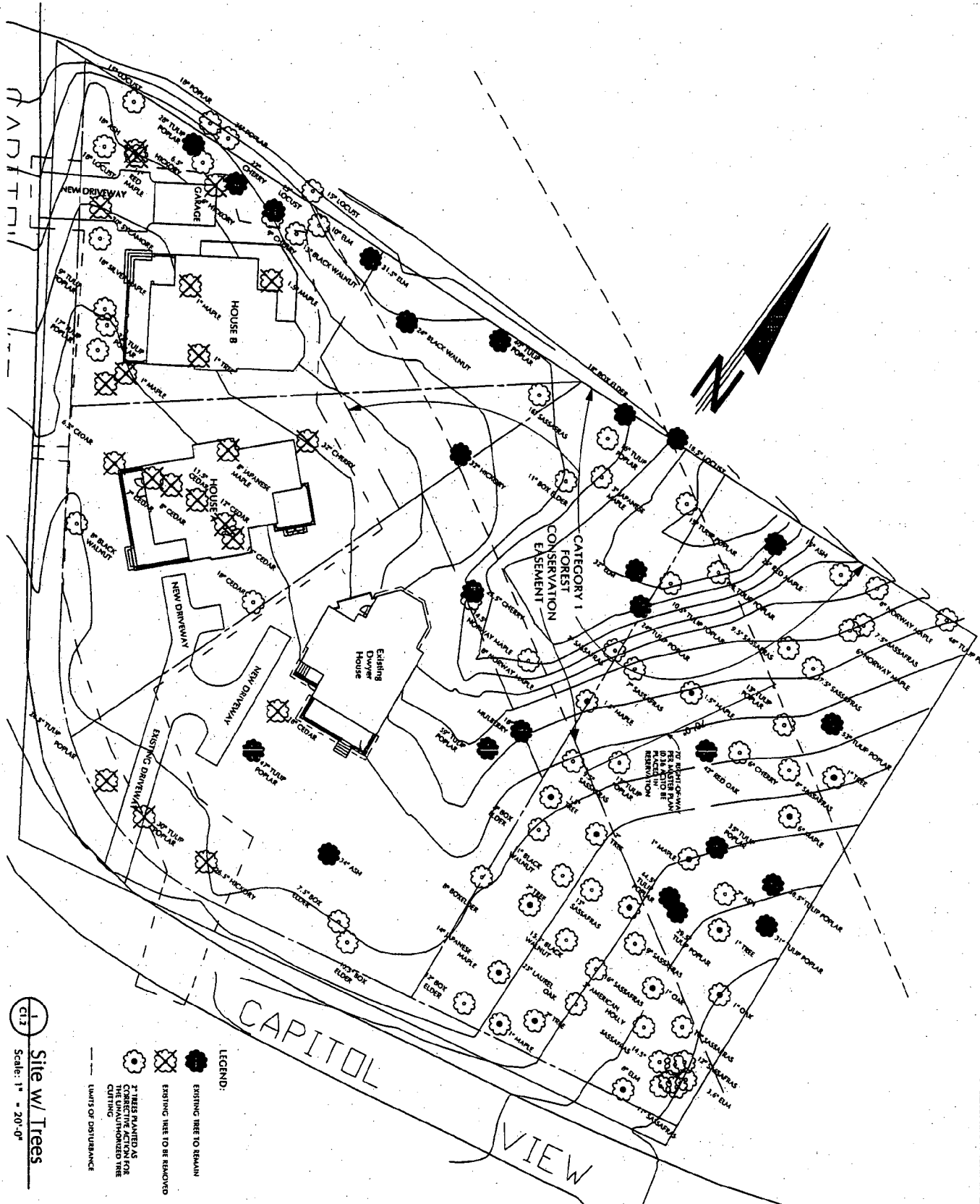


HOUSE B - REAR ELEVATION



HOUSE B - LEFT ELEVATION

01



1
C1.2
Scale: 1" = 20'-0"

LEGEND:
 [Symbol: Flower] EXISTING TREE TO REMAIN
 [Symbol: X] EXISTING TREE TO BE REMOVED
 [Symbol: Circle with X] TREES PLANTED AS CORRECTIVE ACTION FOR CUTTING
 [Symbol: Dashed line] LIMITS OF DISTURBANCE

C1.2
SHEET 1 OF 15

DATE	AS NOTED
DESIGNED BY	BY
CHECKED BY	BY
DATE	04.15.06
PROJECT	
NO.	
DATE	
BY	
DATE	

Notes:
 1. All trees shown on this plan are to be removed unless otherwise noted.
 2. All trees shown on this plan are to be planted unless otherwise noted.
 3. All trees shown on this plan are to be maintained unless otherwise noted.
 4. All trees shown on this plan are to be protected unless otherwise noted.
 5. All trees shown on this plan are to be preserved unless otherwise noted.

Tree Site Plan

Capitol View - House A&B
 10245 Capitol View Avenue
 Kensington, Maryland 20895

MARYLAND DEPARTMENT OF THE ENVIRONMENT
 1000 EASTERN AVENUE
 ANNAPOLIS, MARYLAND 21403
 TEL: 410-261-8300
 FAX: 410-261-8301
 WWW: www.mde.state.md.us



**CAPITOL VIEW PARK
CITIZEN'S ASSOCIATION**

SILVER SPRING, MARYLAND 20910

II-A

May 10, 2006

Michele Oaks
Historic Preservation Committee
Montgomery County, Maryland

Dear Ms. Oaks:

The Capitol View Park Citizens Association Board and Historic Area Review Committee met on Monday, May 8. Mr. Carl Mahany of Macon Construction appeared and presented revised designs for two houses to be built at 10245 Capitol View Avenue (case number 31/07-061). The board voted in favor of the proposal and to support authorizing him to go forward with construction of whichever design versions are agreed upon with HPC. The board also voted to convey their gratitude to Mahany and his team for their heroic efforts to restore the existing house on the property. They are to be commended for preserving such a valuable resource in our historic community.

Sincerely,

Duncan E. Tebow, Co-chair, Historic District Review

301 563 3412

1 THE HISTORIC PRESERVATION COMMISSION

2	----- X	:	
3	HISTORIC AREA WORK PERMIT -	:	HPC Case No. 31/07-06I
	10245 Capitol View Avenue	:	
4	----- X	:	
5	HISTORIC AREA WORK PERMIT -	:	HPC Case No. 31/06-06A
6	3806 Washington View	:	
7	----- X	:	
8	HISTORIC AREA WORK PERMIT -	:	HPC Case No. 37/03-06T
	7307 Maple Avenue	:	
9	----- X	:	
10	HISTORIC AREA WORK PERMIT -	:	HPC Case No. 37/03-06U
11	217 Park Avenue	:	
12	----- X	:	
13	HISTORIC AREA WORK PERMIT -	:	HPC Case No.
	3905 Washington Street	:	
14	----- X	:	

15
 16 A meeting in the above-entitled matter was held on
 17 May 10, 2006, commencing at 7:42 p.m., in the MRO Auditorium
 18 at 8787 Georgia Avenue, Silver Spring, Maryland 20910,
 19 before:

20 COMMITTEE CHAIRMAN

21 Julia O'Malley

22 COMMITTEE MEMBERS

23 Timothy Duffy

24 David Rotenstein

25 Warren Fleming

Nuray Anahtar

Jeff Fuller

Tom Jester

Lee Burstyn

Deposition Services, Inc.

6245 Executive Boulevard

Rockville, MD 20852

Tel: (301) 881-3344 Fax: (301) 881-3338

info@DepositionServices.com www.DepositionServices.com

ALSO PRESENT:

Tania Tully, Staff
Michele Oaks, Staff
Gwen WRight, Staff
Anne Fothergill, Staff

APPEARANCES

<u>STATEMENT OF:</u>	<u>PAGE</u>
Carl Mahany	8
Tom Manion	9
Robert Klotz	17
John Barret	17
Stephen Rosenberg	23
Dana Haden	25
Dan Mudd	35
Jeff Broadhurst	35
Michael Uhlman	53
Judy Beach-Uhlman	53

P R O C E E D I N G S

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MS. O'MALLEY: Good evening, and welcome to the May 10th meeting of the Historic Preservation Commission.

