

31/07-04C 10012 Capitol View Ave  
Capitol View Park Historic District



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 5/27/04

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator *GW*  
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application – Approval

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

Prior to applying for a county building permit from the Department of Permitting Services, you must schedule a meeting with your assigned staff person to bring your final construction drawings in to the Historic Preservation Office at 1109 Spring Street for stamping. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 301-563-3400.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 240-777-6210 or online at <http://permits.emontgomery.org> of your anticipated work schedule.

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



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 5/27/04

**MEMORANDUM**

TO: Robert Hubbard, Director

FROM: Gwen Wright, Coordinator *GW*  
Historic Preservation

SUBJECT: Historic Area Work Permit

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

Approved

Approved with Conditions

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

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

Applicant: ERIC AND CYNTHIA EICHER (NATHAN McELROY/PEPCO)

Address: 10012 CAPITOL VIEW AVENUE

and 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



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: NATHAN MCELROY/PEPCO  
Daytime Phone No.: 202-388-2340

Account No.: 01874235  
Name of Property Owner: ERIC + CYTHIA EICHER Daytime Phone No.: 301-587-8953  
Address: 10012 CAPITOL VIEW AVE SILVER SPRING MD 20910  
Street Number City State Zip Code  
Contractor: ASPLUNDH TREE EXPERTS Phone No.: 301 595-9077  
Contractor Registration No.: TREE EXPERT LICENCE 637  
Agent for Owner: NATHAN MCELROY Daytime Phone No.: 202-388-2340

**LOCATION OF BUILDING/PREMISE**  
House Number: 10012 Street: CAPITOL VIEW  
Town/City: SILVER SPRING Nearest Cross Street: STONEYBROOK  
Lot: \_\_\_\_\_ Block: P28 Subdivision: 5  
Tract: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

**PART ONE: TYPE OF PERMIT ACTION AND USE**

**I.A. CHECK ALL APPLICABLE:**

<input type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input type="checkbox"/> Fence/Wall (complete Section 4)		<input type="checkbox"/> Other: _____			

1B. Construction cost estimate: \$ \_\_\_\_\_  
1C. If this is a revision of a previously approved active permit, see Permit # \_\_\_\_\_

**PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS**

2A. Type of sewage disposal: 01  WSSC 02  Septic 03  Other: \_\_\_\_\_  
2B. Type of water supply: 01  WSSC 02  Well 03  Other: \_\_\_\_\_

**PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL**

3A. Height \_\_\_\_\_ feet \_\_\_\_\_ inches  
3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:  
 On party line/property line  Entirely on land of owner  On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Nathan H McElroy Signature of owner or authorized agent 4/20/04 Date

Approved: ✓ For Chairperson, Historic Preservation Commission  
Disapproved: \_\_\_\_\_ Signature: Julia O'Malley Date: 5/12/04  
Application/Permit No.: 34168 Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

**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:

RESIDENCE WITH MULTIPLE TREES

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

REMOVAL OF 2 TREES SEE ATTACHMENTS  
EXHIBIT A-D

**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, streamps, trash dumpsters, mechanical equipment, and landscaping.

**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 end, 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.

**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.

**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.

**TREE SURVEY**

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

**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).

**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<b>Owner's mailing address</b> ERIC + CYNTHIA EICHER 10012 CAPITOL VIEW AVE SILVER SPRING MD 20910	<b>Owner's Agent's mailing address</b> PEPCO NATHAN MCELROY 3400 BENNING RD NE WASHINGTON DC 20019
<b>Adjacent and confronting Property Owners mailing addresses</b>	
ALDO + PV MORRI 10112 STONEYBROOK DR SILVER SPRING MD 20910	SHELIA COGAN 10108 STONEYBROOK DR SILVER SPRING MD 20910
WILLIAM FLANIGAN 10001 PRATT PL SILVER SPRINGS MD 20910-1070	JOEL LERNER 10110 STONEYBROOK DR SILVER SPRING MD 20910
JANICE RODGERS 10106 CAPITOL VIEW SILVER SPRING MD 20910	

**Tree Removal Proposal 10012 Capitol View**

Pepco proposes to remove the following tree as part of an effort to improve the reliability of major electrical feeders that pass on the side (along Stoneybrook Dr) of this property. Feeder 69195 is a 69,000 Volt sub transmission feeder that supplies the Linden substation. Interruption to this feeder potentially affects thousands of businesses and homes. Also located on the same pole line is a 3 phase 13,000 Volt feeder that serves hundreds of homes in the neighborhood.

