

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	10201 Menlo Ave.	<b>Meeting Date:</b>	12/20/17
<b>Resource:</b>	Contributing Resource Capitol View Historic District	<b>Report Date:</b>	12/13/17
<b>Review:</b>	HAWP	<b>Public Notice:</b>	12/06/17
<b>Case Number:</b>	37/07-17G (continued)	<b>Tax Credit:</b>	None
<b>Applicant:</b>	Minter Farnsworth	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	New Construction		

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**STAFF RECOMMENDATION**

Staff recommends that the HPC **approve with two (2) conditions** the HAWP application.

1. The proposed windows must be either wood or clad. Details need to be submitted to Staff for review and approval with final approval authority delegated to staff.
2. Placement and species of the new trees needs to be submitted with permit drawings for review and approval with final approval authority delegated to Staff.

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Contributing Resource within the Capitol View Park Historic District  
**STYLE:** N/A  
**DATE:** N/A

The parcel is currently undeveloped and is located at the corner of Menlo Ave. and Loma St. in the Capitol View Historic District. The lot slopes steeply down a ravine and into a conservation easement that covers the rear third of the lot. When the district was surveyed and established in 1982, this area of the Capitol View Historic District was identified as associated with the period 1870-1916.

**BACKGROUND**

When the Capital View Historic District was established in 1982, the subject property was part of the larger parcel and environmental setting of the Hahn House (c.1895), at 2801 Barker St. This lot was created as part of a preliminary plan that was approved by the Planning Board on August 6, 1985. Prior to this HAWP, the subject property had been identified as associated with the original period of development of Capitol View, despite its undeveloped appearance.

This project was presented before the Historic Preservation Commission (HPC) at the October 25, 2017 meeting (see the attached transcript). Several questions and concerns were raised at the hearing both by the HPC, the Local Advisory Panel (LAP) and by several residents. Concerns were largely focused on the size of the proposed construction, the loss of several trees as part of the construction and development, and the increased runoff and environmental sensitivity of the site. The applicant withdrew consideration of his HAWP at the meeting and the hearing held on December 20, 2017 is a continuation of

consideration of that HAWP. The applicant has provided additional details and made minor modifications to the plans in his response.

Thirteen residents and the president of the LAP testified at the October 25, 2017 HPC meeting that their understanding was that the subject lot was intended to be undeveloped (or unbuildable). Staff has undertaken a review of County planning files and has found no information supporting this position. Since its subdivision in 1985, this lot has always been zoned for single-family residential construction.

### **PROPOSAL**

The applicant proposes to construct a two-story house with an attached garage, install a retaining wall, fencing and a rear deck.

### **APPLICABLE GUIDELINES**

When reviewing alterations and new construction within the Capitol View Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan)*, *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.

#### ***Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan)***

1. 1870-1916: Characterized by large lots and variety of setbacks, and architecturally encompassing the "Victorian" residential and revival styles and the early bungalow style popular during this period, these twenty-two houses are of a higher degree of architectural and historical significance than the other structures within the district.
3. Nominal: These house of themselves are of no architectural of [sic] historical significance, but through their contiguity to the significant resources have some interest to the district.
4. Spatial: Spatial resources are unimproved parcels of land which visually and aesthetically contribute to the setting of the historic district, and which can be regarded as extensions of the environmental settings of the significant historic resources.

#### ***Montgomery County Code, Chapter 24A Historic Resources Preservation***

(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

#### **The Secretary of the Interior's Standards for Rehabilitation**

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials,

features, size, scale and proportions, and massing to protect the integrity of the property and its environment.

### **STAFF DISCUSSION**

The applicant proposes to construct a house on the undeveloped lot at the corner of Menlo Ave. and Loma St. in the Capitol View Historic District. Additionally, the applicant proposes to make site improvements including a driveway, retaining wall, and privacy fence. This lot is unique in that it appears that less than 25% of the lot is visible from the public-right-of-way; the remainder of the lot is set behind the neighboring property at 2900 Loma St. There are several utility easements on the property that limit the placement of the house and the driveway. Additionally, the rear third of the lot is subject to a conservation easement and may not be developed. The view of any house built on this lot will only be visible from a limited angle from the public right-of-way and staff supports approval.

Staff believes that this resource should be evaluated as a ‘Nominal’ resource within the context of the Capital View Historic District for several reasons. First, it is a building that is surrounded by buildings from the latter half of the 20<sup>th</sup> century. Directly to the south, the house was constructed in 1993. To the west, the house was constructed in 1953. And to the north the neighboring house was constructed in 1989. Farther to the north, the next houses were constructed in 1929, 1989, and 1926. Second, the properties across Menlo Ave. are outside of the district, so any development here will have less impact on the historic district, as the proposed construction is at the edge of the district. Third, because only an oblique angle of this house will be visible from the public right-of-way, it will have a reduced impact on the surrounding district.

### **New Construction**

The applicant proposes to construct a new two-story, side gable house, three bays wide, with Hardi siding on the lot. The house has two smaller front facing gables and a small covered front porch. To the right there is a single bay attached garage covered in a side gable roof. Flanking the central front door, the first floor has two large bay windows covered in a metal seam roof.

The style of the house is best described as “Traditional” as it draws from several different periods of construction. While the form of the house remains unchanged from the previous submission, several decorative elements were changed in response to a Commissioner’s desire to see a more Victorian house. In a desire to make the house appear more Victorian, the applicant modified the design by introducing bay windows, gable embellishments, and a decorative 2<sup>nd</sup> floor central sash windows in this scheme. In a windshield survey of the district Staff found that this house design is a slightly larger scheme from several houses constructed on Leafy Ave. (see figure 1). These houses were all reviewed and approved by the HPC in 1994. These houses all are side gable roofs with a front gables and small front porches. The Leafy Ave. were all constructed on undeveloped land and created a streetscape where none had existed before.



Figure 1: Infill houses constructed on Leafy Ave. in Capital View

The applicant did not provide windows specifications with the application materials. Staff feels that the proposed one-over-one configuration is acceptable, and recommends the HPC condition approval on the applicant using a wood or clad windows.

The applicant proposes to construct a 12' × 20' (twelve feet by ten feet) deck to the rear. The applicant proposes to construct the structure of the deck out of wood, with a composite decking material, azek trim, and “Wolf” metal rails. Staff feels that the composite decking and azek trim are acceptable substitute materials in this location due to the fact that their characteristics are similar to wood. Staff also feels that the metal balusters are acceptable in this location because the deck is at the rear on new construction. As this it is on the rear of the house and the conservation easement and additional buildings will obscure its visibility from the public right-of-way, Staff believes this decorative element should be approved.

Staff believes that the applicant’s use of a rectangular house shape with a simple side gable roof form achieves a house that, where visible from the district, creates a house that will successfully blend in to the surrounding district and Staff supports its approval.