I'm Julia O'Malley, and I'm the chair of the Commission, and I'll have the other Commissioners and the staff introduce themselves, starting on my left.

MR. BURSTYN: Lee Burstyn, Rockville.

MR. DUFFY: Tim Duffy, Potomac.

MR. ROTENSTEIN: David Rotenstein, Silver Spring.

MR. FLEMING: Warran Fleming, Damascus.

MR. FULLER: Jeff Fuller, Brookeville.

MR. JESTER: Tom Jester, Chevy Chase.

MS. ANAHTAR: Nuray Anahtar, Bethesda.

MS. WRIGHT: Gwen Wright, acting chief, countywide planning division.

MS. TULLY: Tania Tully, historic preservation planner.

MS. OAKS: Michele Oaks, historic preservation planner.

MS. O'MALLEY: I want to remind those in the audience, if you don't know, if you'd like to speak on one of the cases tonight, but it's not your project or your house, fill out a form in the back and hand it to the staff so you can be heard.

Have the work permits been duly advertised?

MS. TULLY: Yes, they were advertised in the

1 April 26th, 2006, edition of the examiner.

2 MS. O'MALLEY: Thank you. Is there anyone here
3 tonight to speak in opposition to case B at 6 East Lenox
4 Street? Is there anyone here to speak in opposition to C at
5 4725 Cumberland Avenue? Is there anyone here to speak in
6 opposition to E at 4609 Damascus Road? Is there anyone here
7 tonight to speak in opposition to G at 1 West Irving Street?

8 Is there anyone here tonight to speak in
9 opposition to J at 25814 Frederick Road? Is there anyone
10 here tonight to speak in opposition to K at 3944 Baltimore
11 Street? Is there anyone here to speak in opposition to case
12 L at 122 Park Avenue? Is there anyone here to speak in
13 opposition to case N at 7127 Sycamore Avenue?

14 MR. FULLER: Madam Chair, hearing none, I move
15 that we approve the cases based on staff reports, 35/13-06J
16 at 6 East Lenox; case 35/36-06B at 4725 Cumberland Avenue;
17 case 23/15-06C at 4609 Damascus Road; case 35/13-06L at
18 1 West Irving Street; case 10/59-06A at 25814 Frederick
19 Road, with an added note there are no conditions; case
20 31/06-06D at 3944 Baltimore Street; case 37/03-06D at 122
21 Park Avenue; and case 36/03-06W at 7127 Sycamore Avenue,
22 again, all based on staff reports and recommendations.

23 MS. O'MALLEY: Any discussion? All in favor,
24 raise your right hand? Wait a minute, I didn't have a
25 second.

26 MS. NURAY: Second.

1 MS. O'MALLEY: Nuray, second. All in favor.
2 Okay. Those are passed unanimously, according to the staff
3 reports, and thank you for all your good work on those
4 projects.

5 (Discussion off the record.)

6 MS. O'MALLEY: The first case we'll hear tonight
7 is A at 10245 Capitol View Avenue. Can we have a staff
8 report, please?

9 MS. OAKS: Yes. This address is, contains an
10 outstanding resource in Capital View Park and Historic
11 District. The Commission may remember in September of 2004
12 I reviewed a subdivision for this property to subdivide it
13 into three lots with two additional outlots.

14 The Planning Board did approve that subdivision,
15 and the current proposal tonight is to evaluate the new
16 construction of the two houses on the subject property. You
17 have heard, I believe, in December of last year, December
18 7th of last year, a preliminary consultation on this project
19 for the two new houses, and you had a number of comments for
20 the applicant.

21 And on circle three I highlighted those comments
22 in detail. I also did attach to your packet the transcript
23 from that meeting. So if you wanted to look at it in
24 detail.

25 The current proposal submitted this evening we
26 felt as staff the applicants have addressed most of your

1 concerns. In regards to the site plan for house A, they
2 have repositioned it so that it relates to the curvature of
3 the road, and it has been pushed back on the property
4 slightly.

5 I will note that the State Highway Administration
6 has approved the existing driveway as the new access for lot
7 two, as well as continuing to be the access for the Dwyer
8 house. So we don't have to have the need for the driveway
9 to run across the front yards of the new lots.

10 House A has had some modifications which we feel
11 reflect the HPC's comments. The tower feature on the right
12 elevation was eliminated, and it was simplified to a hip
13 roof projection.

14 The super-sized siding reveal and divided light
15 proportions in the larger windows have been changed in the
16 projecting bay on the left elevation. And additional
17 changes include the adjustment from two double hung windows
18 on the second level of the front facade, to an arched ribbon
19 of windows and the porch roofing materials has changed to
20 standing C metal.

21 The house B has had a significant change, mainly
22 to the exterior building materials. They went from
23 horizontal clapboard siding and shingled gables, to more of
24 a board and baton in the gable ends, with a decorative band
25 detail, and of course clapboard siding.

26 We feel that, also they have expanded on the

1 second floor the master bath, which does require a second
2 roof line projection, which is visible in your left
3 elevation.

4 Staff is recommending approval with conditions,
5 and those conditions are stated on circle one, a number of
6 conditions which are pretty much standard conditions for a
7 historic area work permit, about tree protection plans and
8 working with environmental planning division regarding
9 forest conservation law.

10 But in addition, we want to have the applicants
11 look at returning the house B back to the design that it was
12 at the preliminary consultation. We thought that was more
13 of a successful design in terms of the treatment on the
14 exterior elevations. And we thought that was more
15 successful.

16 In closing, I wanted to mention that you did
17 receive in the worksession a comment from the Capital View
18 Park Civic Association, and that is in your packet. They do
19 support the staff report.

20 And I do have some slides if you are interested in
21 looking at it, which have, actually, which were taken today,
22 which has the most current view of the rehab of the historic
23 house, which is amazing. It is looking wonderful. And it
24 also has some extended views, so you can get a better idea
25 of the lots, if you all have forgotten what it looks like.

26 MS. O'MALLEY: Are there any questions from the

1 Board? I think it would be great if you could show us a
2 quick one, especially of the historic house.

3 MS. OAKS: Okay. This is the front facade. You
4 will remember that the applicant had to completely rebuild a
5 new front porch, which is currently being done.

6 MS. O'MALLEY: You don't happen to have an initial
7 picture, a before picture?

8 MS. OAKS: No, I didn't bring that. This gives
9 you a really good shot of the new addition that you
10 approved. This is a side view of the addition. And here is
11 a farther, this is looking across the street. This is a
12 view of where the houses will be constructed. And again,
13 I'm going to be walking down the street, and I'll give you a
14 sense of the lot, remind you that this is, this lot is
15 located on a curve.

16 MS. O'MALLEY: Thank you. Could the applicant
17 come up, please? Let's see, how many times have we seen
18 you.

19 MR. MAHANY: I'm Carl Mahany, and I'm one of the
20 owners of the property, and this is Tom Manion, our
21 architect. I don't have a whole lot to add to the staff
22 report. I'd be happy to answer any questions that you have.

23 We did have a model made, which I think helps
24 clarify the relationships between the existing resource and
25 the new houses. And I invite you to look at it as you wish.

26 MS. O'MALLEY: Is it possible for you to put it on

1 the table?

2 MR. MAHANY: Sure. This is the existing resource
3 right here. This is house A and house B. Part of the
4 reason for doing this model was to demonstrate the fact that
5 the houses are significantly lower than the existing
6 resource, and to more clearly illustrate the benefits of
7 creating a one-and-a-half story structure on the front of
8 both of the new houses, to try to hide some of the mass.

9 MR. MANION: If there's a couple of things I could
10 add?

11 MS. O'MALLEY: Yes.

12 MR. MANION: The house, house A we did incorporate
13 most of the changes, and we did, we were able to turn it.
14 On house B, we were given, recently, a slightly modified
15 site plan, because these were slightly modified. In the
16 rear reservation area came into the corner of the back of
17 the old house. So in fact --

18 MR. MAHANY: Right in here.

19 MR. MANION: -- what we have done is, we've
20 actually shortened that house by four feet, and reduced the
21 size of that. So it did not grow. It actually got smaller.
22 And we tried to do, I think on the model it shows better
23 than in the drawings, but we tried to do a simple shed
24 around that. So we actually decreased the size of that
25 house, not increased it.