The property owner Eric and Cynthia Eicher has granted permission to Pepco to remove the following trees.

10" Locust - Located in wooded area of yard, close to Stoneybrook Drive side of property, marked with orange flagging tape. To maintain the integrity of this high voltage feeder overhanging branches cannot be allowed to encroach over the feeder. To prevent over hanging branches, there are no pruning cuts that can be made to proper arboricultural standards. Furthermore, due to the position of the tree and construction of the high voltage wires this tree cannot be maintained (trimmed regularly) in a safe manner by tree workers.

11" Poplar- Located in wooded area of yard, close to Stoneybrook Drive side of property, marked with orange flagging tape. Tree has dead top and is in decline. If it does survive, future sprout growth could foul the electric wires.

There are many desirable "replacement" trees (hollies, dogwoods) well established in the vicinity of both these removals.

*Nathan H McElroy 4/20/04*  
*ISA Certified Arborist MA-A069*

APPROVED  
Montgomery County  
Historic Preservation Commission  
*Raven Wright*  
*5/29/04*

EXHIBIT B

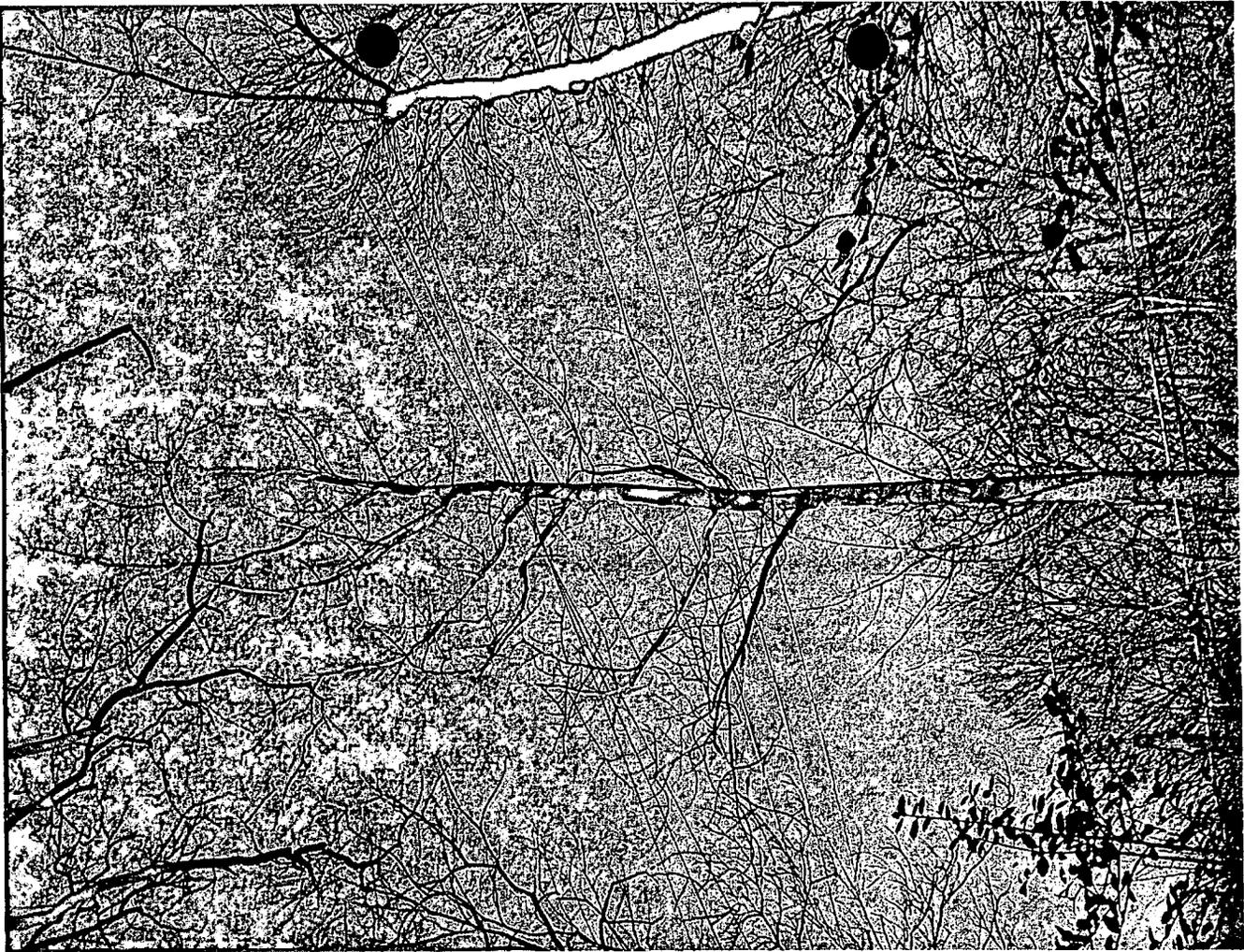


10" LOCUST  
←

APPROVED  
Montgomery County  
Historic Preservation Commission  
*Steven Wright*  
5/29/04



EXHIBIT C



↑ 11" POPLAR

APPROVED  
Montgomery County  
Historic Preservation Commission  
*Kevin Knight*  
5/27/04



***EXPEDITED***  
**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b> 10012 Capitol View Avenue	<b>Meeting Date:</b> May 12, 2004
<b>Applicant:</b> Eric and Cynthia Eicher (Nathan McElroy/PEPCO, Agent)	<b>Report Date:</b> May 5, 2004
<b>Resource:</b> Capitol View Park Historic District Primary Resource	<b>Public Notice:</b> April 28, 2004
<b>Review:</b> HAWP	<b>Tax Credit:</b> None
<b>Case No.:</b> 31/07-04C	<b>Staff:</b> Gwen Wright
<b>PROPOSAL:</b> Tree Removal	<b>RECOMMEND:</b> Approve

**SIGNIFICANCE:**

Individual *Master Plan* Site  
 Within a *Master Plan* Historic District  
 Primary Resource  
 Contributing Resource  
 Non-contributing/Out-of-Period Resource

**PROPOSAL**

The owner's agent (PEPCO) is proposing to remove two trees from a property in the Capitol View Park Historic District. The property is the Pratt House at 10012 Capitol View Avenue, and it is a Primary Resource in the historic district.

The two trees to be removed are a 10" Locust and an 11" Poplar. The request to remove these two trees comes from PEPCO, which is doing a significant amount of work to the overhead electrical wires in this area. The goal is to improve the condition of the overhead wires so that there will be less of a chance for interruption of the electrical service to this area in the case of a severe storm.

The trees to be removed are not dead or dying and, thus, their removal must be approved through the Historic Area Work Permit process.

**STAFF RECOMMENDATION**

The two trees to be removed are in a heavily-wooded portion of the back yard of the Pratt House. Their removal will not negatively affect the environmental setting of the Pratt House or the Capitol View Park Historic District.

Staff recommends:

Approval  
 Approval with conditions

Approval is based on the following criteria from Chapter 24A of the Montgomery County Code, Section 8(b): The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

1. The proposal will not substantially alter the exterior features of an historic site, or historic resource within an historic district; or

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; or

3. The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site, or historic resource located within an historic district, in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or

4. The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

6. In balancing the interests of the public in preserving the historic site, or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.