At the October 25, 2017 hearing questions were raised about the siting of the house and whether it could be better shielded from the public right-of-way or more fully integrated into the streetscape. In response, the applicant provided a survey completed by Witmer & Associates detailing the areas of the lot that are restricted by conservation and utility easements. The survey identifies a 5160 ft<sup>2</sup> (five thousand sixty feet square) buildable envelope. The entirety of this envelope is to the south of Loma St. and is significantly removed from Menlo Ave. that Staff does not feel it adds to the character of the streetscape along Menlo. Portions of the house will still be visible from the public right-of-way, which require a thorough review, however, any construction on this lot will not read as part of the historic gridded street pattern that makes up much of the Capital View District. Lastly, as the lot slopes away from the street, the house will be constructed approximately 6' (six feet) below street grade that will help to minimize the impact the house has on the surrounding district.

Some members of the HPC and the public expressed concerns that the house was out-of-scale with the surrounding district. The applicant provided a table (see Circle 93) showing the proposed house and the neighboring properties. This information shows that the house size is generally consistent with the surrounding properties. The total lot coverage of the subject property, if approved, will be higher than

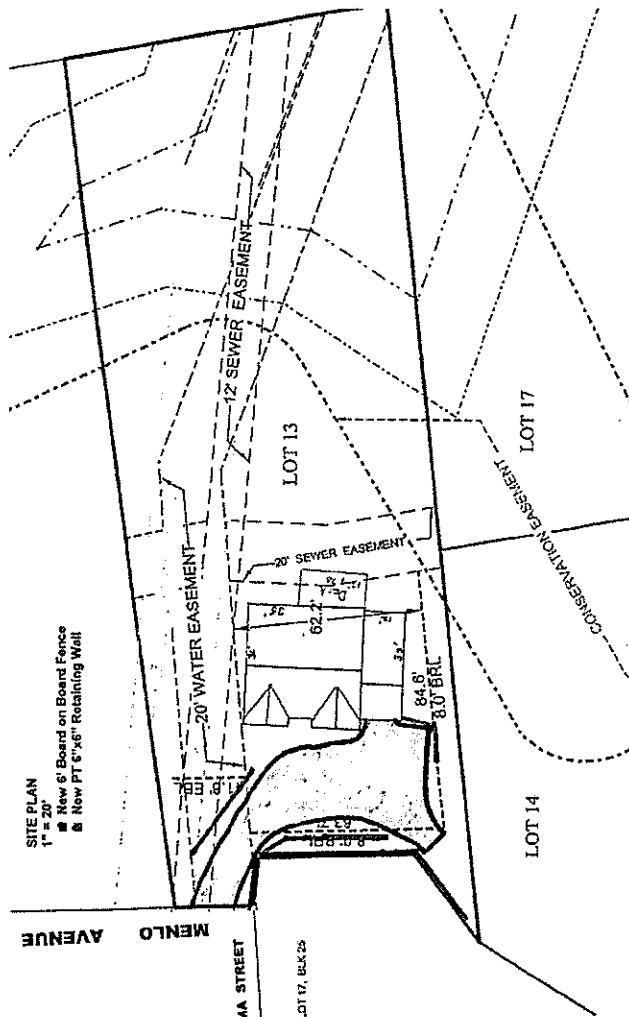
many surrounding properties. This is largely due to the large driveway and proposed parking area. In evaluating this information, Staff feels that the size of the house and the treatment of the landscape is not disproportional to the neighboring properties and Staff supports approval of the house.

### Site Work

The applicant proposes to construct a privacy fence, retaining wall, and will remove several trees.

The applicant is proposing to construct a driveway and parking area to the front of the house using asphalt. This material is widely used throughout the district and will have a minimal impact on the site and the surrounding district. As the parking area will not be visible from the public right-of-way, it will not impact the district and should be approved.

The applicant is proposing to install a six foot (6') tall, wood, board on board privacy fence placed at the front boundary of the property. The HPC does not typically approve fences taller than forty-eight inches (48") in front of the rear wall plan within historic districts. The neighboring property has a fence that is approximately five feet (5') tall, which would intersect the proposed fence at the middle. The southern half of the proposed fence will be obscured by the neighbors existing fence and will not be visible. The northern portion of the fence will be visible from the public right of way and staff believes that due to the unique siting of the lot, a solid board on board design is acceptable, however, the fence height should be reduced to 48" (forty-eight inches) to the north of the neighbor's wooden fence. The fence plan is shown below.



The applicant has identified a total of nine trees with trunks larger than 6" (six inches) d.b.h. proposed for removal (see the attached Tree Survey). Bartlett Tree Experts conducted a survey of the lot (see Circle \_\_\_\_\_). Four trees are at the edge of the property and are located at the only access point from the property to the public streets. Three trees are located in the center of the proposed house construction, which the survey shows are about the only place where construction can occur on this site. There are two additional tulip poplars along the right property line. Both of these trees will be impacted by the construction and are recommended for approval. Due to the unique lot placement and the slope of the lot, the driveway and house could not be placed anywhere else on the site. Staff feels that the loss of these trees is unavoidable and recommends approval for their removal. To deny the tree removal would deprive the owner of reasonable use of the property as zoning currently allows this lot to be developed with a single-family home (24A-8(b)(5)). The applicant also is required to plant nine (9) additional trees on the site or pay a fee in lieu of planting as part of the County's Tree Canopy Conservation Law.

In walking the area of the site covered by the conservation easement, the applicant discovered a large amount of wood that had been dumped on the property (see the photographs below). Based on the apparent age of the wood, this all occurred prior to the applicant's purchase of the land. This wood has had the effect of damming up a portion of this land causes encourages pooling of water on the site. The applicant will remove this wood as part of the development of this lot, which, along with his erosion and drainage plans, should reduce flooding on this parcel.





In the previous Staff report from October 18, 2017, Staff recommended that the applicant submit an erosion plan to Staff for review and approval prior to stamping the permit drawings. Based on the additional information presented to Staff in consultation with the applicant, Staff recognizes that these measures are required by code and all measures discussed by the applicant will be placed below ground and will not have a visual impact on the site or district. As these measures will have result in a visual change, Staff does not believe this should be a requirement for approval. The Department of Permitting Services will review any applicable erosion plan per county code.

### **STAFF RECOMMENDATIONS**

Staff recommends that the Commission **approve with two (2) conditions** the HAWP application;

1. The proposed windows must be either wood or clad. Details need to be submitted to Staff for review and approval with final approval authority delegated to staff.
2. Placement and species of the new trees needs to be submitted with permit drawings for review and approval with final approval authority delegated to Staff.

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



DPS-#8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Email: farnsworthhomes@verizon.net Contact Person: Minter Farnsworth  
Daytime Phone No.: 301-370-8625  
Tax Account No.: 02610440  
Name of Property Owner: 10201 Menlo LLC Daytime Phone No.: 301-370-8625  
Address: 25101 Peachtree Rd Clarksburg, MD 20871  
Contractor: Minter P. Farnsworth III Phone No.: 301-370-8625  
Contractor Registration No.: 126100  
Agent for Owner: same Daytime Phone No.: 301-370-8625

LOCATION OF BUILDING/PREMISE

House Number: 10201 Menlo Ave Street  
Town/City: Silver Spring Nearest Cross Street: Loma St.  
Lot: 13 Block: 18 Subdivision: Capitol View Park  
Liber: 54526 Folio: 00309 Parcel: N/A

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct
- Extend
- Alter/Renovate
- Move
- Install
- Wreck/Reze
- Revision
- Repair
- Revocable.