26 On the previous presentation, we had taken some

1 ideas from the original house and were trying to make these
2 sort of a sense of community between the three of them. And
3 on each of the houses, we've kind of taken pieces of the
4 barge boards and the corner boards and reinterpreted them on
5 each of the houses in a simpler manner. And on the house
6 that had gotten to be about 18-20 inches. Originally, those
7 were smooth, and we did add some contour in an effort to
8 take that off.

9 Other than that, we tried to stay really close to
10 the original suggestions that we got on the preliminary
11 review.

12 Most of the trees that you see on the model are
13 the existing trees that remain. Wind shear caught the back
14 of our model today, but other than that -- and because we
15 were able, Carl was successful in having the driveways
16 changes, we will, in fact, have a number of trees buffering
17 the basis of these. And I think that helps. And there are
18 a couple, you probably saw on that model, there are one or
19 two very nice trees between the wire and our new proposals.

20 Do you want us to bring this around, or not?

21 MS. O'MALLEY: Commissioners, would you like them
22 to bring it around? We can see it pretty well down here.
23 And it's very helpful. I guess the only thing might be,
24 could you turn it so that we can get the other view, as if
25 you are coming up the street from the other end?

26 MR. MAHANY: This way?

1 MS. O'MALLEY: No, all the way around.

2 MR. MAHANY: We don't mind walking it around if
3 you want us to, because it's only eight scale, it's not a
4 really big one.

5 MS. O'MALLEY: Go ahead since they seem to be
6 thinking and looking at it. It might be helpful.

7 (Discussion off the record.)

8 MS. O'MALLEY: So on the current, next to the
9 Dwyer house driveway, you are able to do that driveway and
10 protect that big tree?

11 (Discussion off the record.)

12 MS. WRIGHT: We need folks to speak into the
13 microphones so we can pick this up.

14 (Discussion off the houses.)

15 MR. FLEMING: Each of these two houses have the
16 same measurement from the road?

17 MS. O'MALLEY: It's limited because of the
18 easement in front of the property.

19 MR. FULLER: A couple of your elevations look like
20 there's not a whole lot of overhang on the roofs, as opposed
21 to the model tents to show what would be reasonable
22 overhangs.

23 MR. MANION: We are, in fact, trying to match the
24 overhangs.

25 MR. FULLER: Okay.

26 MS. O'MALLEY: For the mike, 12 inch overhangs,

1 trying to match the original house overhangs?

2 MR. MANION: Yes.

3 MS. O'MALLEY: Comments from Commissioners?

4 MR. FULLER: I like the way the massing breaks
5 down. The two new houses are relatively distinct and really
6 try to stand alone from the existing Dwyer house. I like
7 the fact that the massing of the roof has been pushed down
8 on the houses. I think it will be a good addition to the
9 neighborhood.

10 MS. O'MALLEY: I think you've worked through a lot
11 of the problems that we had when you first came in. Anybody
12 ready for a motion? I have no speakers forms.

13 MR. ROTENSTEIN: Have we dealt with the issue of
14 going back to the preliminary consultation design for that
15 house? It's not stated as a condition on circle one, but
16 it's mentioned on the staff report on circle six. The
17 proposed material change on the house is very ornate in
18 comparison with the previous design. As the Commission is
19 striving for simplicity, we are recommending approval with
20 the condition that the design is returned to the original
21 design as submitted.

22 MR. MANION: We have no problem with taking off
23 the vertical banes and going back to the shingles on the top
24 and the clapboard. That's fine.

25 MR. ROTENSTEIN: Okay.

26 MS. O'MALLEY: Is that preferred by the rest of

1 the Commission?

2 MS. WRIGHT: It's circle 19 versus circle 17.

3 MR. JESTER: The fenestration is also slightly
4 different. Is there a preference?

5 MR. MANION: The house, the house never changed.
6 It actually shortened. So we don't have a problem with the
7 material changes, et cetera, but the house is actually a
8 different, slightly different shape. So I can't literally
9 match, but I can change the materials. I can take off the
10 verticals. I can do the shingles. The facade would be the
11 same. The rear northwest corner has two sheds instead of
12 one shed. It is, in fact, four feet shorter.

13 MS. O'MALLEY: So the right elevation on B on page
14 71.

15 MS. WRIGHT: I think if I understand it, really
16 staff is not suggesting any changes to the new window
17 configuration or footprint or anything. They are simply
18 saying, instead of a circular window above the front door,
19 go back to the simpler window on page 17. Instead of the
20 vertical siding on the front facade, go back to the shingle.

21 MS. O'MALLEY: Right.

22 MR. FULLER: Then why don't we leave it be that
23 the elevations be approved at staff level.

24 MS. WRIGHT: Materials.

25 MS. O'MALLEY: Materials at staff.

26 MS. WRIGHT: That's fine.

1 MR. ROTENSTEIN: I think that's fine.

2 MS. O'MALLEY: Commissioner.

3 MR. BURSTYN: I just have a minor question for the
4 staff. On page six, paragraph four, paragraph three at line
5 five. Something is left out. I just want to know if this
6 is everything. It says, this was in response to the HPC's
7 request for simpler --

8 MS. O'MALLEY: Simplifying.

9 MR. BURSTYN: I don't know. That's my question.

10 MR. MAHANY: It's a typo.

11 MS. OAKS: I'm sorry.

12 MR. BURSTYN: Third paragraph, line five, line
13 four and five.

14 MS. OAKS: It's supposed to be simplified. I
15 didn't catch it because it is a word.

16 MR. FULLER: All right. I'll make a motion to
17 approve case 31/07-06I which the staff recommendations. Add
18 a last condition that asks that the elevations of house B be
19 resubmitted to staff at a schematic level, so you're not
20 wasting time, for staff level approval.

21 MS. O'MALLEY: Is there a second?

22 MR. DUFFY: I second.

23 MS. O'MALLEY: All in favor, raise your right
24 hand? Thank you. And I know that Capital View said that
25 you should be commended for preserving such a valuable
26 resource.