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: NATHAN MCELROY/PERCO  
Daytime Phone No.: 202-388-2340

Account No.: 01874235  
Name of Property Owner: ERIC + CYTHIA EICHER Daytime Phone No.: 301-587-8953  
Address: 10012 CAPITOL VIEW AVE SILVER SPRING MD 20910  
Street Number City Street Zip Code  
Contractor: ASPLUNDH TREE EXPERTS Phone No.: 301 595-9077  
Contractor Registration No.: TREE EXPERT LICENCE 637  
Agent for Owner: NATHAN MCELROY Daytime Phone No.: 202-388-2340

**LOCATION OF BUILDING/PREMISE**  
House Number: 10012 Street: CAPITOL VIEW  
Town/City: SILVER SPRING Nearest Cross Street: STONEY BROOK  
Lot: Block: P28 Subdivision: 5  
Folio: Parcel:

**PART ONE: TYPE OF PERMIT ACTION AND USE**  
A. CHECK ALL APPLICABLE:  Construct  Extend  Alter/Renovate  Move  Revision  Wreck/Raze  Repair  Revocable  
CHECK ALL APPLICABLE:  A/C  Slab  Room Addition  Solar  Fireplace  Woodburning Stove  Fence/Wall (complete Section 4)  Porch  Deck  Shed  Single Family  Other: \_\_\_\_\_  
B. Construction cost estimate: \$ \_\_\_\_\_  
C. If this is a revision of a previously approved active permit, see Permit # \_\_\_\_\_

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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.

Nathan McElroy Signature of owner or authorized agent  
4/20/04 Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission  
Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Application/Permit No.: 341686 Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

3

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE  
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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.

4

**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
ERIC + CYNTHIA EICHER 10012 CAPITOL VIEW AVE SILVER SPRING MD 20910	PEPCO NATHAN McELROY 3400 BENNING RD NE WASHINGTON DC 20019
Adjacent and confronting Property Owners mailing addresses	
ALDO + PV MORRI 10112 STONEYBROOK DR SILVER SPRING MD 20910	SHELIA COGAN 10108 STONEYBROOK DR SILVER SPRING MD 20910
WILLIAM FLANIGAN 10001 PRATT PL SILVER SPRINGS MD 20910-1070	JOEL LERNER 10110 STONEYBROOK DR SILVER SPRING MD 20910
JANICE RODGERS 10106 CAPITOL VIEW SILVER SPRING MD 20910	

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11" Poplar- Located in wooded area of yard, close to Stoneybrook Drive side of property, marked with orange flagging tape. Tree has dead top and is in decline. If it does survive, future sprout growth could foul the electric wires.

There are many desirable "replacement" trees (hollies, dogwoods) well established in the vicinity of both these removals.

*Nathan H McElroy 4/20/04*  
*ISA Certified Arborist MA-AD69*





10" LOCUST

(7)