CHECK ALL APPLICABLE:

- A/C
- Slab
- Room Addition
- Porch
- Deck
- Shed
- Solar
- Fireplace
- Woodburning Stove
- Single Family
- Fence/Wall (complete Section 4)
- Other: \_\_\_\_\_

1B. Construction cost estimator: \$ 350,000

1C. 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 0 feet 0 inches  
3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:  
 On party line/property line  Entirely on land of owner  On public right of way/easement

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

[Signature] 9-25-17  
Signature of owner or authorized agent Date

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

Edr 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

814607

8



**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:

Construct new house on  
vacant lot

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

Construct new house, retaining walls,  
deck and fence compatible with  
the neighborhood

2. **SITEPLAN**

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

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

3. **PLANS AND ELEVATIONS**

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

- a. *Schematic construction plans*, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. *Elevations (facades)*, with marked dimensions; clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. **MATERIALS SPECIFICATIONS**

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. **PHOTOGRAPHS**

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. **TREE SURVEY**

If you are proposing construction adjacent to or within the 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.

7. **ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

For **ALL** projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question.

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.

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

<p><b>Owner's mailing address</b>                  10201 MENLO LLC                  25101 PEACHTREE RD                  CLARKSBURG, MD                  20871</p>	<p><b>Owner's Agent's mailing address</b>                  MINTER P. FARNSWORTH                  25101 PEACHTREE RD                  CLARKSBURG, MD                  20871</p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>J. STAGUHN AND                  K. FLORIAN STAGUHN                  10203 MENLO AVE                  SILVER SPRING, MD                  20910</p>	<p>PHILLIP HAUSSMANN                  10200 MENLO AVE                  SILVER SPRING, MD                  20910</p>
<p>TOVI LEHMAN AND                  NOA LIVNI LEHMAN                  2900 LOMA ST                  SILVER SPRING, MD                  20910</p>	<p>LYNN J. BUSH                  2905 BARKER ST                  SILVER SPRING, MD                  20910</p>
<p>HARRY A. AND E.C. VOLZ                  2801 BARKER ST.                  SILVER SPRING, MD                  20910</p>	<p>BABEL AND CHLOE PEREZ                  10202 LESLIE ST.                  SILVER SPRING, MD                  20902</p>

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

**Owner's mailing address**

10201 MENLO LLC  
25101 PEACHTREE RD  
CLARKSBURG, MD  
20871

**Owner's Agent's mailing address**

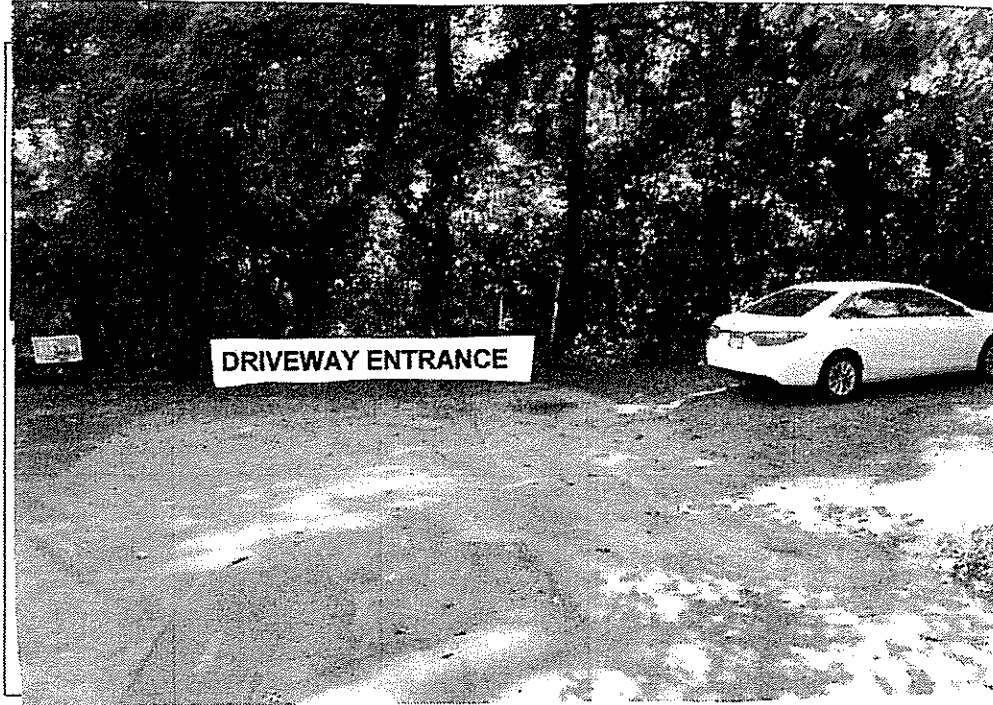
MINTER P. FARNSWORTH  
25101 PEACHTREE RD  
CLARKSBURG, MD  
20871

**Adjacent and confronting Property Owners mailing addresses**

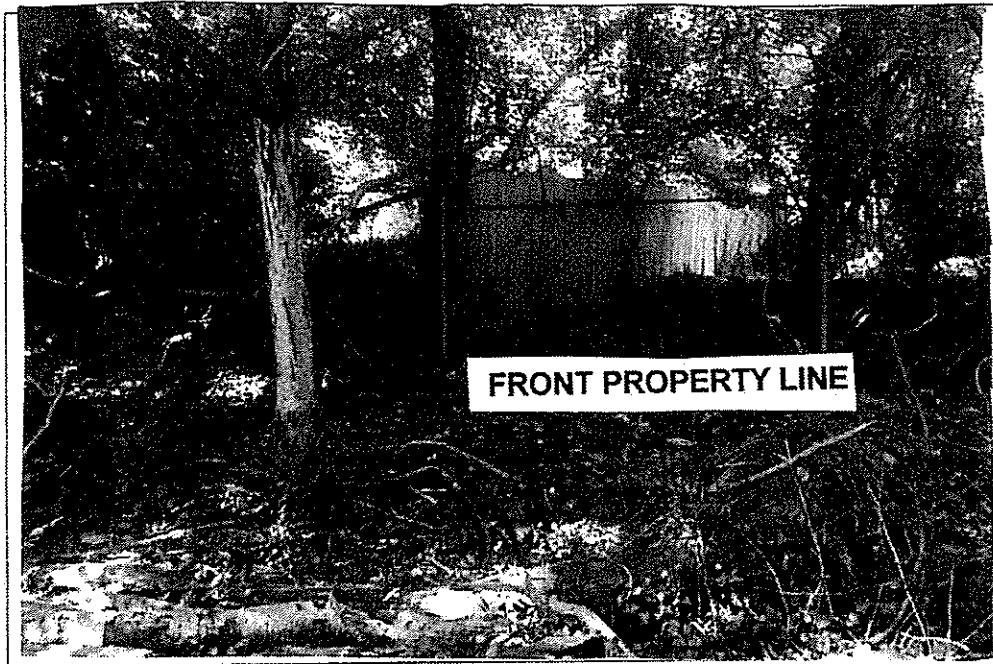
RICHARD NICHOLLS  
ET AL  
10200 LESLIE ST.  
SILVER SPRING, MD  
20902