1 MR. MAHANY: Thank you.

2 MS. O'MALLEY: Thank you very much, that was very
3 helpful. Case B, do we have a second one?

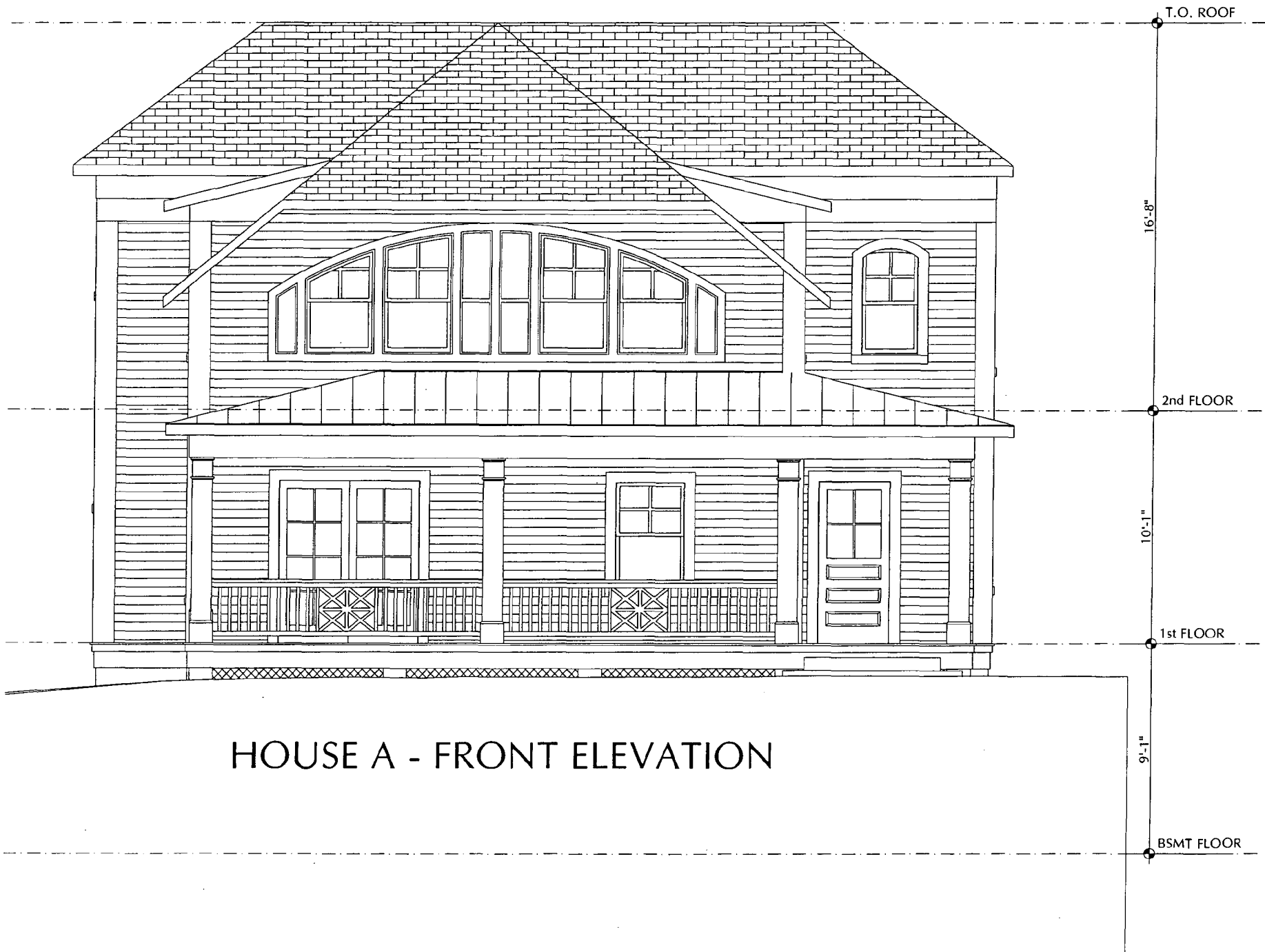
4 MS. TULLY: Yes. Case B is at 3806 Washington
5 View, Kensington, is a 1996 new vinyl sided two-story house
6 in the historic district. The applicants are proposing a 22
7 by 16 deck and screened porch of approximately the same
8 size.

9 Staff, this is a noncontributing resource. Staff
10 is recommending approval with another condition, the first
11 being not using vinyl siding on the knee wall; the second
12 being privacy fencing on the left elevation would be no
13 higher than six-foot six-inches as measured from the grade;
14 and that tree protection fencing will be installed in the
15 rear yard prior to any work beginning on the property. The
16 applicants are in agreement with conditions two and three,
17 but are requesting that condition one be struck.

18 MS. O'MALLEY: Thank you. Do we have discussion?
19 Comments? Any comments?

20 MR. FULLER: I'd be in favor of the applicant's
21 request to strike condition one. Does the applicant have
22 anything else they want to talk about?

23 MS. TULLY: I don't think so. I also wanted to
24 add that there are LAP comments on the project, and they,
25 the LAP is also in support of the project, including
26 striking condition one.



HOUSE A - FRONT ELEVATION

Silver, Joshua

From: Fuster, Marco
Sent: Thursday, January 24, 2008 5:34 PM
To: Silver, Joshua
Subject: FW: 120050050 Macon Construction

Josh,

Call to discuss, this e-mail string should bring you up to speed on our concerns. The original e-mail furthest below is the most pertinent one.

Marco

From: Fuster, Marco
Sent: Thursday, January 24, 2008 5:19 PM
To: 'bainshep@netscape.net'
Cc: Bunnag, Candy; Lieb, David; Cornelius, Wayne; Pfefferle, Mark
Subject: RE: 120050050 Macon Construction

Brian,

The submitted tree save plan, was signed by your consulting arborist on 12/20/07 and received by M-NCPPC the following day. Presently, we are well within the 45 day period allowed for plan review. The deficiencies associated with the underlying subdivision were revealed during the review of your plan. The conditions of approval for the subdivision which include your lots, require that all the tree save areas (depicted on the ultimately approved tree save plan) be recorded as Category II easements.

Formal comments regarding your plan submission will be issued in the near future. Concurrently, staff will coordinate on resolution of the larger issues associated with the subdivision.

I will keep you informed with any updates.

Marco F.
M-NCPPC

From: bainshep@netscape.net [mailto:bainshep@netscape.net]
Sent: Thursday, January 24, 2008 12:08 PM
To: Fuster, Marco
Cc: Bunnag, Candy; Lieb, David; Cornelius, Wayne; Pfefferle, Mark
Subject: Re: 120050050 Macon Construction

Marco,

Thanks for the e-mail.....as I requested yesterday, I would like an official letter stating your comments on official Montgomery County letter head. Please send this to me as soon as possible. My address once again is:
205 Granville Drive
Silver Spring, MD 20901

Just to reiterate, I have complied with all items for **Lot 22** as stipulated by Montgomery County, per meetings with Candy Bunnag. I have been patient, understanding, and most of all conscientious of following through with requirements, and work loads. I purchased two (2) parcels last spring (2007), initiated and submitted all

requirements for permit in the summer of 2007. Ms. Bunnag informed me that a tree save plan was needed for my project (in late Fall 2007), and stated this was the only hold up. There was no conversation regarding the previous owner (Macon) and their work -- which only makes sense, since I had and have nothing to do with their project.

It is now winter of 2008 and I am learning that because of issues regarding the previous owner, I am being penalized for their mistakes and/or overlooks, as well as that of the county. I have lost months of work, peace of mind, and money as I am waiting to start my project. It is difficult for me to understand how such an issue could be overlooked for so long, and now the problem has come to surface.

All I request, is that I not be held back from receiving my permits to start construction. I am more than happy to work in compliance of the county, but only as far as my property runs -- which I feel is only fair. According to the subdivision record plat for Capital View reservation area 2 only affects outlook A and lot 23, not my properties (lots 21 and 22). Do what you feel is necessary regarding lot 23 and Outlook A; as it seems that the problem lies there and with the previous owner. I should not be held accountable for someone else's mistakes. At this point, something needs to be done and done quickly regarding my two lots on Metropolitan Avenue. Someone needs to be held accountable. I would appreciate a response as soon as possible. Thank you in advance ...

Brian Shepard

-----Original Message-----

From: Fuster, Marco <Marco.Fuster@mncppc-mc.org>

To: bainshep@netscape.net

Cc: Bunnag, Candy <Candy.Bunnag@mncppc-mc.org>; Lieb, David <David.Lieb@mncppc-mc.org>;

Cornelius, Wayne <Wayne.Cornelius@mncppc-mc.org>; Pfefferle, Mark <Mark.Pfefferle@mncppc-mc.org>

Sent: Wed, 23 Jan 2008 5:42 pm

Subject: 120050050 Macon Construction

Mr. Sheppard,

The 3 lot subdivision on Capital View Ave was approved under preliminary plan # 120050050 (Macon Construction). The April 12, 2005 Planning Board Opinion specifies a number of *condition of approval items*. An identical list of the conditions of approval also appear on the approved plan of sub-division. These documents can be referenced online through the link bellow:

<http://www.daicsearch.org/imageENABLE/Categories.asp?Keyword=120050050>

Condition of approval items 2, 3 & 12 relate to tree preservation and forest conservation issues within the subdivision. To summarize the conditions, a detailed tree save plan (for the whole site) is to be submitted and approved prior to any construction occurring within *any* of the lots. The required elements of the tree save plan include grading, tree preservation and control of invasive species. The tree save plan was to be submitted and approved prior to record plat, as the plat is required to record category II easements over the tree save areas depicted on the approved tree save plan.