EXHIBIT C



↑ 11" POPLAR



①



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4



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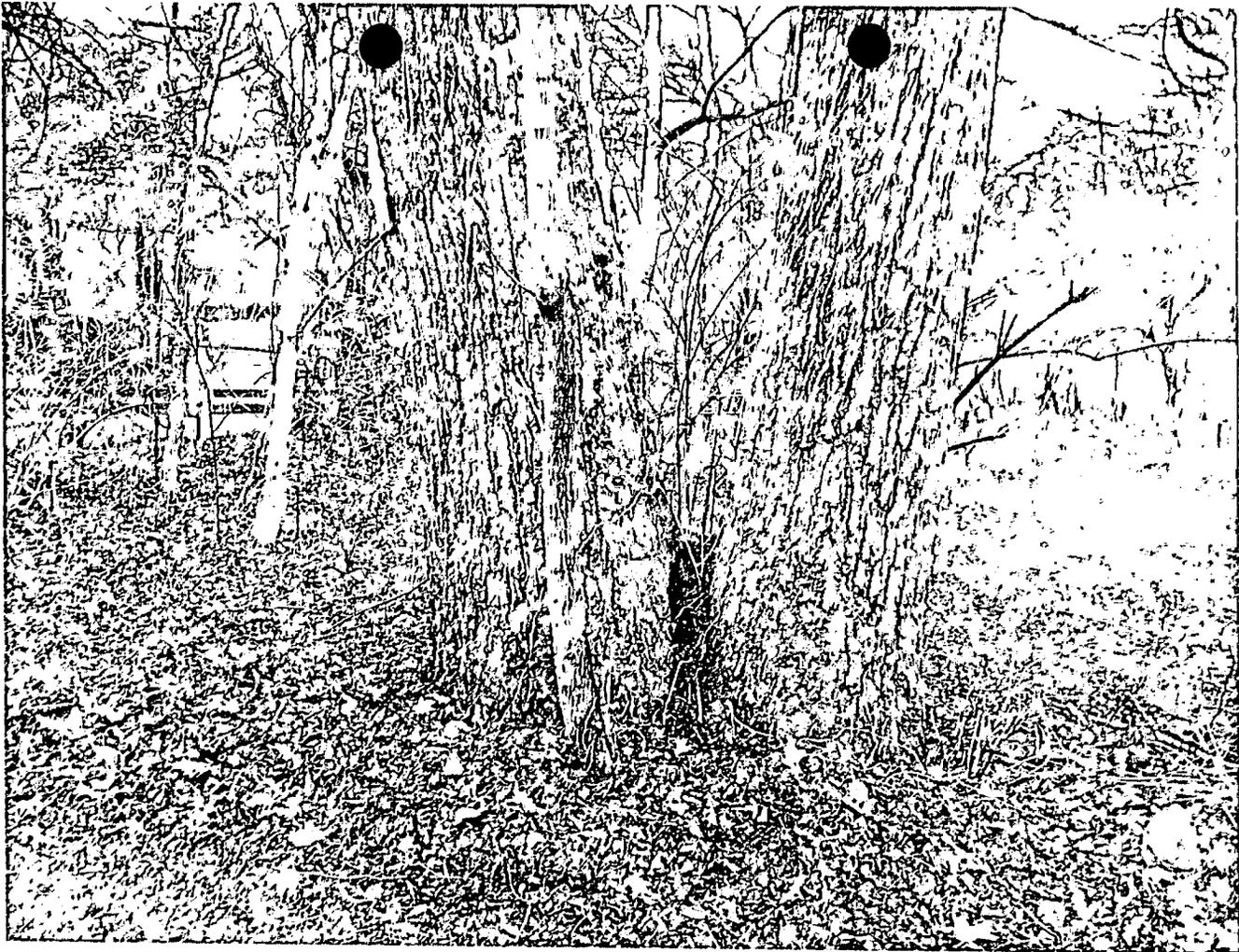