MICHAEL E. LIVERMORE  
AND FUMIYO HASHIDA  
10118 LESLIE ST.  
SILVER SPRING, MD  
20902

Existing Property Condition Photographs (duplicate as needed)



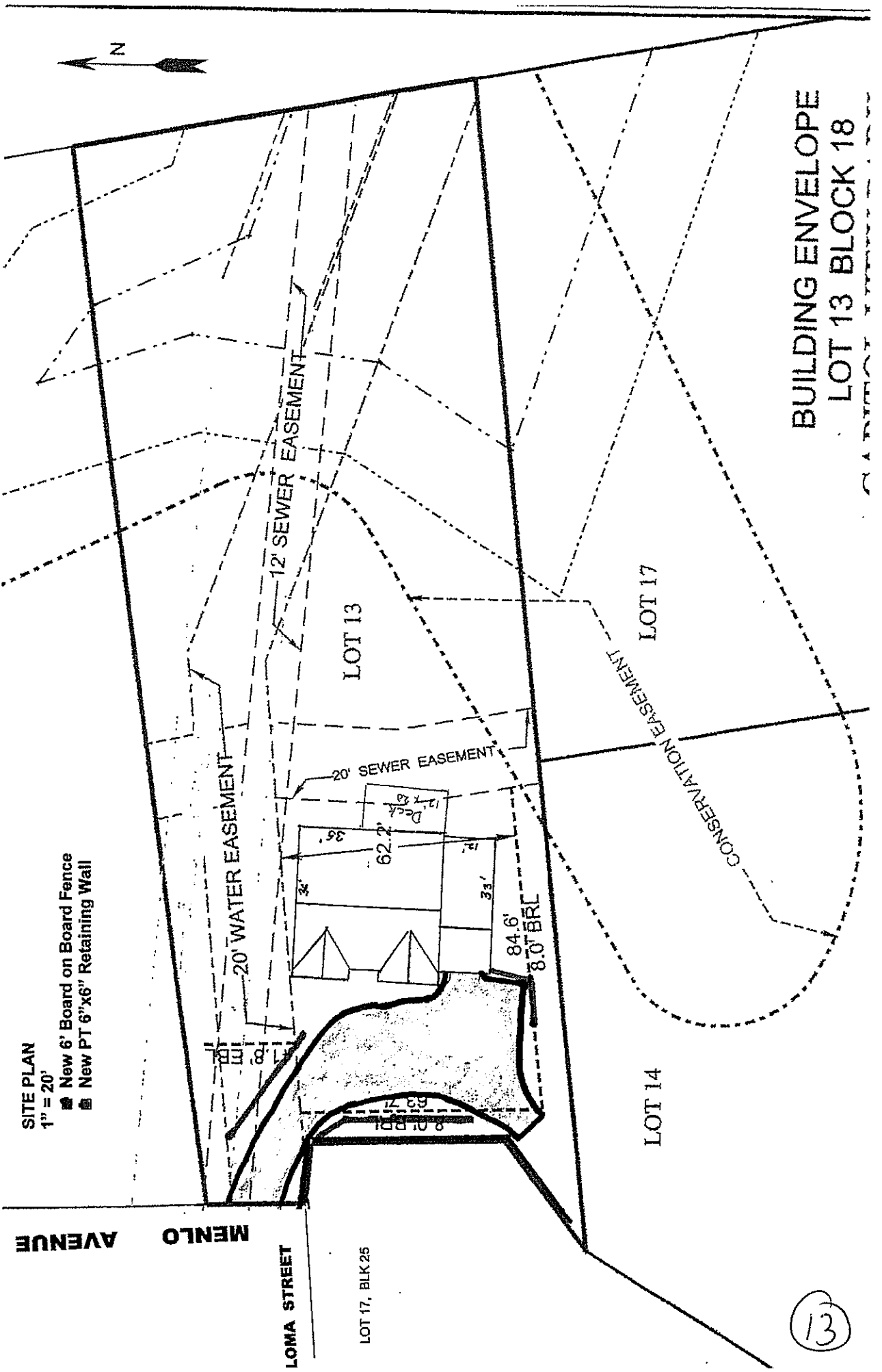
Detail: DRIVEWAY ENTRANCE @ CORNER OF MENLO + LOMA



Detail: PROPOSED NEW FENCE LOCATION (ON SITE PLAN)

Applicant: 10201 MENLO LLC

Page: \_\_\_



SITE PLAN  
1" = 20'