To date none of these conditions have been satisfied, work has already occurred within the subdivision resulting in significant damage to historic and environmental resources (of particular concern is the extensive grading and stonework work located immediately adjacent to the 59" tulip tree). Furthermore, the record plat does not include the category II easements as required.

There are also a number of comments regarding the submitted tree save plan, some of which I had discussed with your associate this afternoon.

Earlier today I left a message with the original developer/applicant but have not made direct contact yet. Likely, we will have to hold a meeting with some or all of the concerned parties to resolve the present situation.

Marco F.
M-NCPPC

More new features than ever. Check out the new [AIM\(R\) Mail!](#)

Silver, Joshua

From: Fuster, Marco
Sent: Friday, February 01, 2008 10:59 AM
To: Silver, Joshua
Subject: FW: 120050050 comments
Attachments: STANDARD NOTES FOR FINAL FOREST CONSERVATION PLANS.doc; capview.doc

From: Fuster, Marco
Sent: Friday, February 01, 2008 10:59 AM
To: 'bainshep@netscape.net'; 'keith@pitchfordtrees.com'
Cc: Bunnag, Candy; Lieb, David; Pfefferle, Mark
Subject: 120050050 comments

Brian,

The comments regarding your submitted tree save plan are attached. The other attachment contains standard notes which are to be included on the plan resubmission. A hard copy of the comments (with my signature) has also been placed in the mail.

Marco F.
M-NCPPC

From: bainshep@netscape.net [mailto:bainshep@netscape.net]
Sent: Friday, January 25, 2008 6:30 PM
To: Pfefferle, Mark; Fuster, Marco
Cc: Bunnag, Candy; Lieb, David; Cornelius, Wayne
Subject: Re: 120050050 Macon Construction

Good evening Mr. Pfefferle,
just reading this email ... at this point, I would like meeting with you, Candy Bunnag, Wayne Cornelius, Marco Fuster, and anyone else you may feel is needed to attend. I will bring any and all documents regarding Metropolitan Avenue which are in my possession to review. It seems that there is some kind of misunderstanding and/or miscommunication between all persons involved regarding this project. I will be at your office at 11:00am on Monday, January 28, 2008.

Thank you.
Brian Shepard

-----Original Message-----

From: Pfefferle, Mark <Mark.Pfefferle@mncppc-mc.org>
To: bainshep@netscape.net; Fuster, Marco <Marco.Fuster@mncppc-mc.org>
Cc: Bunnag, Candy <Candy.Bunnag@mncppc-mc.org>; Lieb, David <David.Lieb@mncppc-mc.org>; Cornelius, Wayne <Wayne.Cornelius@mncppc-mc.org>
Sent: Fri, 25 Jan 2008 5:30 pm
Subject: RE: 120050050 Macon Construction

Mr. Shepard.

The forest conservation plan is not related to the permit drawings submitted to DPS for their review. Forest conservation plans and tree save plans are submitted directly to M-NCPPC for review and approval. It is a necessary component before a sediment control permit is released by DPS. It is only upon receipt of final forest conservation plans, by M-NCPPC, does the 45 day review period begins. As Marco previously stated, our records show that a tree save plan was received by M-NCPPC on 12-21-2007 and was signed by Keith Pitchford on 12-20-2007. The preliminary plan of subdivision also requires the submission and approval of a final forest conservation plan before a sediment control permit can be released. The final forest conservation still needs to be submitted. The tree save plan should be incorporated into the final forest conservation plan. Marco will provide you with comments, on M-NCPPC letter head, on the submitted tree save plan by February 1, 2008.

Unfortunately, we cannot give you permission to start construction on the lots subject to the preliminary plan of subdivision until all the Planning Board's conditions of approval are satisfied.

Mark Pfefferle
Forest Conservation Program Manager
M-NCPPC - Environmental Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Phone: 301.495.4730
Fax: 301.495.1303

From: bainshep@netscape.net [<mailto:bainshep@netscape.net>]
Sent: Friday, January 25, 2008 11:22 AM
To: Fuster, Marco
Cc: Bunnag, Candy; Lieb, David; Cornelius, Wayne; Pfefferle, Mark
Subject: Re: 120050050 Macon Construction

Marco,

According to the Montgomery County DPS Application schedule, your office received the permit drawings on 9/17/2007. That's when the 45 day period begins. I was informed of the tree save plan after the 45 day period expired and only because of my efforts. I was never contacted by a reviewer in Park and Planning.....the issue only surfaced after many visits and queries made by myself. Again, I ask we find some way to work this out and expedite the permit as soon as possible before I'm forced to take legal action.

Regards,

Brian Shepard

-----Original Message-----

From: Fuster, Marco <Marco.Fuster@mncppc-mc.org>
To: bainshep@netscape.net
Cc: Bunnag, Candy <Candy.Bunnag@mncppc-mc.org>; Lieb, David <David.Lieb@mncppc-mc.org>; Cornelius, Wayne <Wayne.Cornelius@mncppc-mc.org>; Pfefferle, Mark <Mark.Pfefferle@mncppc-mc.org>
Sent: Thu, 24 Jan 2008 5:19 pm
Subject: RE: 120050050 Macon Construction

Brian,

The submitted tree save plan, was signed by your consulting arborist on 12/20/07 and received by M-NCPPC the following day. Presently, we are well within the 45 day period allowed for plan review. The deficiencies associated with the underlying subdivision were revealed during the review of your plan. The conditions of approval for the subdivision which include your lots, require that all the tree save areas (depicted on the ultimately approved tree save plan) be recorded as Category II easements.

Formal comments regarding your plan submission will be issued in the near future. Concurrently, staff will coordinate on resolution of the larger issues associated with the subdivision.

I will keep you informed with any updates.

Marco F.
M-NCPPC

From: bainshep@netscape.net [mailto:bainshep@netscape.net]
Sent: Thursday, January 24, 2008 12:08 PM
To: Fuster, Marco
Cc: Bunnag, Candy; Lieb, David; Cornelius, Wayne; Pfefferle, Mark
Subject: Re: 120050050 Macon Construction

Marco,

Thanks for the e-mail.....as I requested yesterday, I would like an official letter stating your comments on official Montgomery County letter head. Please send this to me as soon as possible. My address once again is:

205 Granville Drive
Silver Spring, MD 20901

Just to reiterate, I have complied with all items for **Lot 22** as stipulated by Montgomery County, per meetings with Candy Bunnag. I have been patient, understanding, and most of all conscientious of following through with requirements, and work loads. I purchased two (2) parcels last spring (2007), initiated and submitted all requirements for permit in the summer of 2007. Ms. Bunnag informed me that a tree save plan was needed for my project (in late Fall 2007), and stated this was the only hold up. There was no conversation regarding the previous owner (Macon) and their work -- which only makes sense, since I had and have nothing to do with their project.

It is now winter of 2008 and I am learning that because of issues regarding the previous owner, I am being penalized for their mistakes and/or overlooks, as well as that of the county. I have lost months of work, peace of mind, and money as I am waiting to start my project. It is difficult for me to understand how such an issue could be overlooked for so long, and now the problem has come to surface.

All I request, is that I not be held back from receiving my permits to start construction. I am more than happy to work in compliance of the county, but only as far as my property runs -- which I feel is only fair. According to the subdivision record plat for Capital View reservation area 2 only affects outlook A and lot 23, not my properties (lots 21 and 22). Do what you feel is necessary regarding lot 23 and Outlook A; as it seems that the problem lies there and with the previous owner. I should not be held accountable for someone else's mistakes. At this point, something needs to be done and done quickly regarding my two lots on Metropolitan Avenue. Someone needs to be held accountable. I would appreciate a response as soon as possible. Thank you in advance ...