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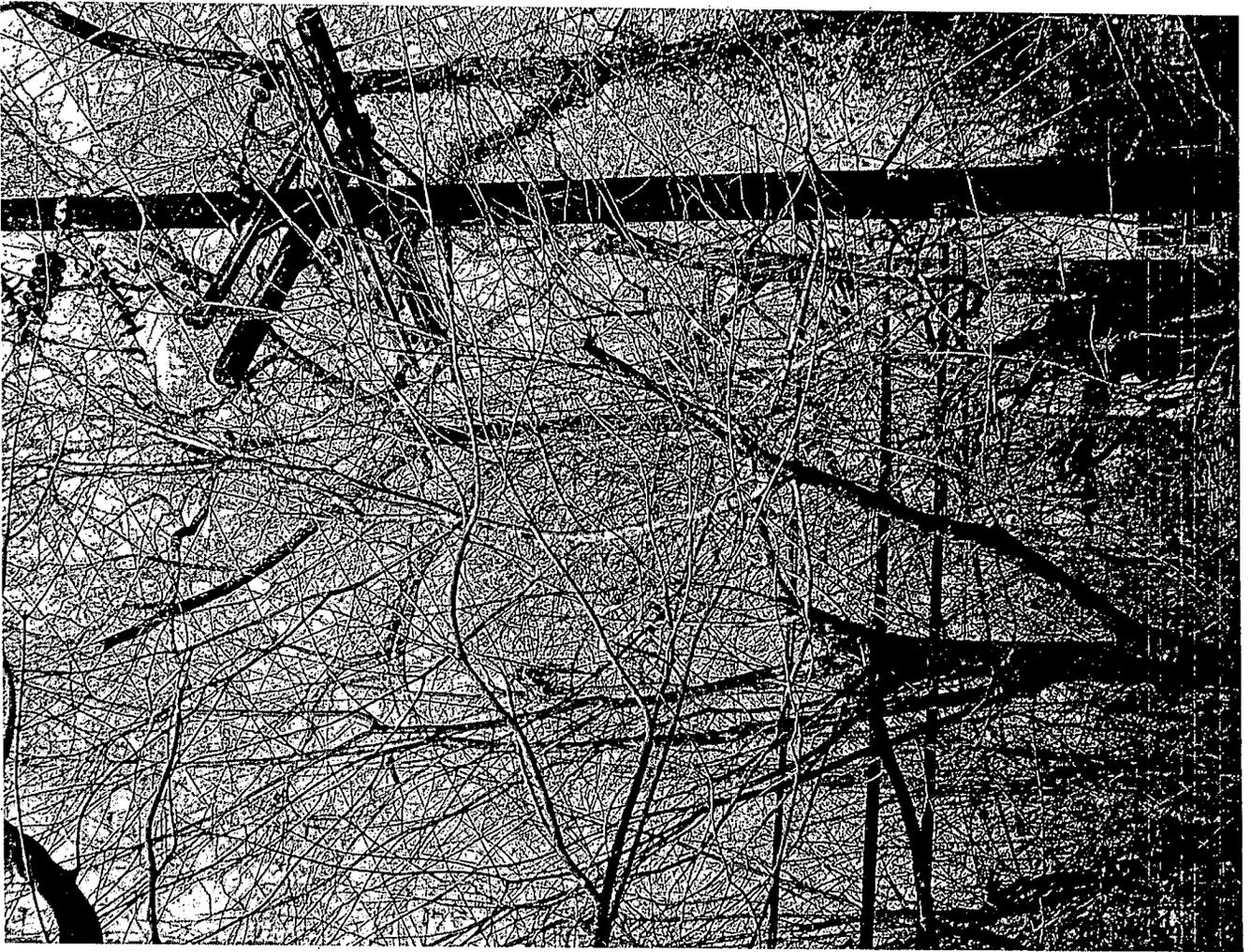