- New 6' Board on Board Fence
- New PT 6"x6" Retaining Wall

LOMA STREET  
MENLO AVENUE

LOT 17, BLK 25

LOT 13

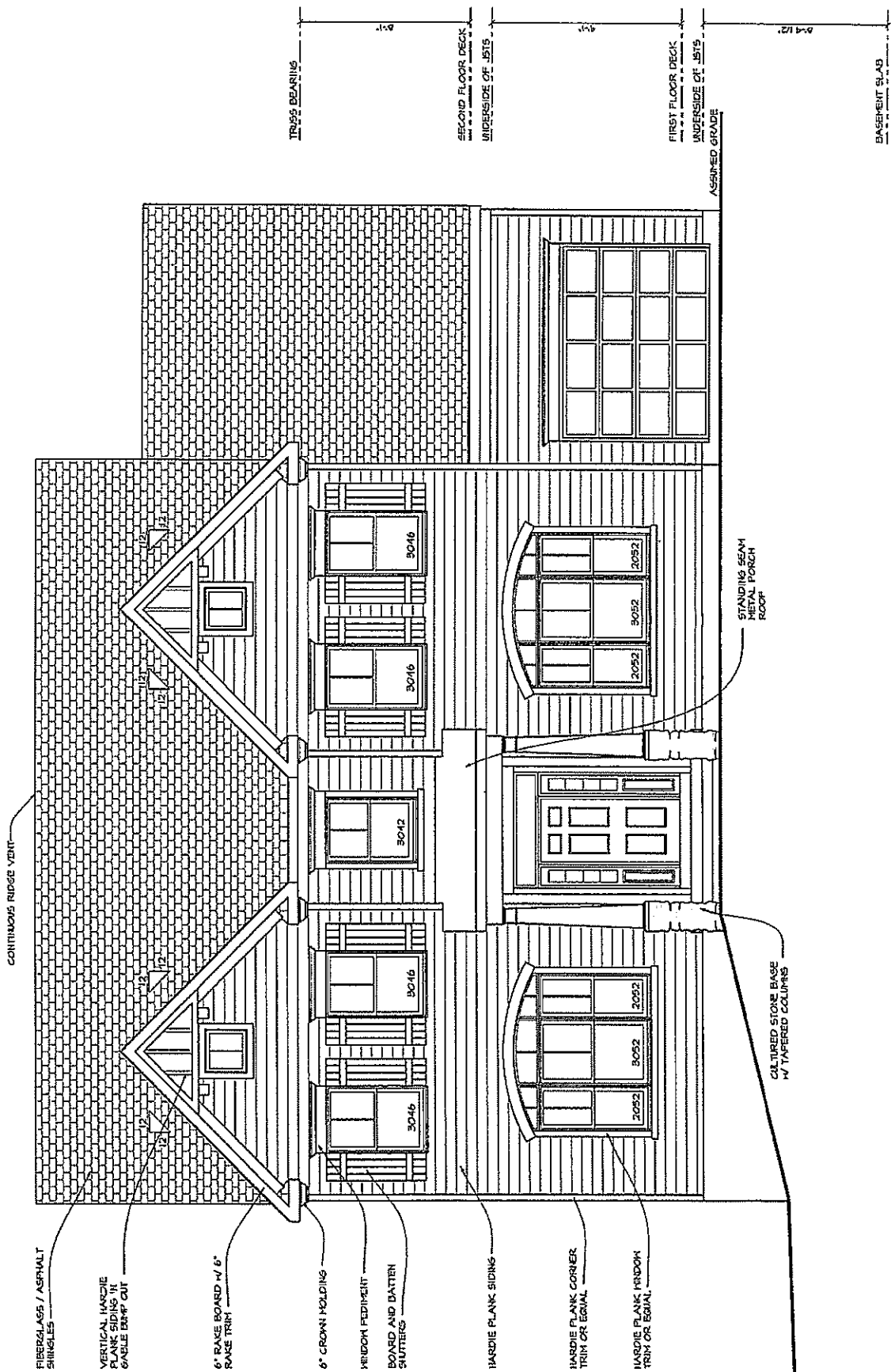
LOT 14

LOT 17

BUILDING ENVELOPE  
LOT 13 BLOCK 18

13

**FRONT ELEVATION**  
1/4" = 1'



FIBERGLASS / ASPHALT SHINGLES

VERTICAL HARDIE PLANK SIDING 1/2" GABLE END CUT

6" RAKE BOARD W/ 6" RAKE TRIM

6" CROWN HOLDING

WINDOW PEDIMENT BOARD AND BATTEN SLUTTERS

HARDIE PLANK SIDING

HARDIE PLANK CORNER TRIM OR EQUAL

HARDIE PLANK HROOK TRIM OR EQUAL

STANDING SEAM METAL PORCH ROOF

CULTURED STONE BASE W/ TAPERED COLUMNS

TRUSS BEARING

2'-1"

SECOND FLOOR DECK UNDERSIDE OF BS15

4'-1"