Brian Shepard

-----Original Message-----

From: Fuster, Marco <Marco.Fuster@mncppc-mc.org>
To: bainshep@netscape.net
Cc: Bunnag, Candy <Candy.Bunnag@mncppc-mc.org>; Lieb, David <David.Lieb@mncppc-mc.org>;
Cornelius, Wayne <Wayne.Cornelius@mncppc-mc.org>; Pfefferle, Mark <Mark.Pfefferle@mncppc-mc.org>
Sent: Wed, 23 Jan 2008 5:42 pm
Subject: 120050050 Macon Construction

Mr. Sheppard,

The 3 lot subdivision on Capital View Ave was approved under preliminary plan # 120050050 (Macon Construction). The April 12, 2005 Planning Board Opinion specifies a number of *condition of approval items*. An identical list of the conditions of approval also appear on the approved plan of sub-division. These documents can be referenced online through the link bellow:

<http://www.daicsearch.org/imageENABLE/Categories.asp?Keyword=120050050>

Condition of approval items 2, 3 & 12 relate to tree preservation and forest conservation issues within the subdivision. To summarize the conditions, a detailed tree save plan (for the whole site) is to be submitted and approved prior to any construction occurring within *any* of the lots. The required elements of the tree save plan include grading, tree preservation and control of invasive species. The tree save plan was to be submitted and approved prior to record plat, as the plat is required to record category II easements over the tree save areas depicted on the approved tree save plan.

To date none of these conditions have been satisfied, work has already occurred within the subdivision resulting in significant damage to historic and environmental resources (of particular concern is the extensive grading and stonework work located immediately adjacent to the 59" tulip tree). Furthermore, the record plat does not include the category II easements as required.

There are also a number of comments regarding the submitted tree save plan, some of which I had discussed with your associate this afternoon.

Earlier today I left a message with the original developer/applicant but have not made direct contact yet. Likely, we will have to hold a meeting with some or all of the concerned parties to resolve the present situation.

Marco F.
M-NCPPC

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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Brian Shepard
205 Granville Drive
Silver Spring, MD 20901

Mr. Shepard,

Below are the M-NCPPC Environmental Planning Comments for submitted tree save plan **Capital View 1-20050050**:

Contact Historic Preservation at 301-563-3400 regarding status/requirements of Historic Area Work Permit (HAWP).

Include on-site management plan for non-native, invasive plant species (including but not limited to Multi-Flora Rose, Rhus species and English Ivy) per Planning Board Condition of approval item 2.

Include a full tree survey prepared by certified arborist, indicating size, species, health and location of all trees greater than 6" in diameter, per Planning Board Condition of approval item 3c. The existing trees tag #'s (present in the field) are to be incorporated into the survey. Include CRZ's for the depicted trees.

Include size, species, health and location of trees which were planted under resolution of previous clearing activity (trees can be readily identified by mesh guard present at tree bases). Wherever possible make adjustments to preserve these trees.

Include CRZ's for offsite trees affected by proposed construction (particularly the large tulip trees north of lot 21).

Update plans to reflect present site conditions. (Driveway, chain-link fence and a number of trees depicted on submitted plan are no longer present). Existing sediment control fences are to be shown on plan.

Rectify the proposed storm water management structures for lot 21 (structures have been drawn outside of the LOD).

Depict Category 1 Easement on plan; no grading or structures allowed within Category 1 Easement.

Tree save plan is to be incorporated into a Final Forest Conservation Plan (FFCP) for the entire subdivision. Include forest canopy boundary, as approved on NRI, and add forest Conservation Worksheet.

Revise Tree protection fence detail to indicate 4' minimum height, and delete provision for alternative snow fence.

Include M-NCPPC standard notes for final forest conservation plans.

Provide a copy of Sediment Control Plan to M-NCPPC.

Signature of qualified plan preparer on re-submitted plan must be original and in non-black ink (this has been done appropriately on 1st submission).

Upon approval of Tree Save / FFCP, record a plat of correction to include Category II easements over tree save areas, per Planning Board Condition of approval item 12.

Modification to proposed LOD may be also required, as determined by review of the above requested elements. Submit the revised plans to Mark Pfefferle, and contact us with any question you may have.

Sincerely,

Marco Fuster
Environmental Planning
M-NCPPC

1. Please include the following notes on the final forest conservation plan:

- a. An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The owner shall contact the Maryland National Capital Park and Planning Commission inspection staff prior to commencing construction to verify the limits of disturbance and discuss tree protection and tree care measures. The attendants at this meeting should include: developer's representative, construction superintendent, ISA certified arborist or MD license tree expert that will implement the tree protection measures, M-NCPPC inspector, and DPS sediment control inspector.
- b. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - i. Root pruning
 - ii. Crown Reduction or pruning
 - iii. Watering
 - iv. Fertilizing
 - v. Vertical mulching
 - vi. Root aeration matting

Measures not specified on the forest conservation plan may be required as determined by the M-NCPPC inspector in coordination with the arborist.

- c. A State of Maryland licensed tree expert, or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the M-NCPPC inspector or sent to the M-NCPPC inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The M-NCPPC inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
- d. Temporary tree protection devices shall be installed per the Forest Conservation Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. M-NCPPC inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - i. Chain link fence (four feet high)
 - ii. Super silt fence
 - iii. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- e. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from M-NCPPC. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior

approval of M-NCPPC. Tree protection devices to be coordinated with erosion and sediment control devices as indicated on the approved Erosion and Sediment Control plan approved by the Department of Permitting Services.

- f. Forest retention area signs shall be installed as required by the M-NCPPC inspector, or as shown approved plan.
- g. Long-term protection devices will be installed per the Forest Conservation Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
- h. Periodic inspections by M-NCPPC will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the M-NCPPC inspector, must be made within the timeframe established by the M-NCPPC inspector.
- i. After construction is completed, an inspection shall be requested. Corrective measures which may be required include:
 - i. Removal and replacement of dead and dying trees
 - ii. Pruning of dead or declining limbs
 - iii. Soil aeration
 - iv. Fertilization
 - v. Watering
 - vi. Wound repair
 - vii. Clean up of retention areas
- j. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. No additional grading, sodding, or burial may take place.

Oaks, Michele

From: Oaks, Michele
Sent: Wednesday, December 28, 2005 1:57 PM
To: Manion & Associates (E-mail)
Subject: Dwyer House Revisions 12/23/05 Fax

Cathy,

I am in receipt of your fax dated 12/23/05. The proposed modifications to the windows and doors on the rear addition of the Dwyer house is approved.

Michele

Michele Oaks, Senior Planner
Historic Preservation Office
Montgomery County Department of Park and Planning
1109 Spring Street, Suite 801
Silver Spring, MD 20910
(301) 563-3400 (phone)
(301) 563-3412 (fax)
michele.oaks@mncppc-mc.org
www.mncppc.org