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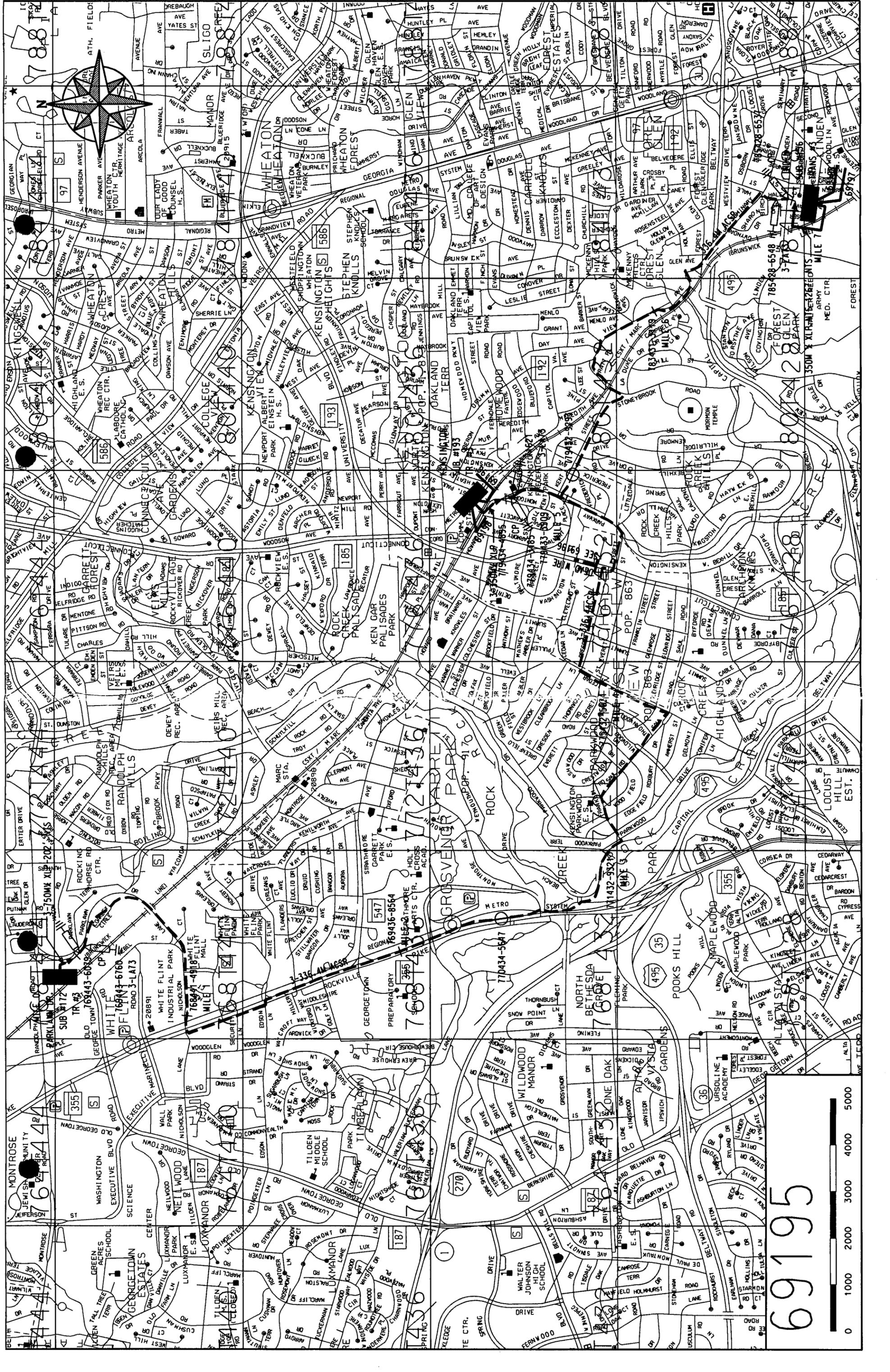