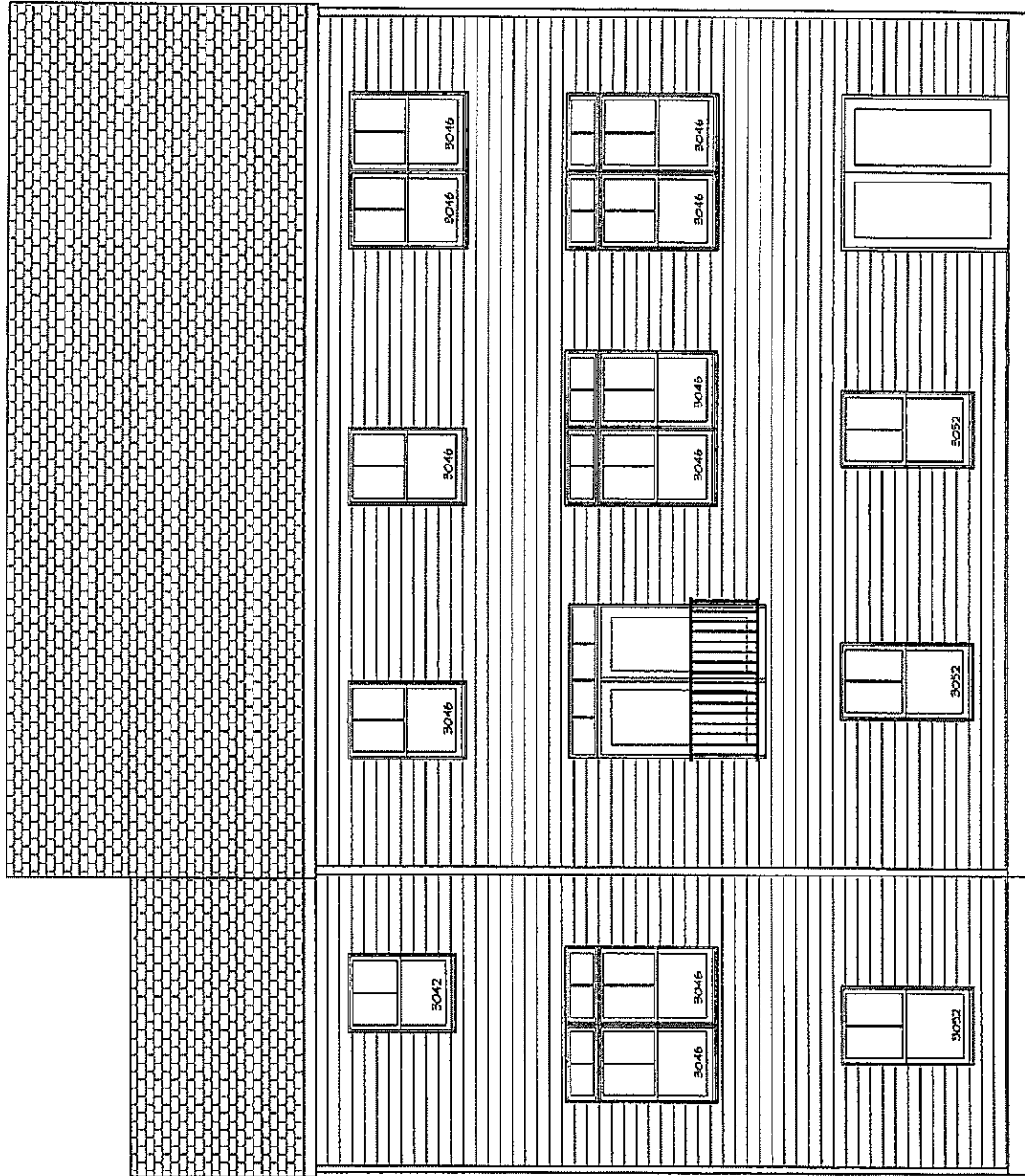
FIRST FLOOR DECK UNDERSIDE OF BS15

ASSIGNED GRADE

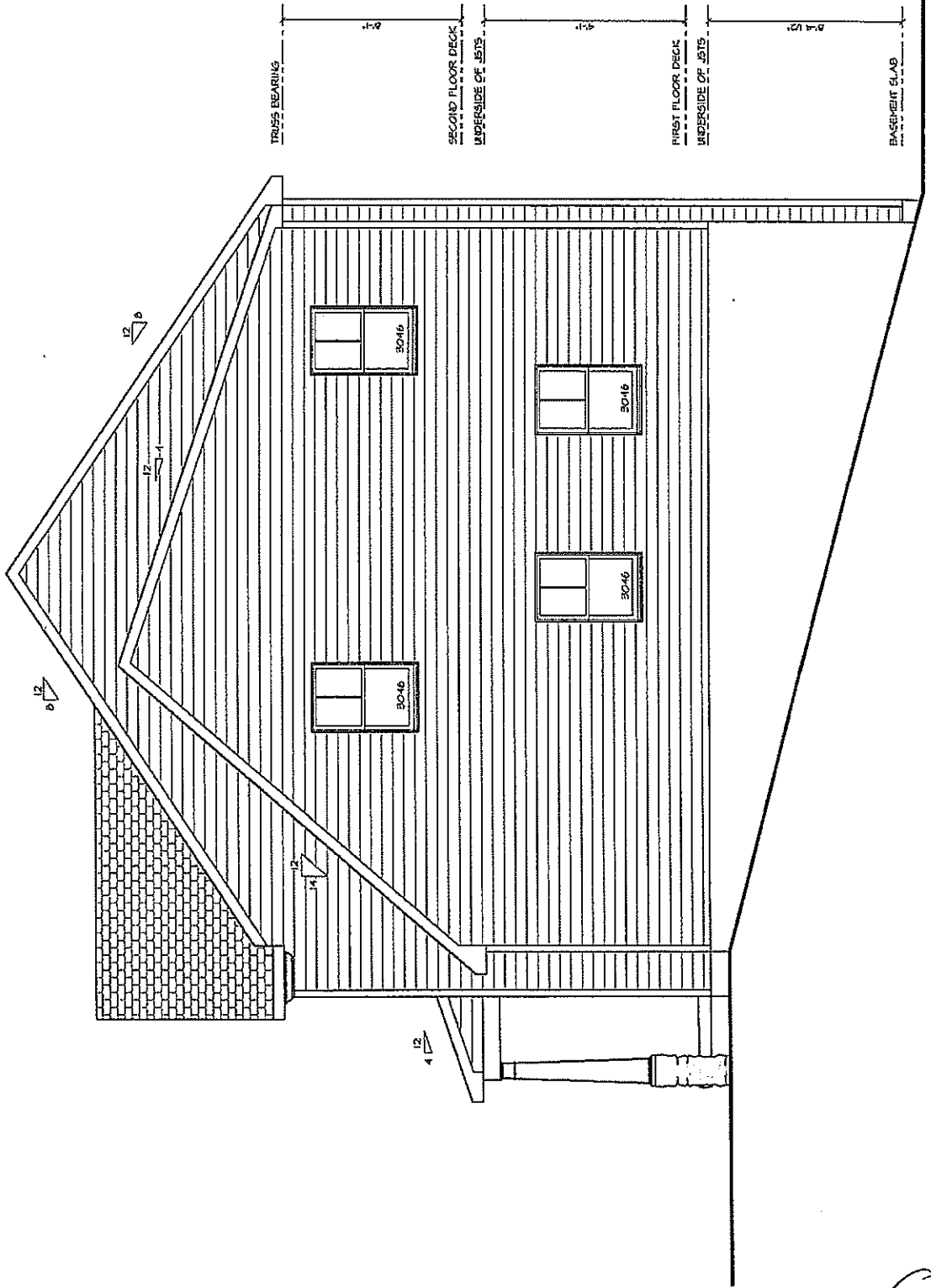
0'-4 1/2"

BASEMENT SLAB

REAR ELEVATION  
 1/4" = 1'