MANION &
ASSOCIATES
ARCHITECTS

FACSIMILE CORRESPONDENCE

To: Historic Preservation Office

Your Fax No.: (301) 563-3412

Date: 12.23.05

Attn.: Michele Oaks

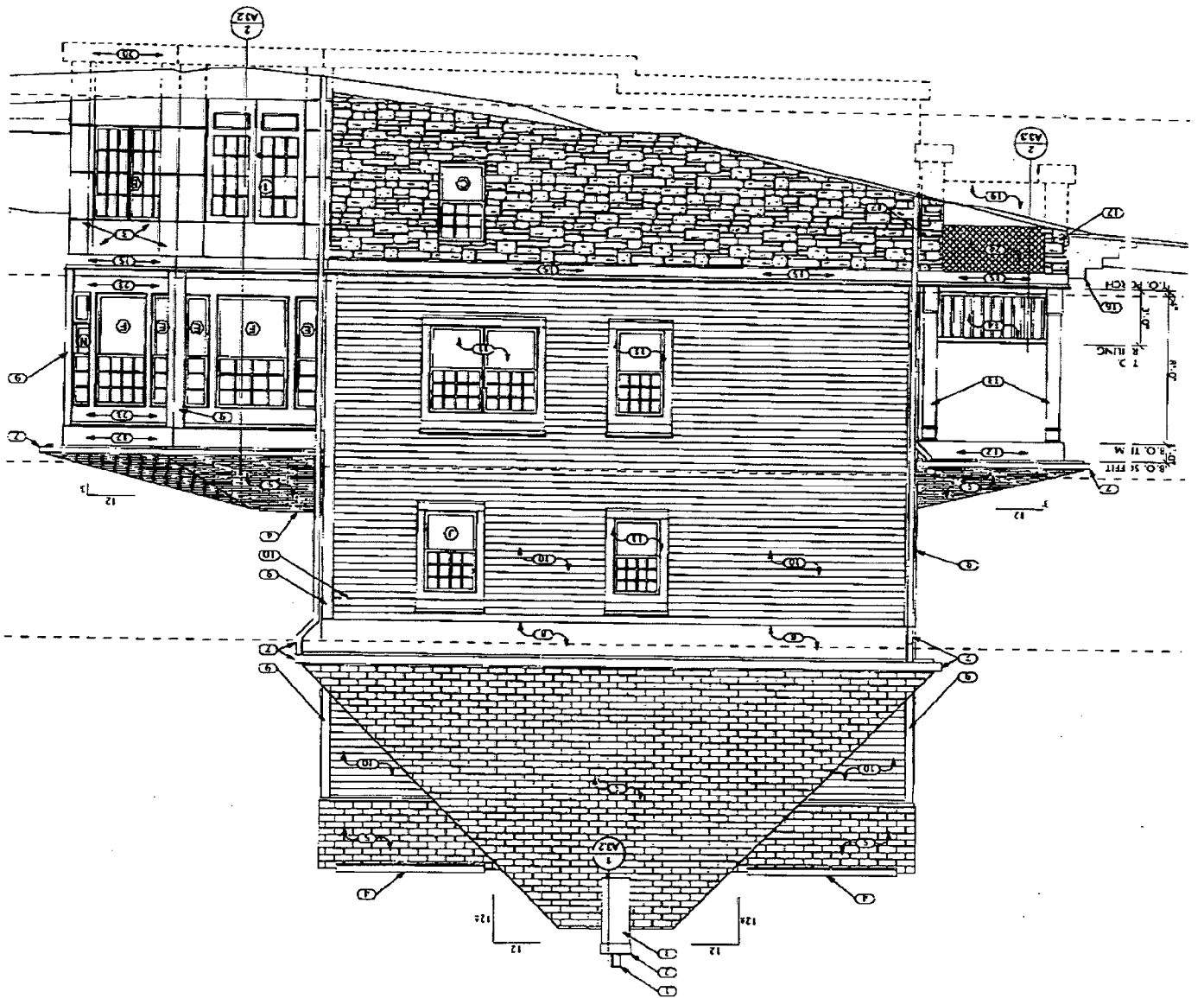
From: Kathy

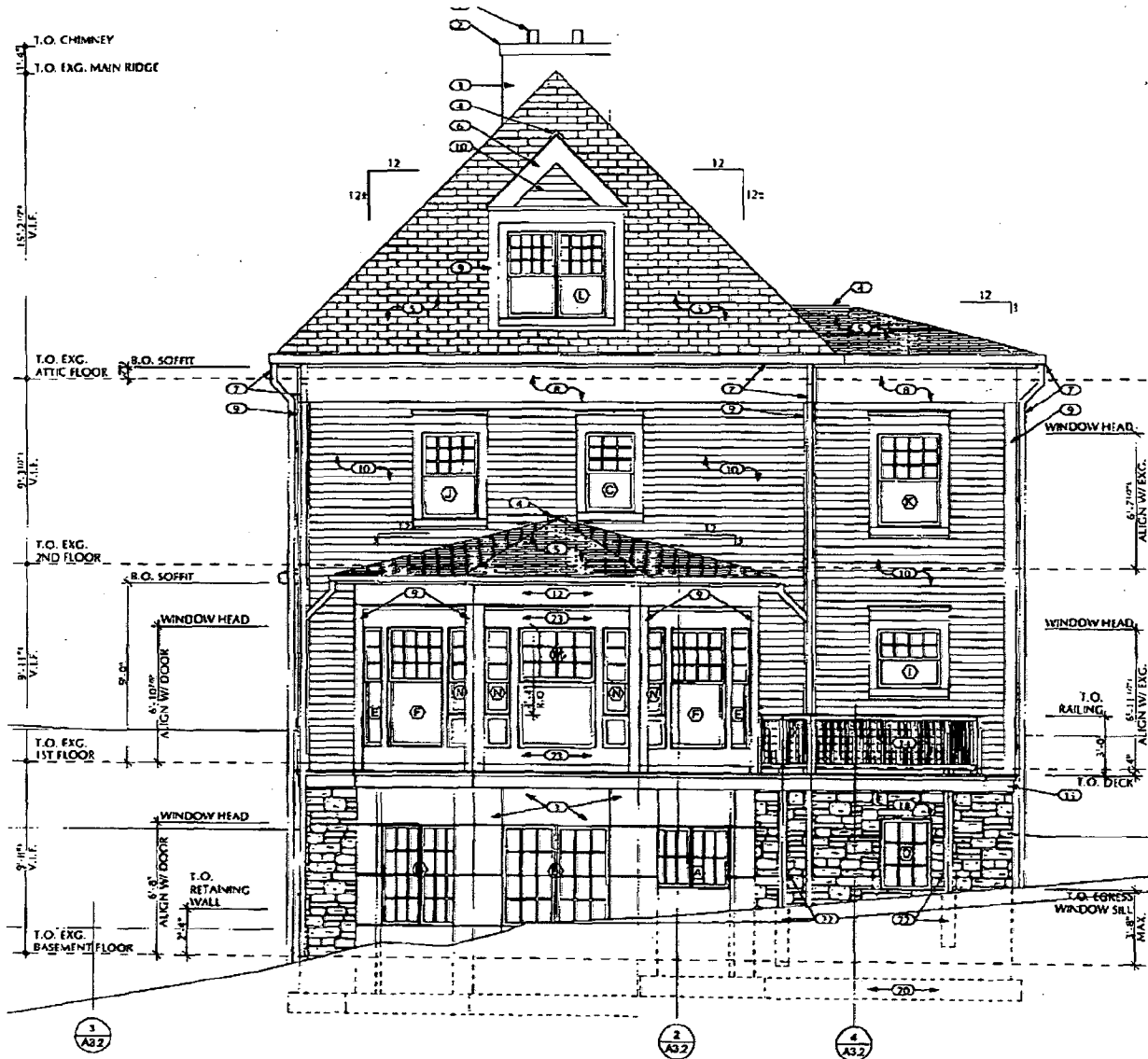
Subject: Dwyer House at 10245 Capitol View Ave, Kensington, MD

4 Pages Including Cover Sheet

Message / Comments: Michele, these are some revised elevations for the Dwyer House. We had to slightly alter the facades. If you have any questions or need anything else please give me a call or give Carl Mahany a call. Thank you, Kathy