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69195



## Wright, Gwen

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**From:** Thompson, Abigail  
**Sent:** Wednesday, January 14, 2004 2:26 PM  
**To:** Wright, Gwen  
**Subject:** MEMO from Capitol View folks Re: Pepco Clearing Trees

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

**From:** Kevin Elliott [mailto:elliottk@earthlink.net]  
**Sent:** Wed 1/14/2004 2:22 PM  
**To:** Thompson, Abigail  
**Cc:** scogan1@hotmail.com; lcwinter@starpower.net; mforzley@comcast.net; eVolz@comcast.net; camelidz@his.com; langbein@bigdough.com; mulready@earthlink.net  
**Subject:** Pepco right of way clearing project in Capitol View Park HistoricDistrict

Attached is a description of a concern regarding a Pepco project that was initiated this week in Capitol View Park (in part). This project has been described as an aggressive right-of-way clearing project that will involve substantial tree cutting and planned tree removal in some areas. Some poles may also be replaced, and ultimately most or all of the overhead wiring will also be replaced with upgraded/insulated "tree" wiring.

Our concern, as described in the attached document, is that the Pepco activities, if not monitored and constrained by HPC oversight, will likely result in excessive tree cutting and removal not consistent with HPC/environmental restrictions applicable to Historic Districts. In addition, this project is already under way as of 01/14, so time is of the essence in addressing this situation.

I understand that the attached material can be distributed to the HPC members at tonight's meeting for their review and consideration. We would like to solicit HPC's timely review and assistance/guidance in this matter.

Thanks in advance for your help.

Kevin Elliott

10233 Capitol View Ave  
(Capitol View Park Historic District)  
Silver Spring, MD 20910

240-401-9468

## **Pepco "Feeder Reliability Removal" Project: Capitol View Park Tree Cutting and Removal Concerns**

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Pepco has begun their annual right-of-way tree-trimming effort in CVP this week (1/12/04), as we have observed. However, for residents of Capitol View Avenue in particular, please take note that Pepco has announced that this will be an "extremely aggressive" effort, involving severe cutback of trees and removal of many trees, per the plan as described by Pepco representatives. This will be followed by replacement of most, if not all, of the overhead wiring (timetable for this work not known). Some poles will also apparently be replaced.