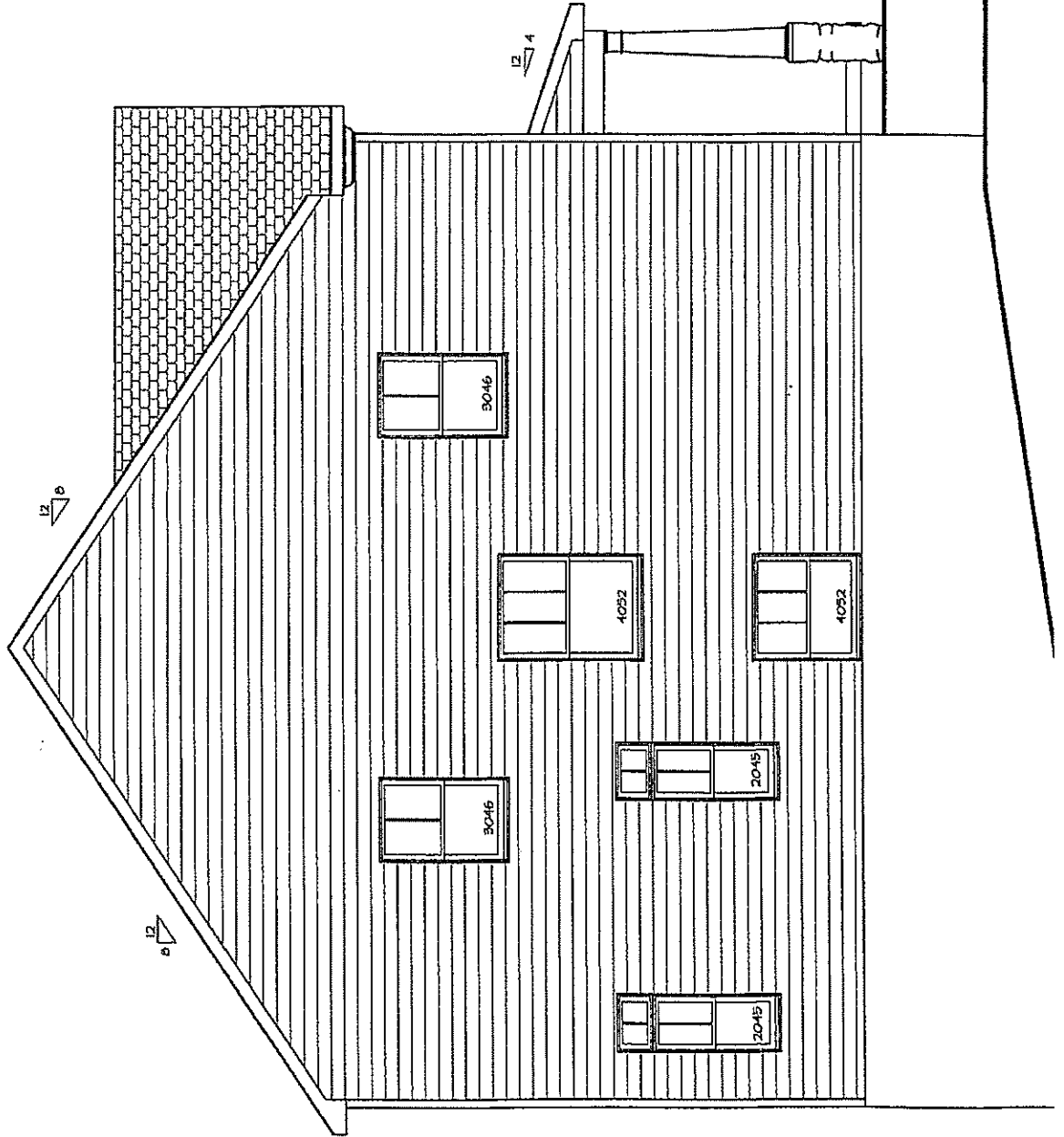


**RIGHT SIDE ELEVATION**  
**1/4" = 1'**





**LEFT SIDE ELEVATION**  
**1/4" = 1'**

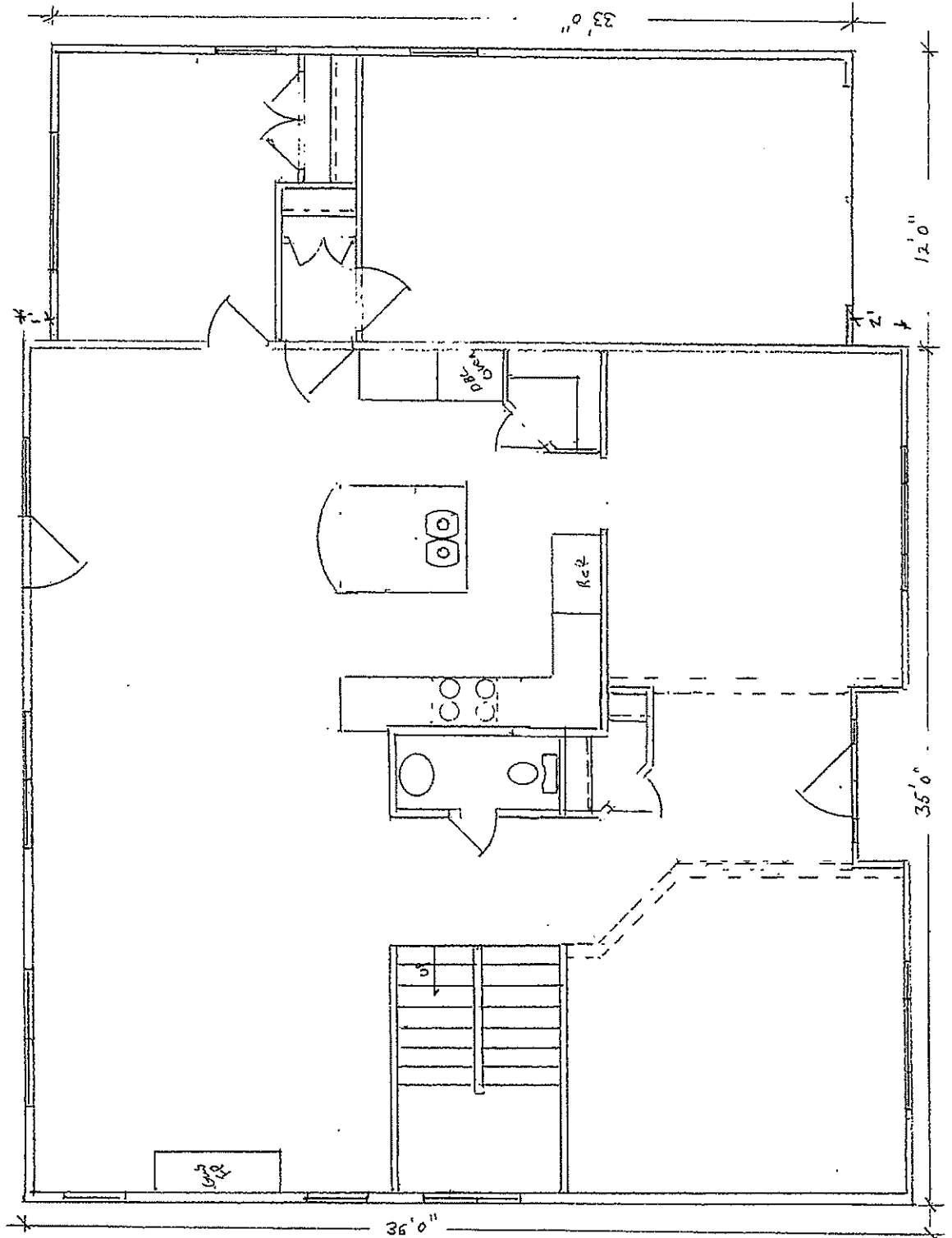


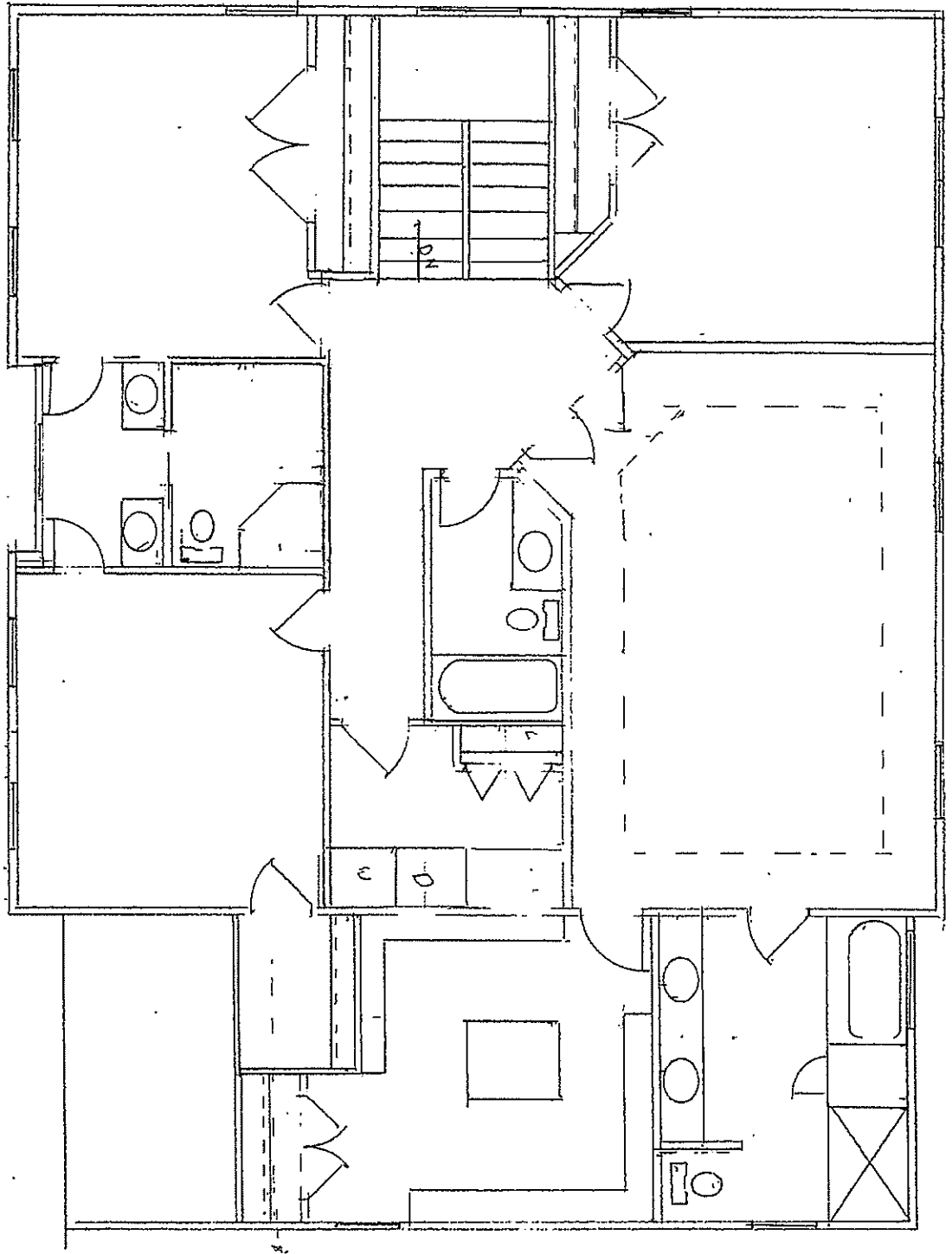
TRUSS BEARING  
 8'-11"