RIGHT ELEVATION
 SCALE = 1/8" = 1'-0"
 12/22/05





REAR ELEVATION
 SCALE = 1/8" = 1'-0"
 12/22/05

MANION &
ASSOCIATES
ARCHITECTS

FACSIMILE CORRESPONDENCE

To: Historic Preservation Office

Your Fax No.: (301) 563-3412

Date: 05.11.06

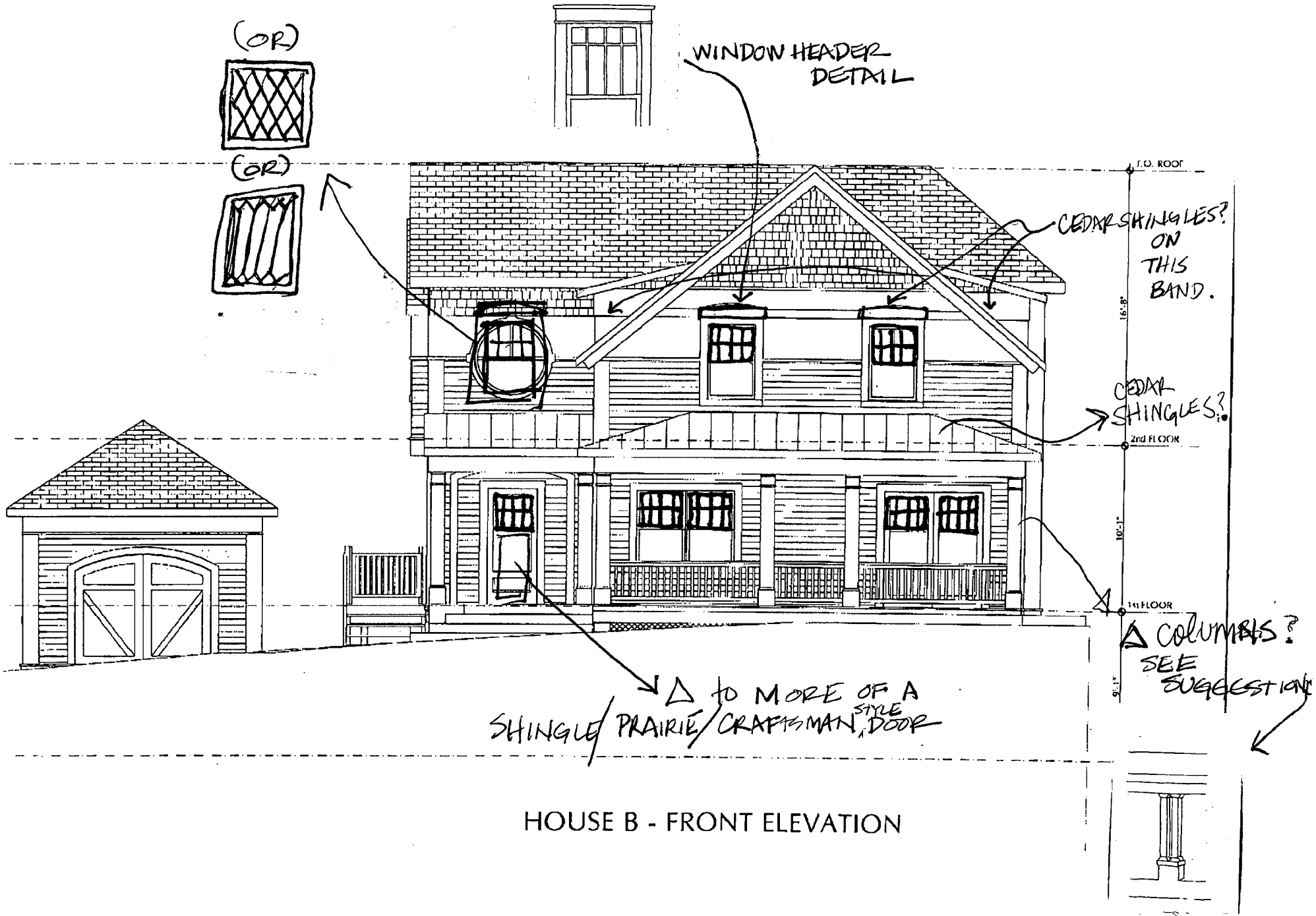
Attn.: ~~Michele Oaks~~ KATHY

From: ~~Kathy~~ MICHELE

Subject: Capitol View House B

5 Pages Including Cover Sheet

Message / Comments: Michele, Here are some revised elevations putting the shingles back into the gables instead of the board & batten. Give me a call to discuss or if you have any questions. Thanks, Kathy



HOUSE B - FRONT ELEVATION



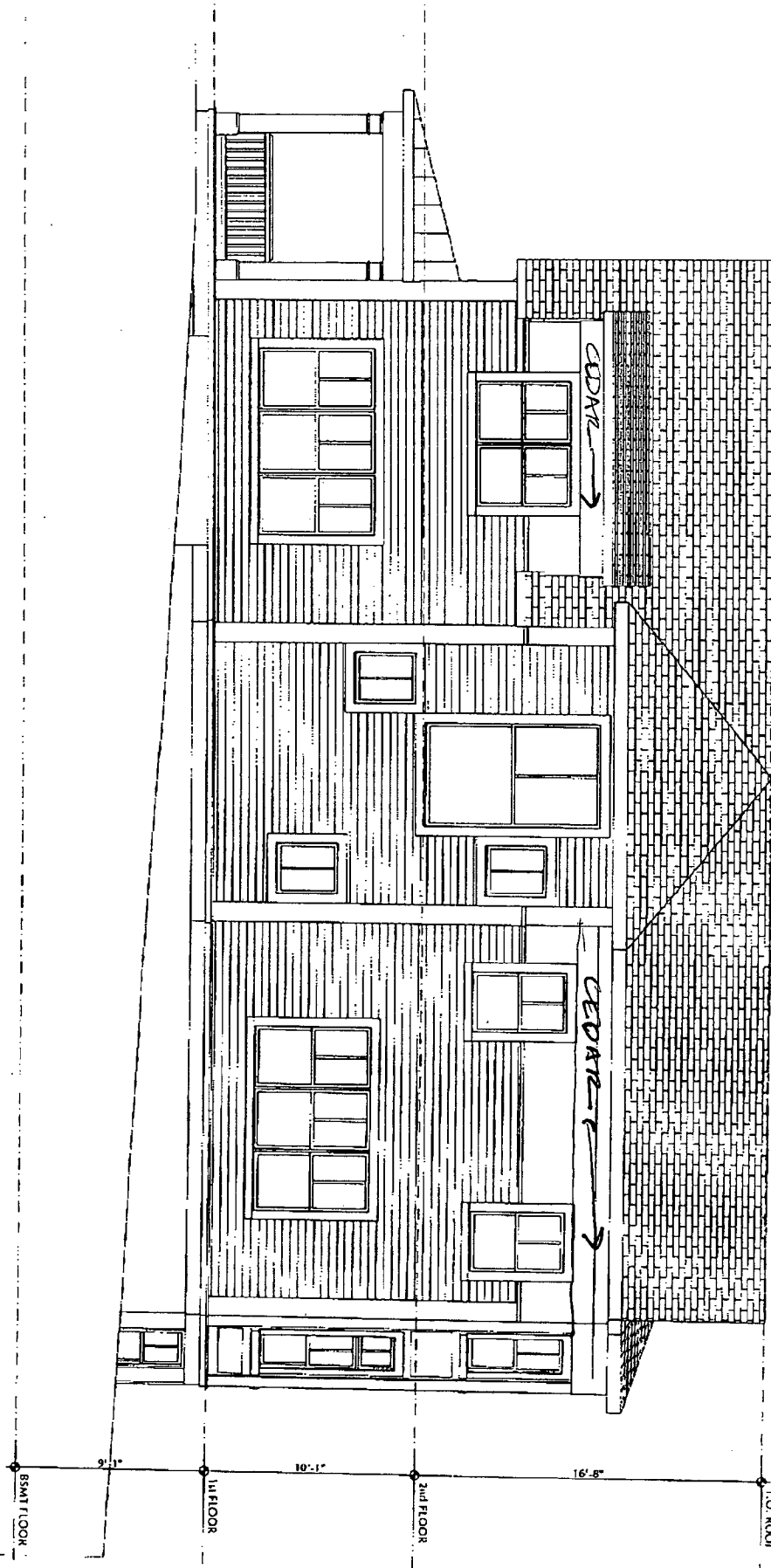
HOUSE B - REAR ELEVATION

CEDAR SHINGLE.



HOUSE B - LEFT ELEVATION

HOUSE B - RIGHT ELEVATION



II-A



**CAPITOL VIEW PARK
CITIZEN'S ASSOCIATION**

SILVER SPRING, MARYLAND 20910

May 10, 2006

Michele Oaks
Historic Preservation Committee
Montgomery County, Maryland

Dear Ms. Oaks:

The Capitol View Park Citizens Association Board and Historic Area Review Committee met on Monday, May 8. Mr. Carl Mahany of Macon Construction appeared and presented revised designs for two houses to be built at 10245 Capitol View Avenue (case number 31/07-061). The board voted in favor of the proposal and to support authorizing him to go forward with construction of whichever design versions are agreed upon with HPC. The board also voted to convey their gratitude to Mahany and his team for their heroic efforts to restore the existing house on the property. They are to be commended for preserving such a valuable resource in our historic community.

Sincerely,

Duncan E. Tebow, Co-chair, Historic District Review

301 563 3412



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4