We only became aware of this significant project on Monday after a Pepco representative left a business card in our mailbox and Kevin called him back. Meanwhile, Asplundh arrived at the Dwyer property and started cutting down very big and healthy trees. Pat got them to stop Monday but they came back and finished the job on Tuesday.

The reason for this email is to advise those along the affected right of way that there will also likely be requests by Pepco to enter onto your property for additional tree cutting/removal in this unusually aggressive effort. This email is also to advise HPC of this activity – both ongoing and planned – to seek assistance/oversight in ensuring the Pepco activities are well understood and constrained to only that level of tree trimming which is necessary.

We should ensure that Pepco's efforts -- which are necessary to a certain extent (as they are every year) -- are not permitted to progress to removal of large/important trees and change the character of the neighborhood simply because this is what is best for Pepco's business. Note that this effort has been spurred by the complaints lodged against Pepco following the extended outages associated with last year's hurricane. These measures are also being pushed by Councilman Perez's office.

It is annoying that a project of this level was not announced to or discussed with the community with reasonable advance notice. The only way we were "alerted" was by finding a Pepco employee's business card in our mailbox last week.

As an engineer in the power-generating utility business myself, I acknowledge Pepco's right and responsibility to keep their power lines up and running reliably by routinely trimming overhanging and encroaching tree branches (an annual activity). But -- within the confines of CVP, the historic designation of our community and the associated HPC restrictions should provide protection for our trees and community character from overzealous, over-aggressive cutting and especially, removal of any trees. A knee-jerk reaction to the results of the 50-year worst (?) hurricane doesn't justify wholesale destruction of these important resources and literal "pillars" of our community.

The Pepco Right-of-Way representative associated with this project is Doug Raby (202-388-2644 office; 202-497-4900 cell); the field engineer is Dave Paduda (240-508-3593).

The Pepco Construction Manager is John Murphy (301-670-8810).

**Related Issue: Site Clearing Work at the “Dwyer House”**

The focus of the initial clearing work performed by Pepco this week has been at and around the “Dwyer House” property at 10245 Capitol View. This property was apparently purchased in 2003 by Mr. Carl Mahany (d.b.a. Macon Construction of Kensington). Several months ago, the property owner proceeded to begin clearing the property of bushes, brush, undergrowth, and most trees – save for the very largest remaining trees on the property. This was not a simple weed-cutting and tree-trimming operation, but involved actual bulldozing of most of the site to bare soil.

Many of the trees removed were 6” or greater in diameter, contrary to county statute as administered by HPC. Ultimately, MNCPPC-Environmental Division became involved in stopping further unauthorized site clearing work, and in directing the property owner to provide ground cover for the large areas of bare soil left after bulldozing operations. This was essential to prevent significant erosion and potential flooding in the development to the north (Kensington) caused by uncontrolled runoff from the now-defoliated property. MNCPPC-Environmental also directed the property owner to plant new trees (approximately 20) to offset the removal of virtually all of the smaller trees on the property. This site is addressed in part in the current CVP section of the Master Plan relevant to flood control issues.

Now that these site corrective/restorative actions had been initiated per MNCPPC-Environmental’s direction, we have Pepco returning to the same site and performing *wholesale removal* of trees this week. Whether such drastic action was warranted by actual contact with or immediate impending threat to any power lines is unclear. Obviously, trees cut and/or removed by Pepco in this action have been in excess of the 6” diameter criterion requiring prior HPC concurrence.

**Summary**

It is unclear how the Pepco authority to maintain a power line right-of-way and the HPC restrictions regarding drastic cutting/removal of live trees in CVP Historic District coordinate or conflict, and who has ultimate authority to control or at least constrain any aspects of this work. Clearly this Pepco project is of sufficient size and scope, and with potential for substantial adverse impact on the community, to warrant review and oversight by HPC.