SECOND FLOOR DECK  
 INSIDE OF JISTS  
 9'-1"

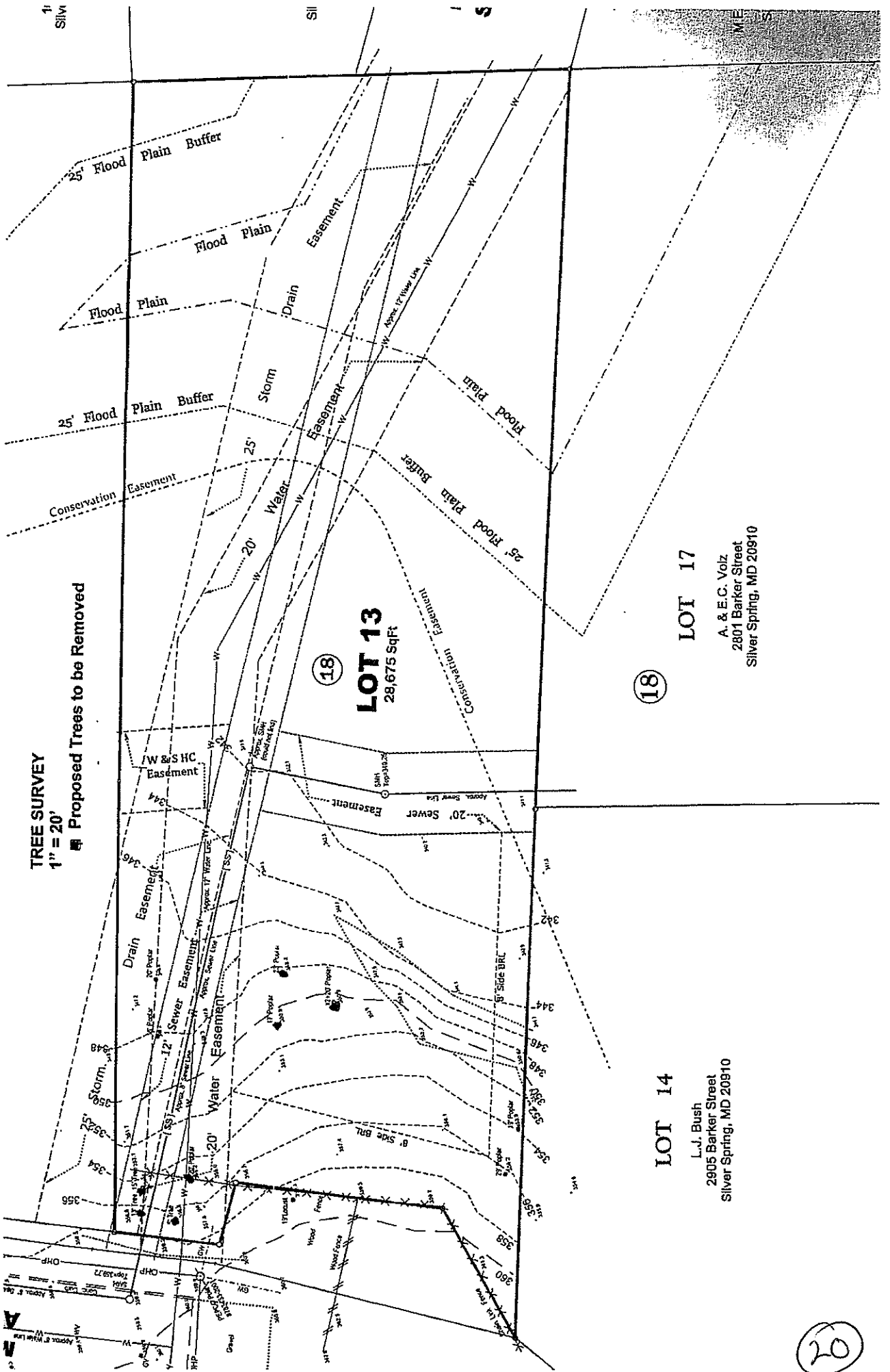
FIRST FLOOR DECK  
 INSIDE OF JISTS  
 8'-4 1/2"

FIRST FLOOR PLAN  
1/4" = 1'





SECOND FLOOR PLAN  
1/4" = 1'



**TREE SURVEY**  
**1" = 20'**  
 Proposed Trees to be Removed

(18)  
**LOT 13**  
 28,675 Sqft

(18)

**LOT 17**  
 A. & E.C. Volz  
 2801 Barker Street  
 Silver Spring, MD 20910

**LOT 14**  
 L.J. Bush  
 2905 Barker Street  
 Silver Spring, MD 20910

(20)

**SURVEY PREPARED BY WITMER & ASSOCIATES SHOWING  
THE SQUARE FOOTAGE OF THE BUILDING ENVELOPE,  
CONSERVATION EASEMENT AND REMAINDER**

**MENLO AVENUE**

**LOMA STREET**

LOT 17, BLK 25

LOT 14

LOT 12

LOT 17

Buildable Envelope:  
5160 SqFt

**LOT 13--SITE--**  
28676 SqFt

For Cons Esmt Area on our Lot:  
12478 SqFt

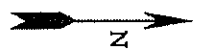
CONSERVATION EASEMENT

20' WATER EASEMENT

26' S.D. EASEMENT

20' SEWER EASEMENT

12' SEWER EASEMENT



40'



**WITTMER ASSOCIATES, LLC**

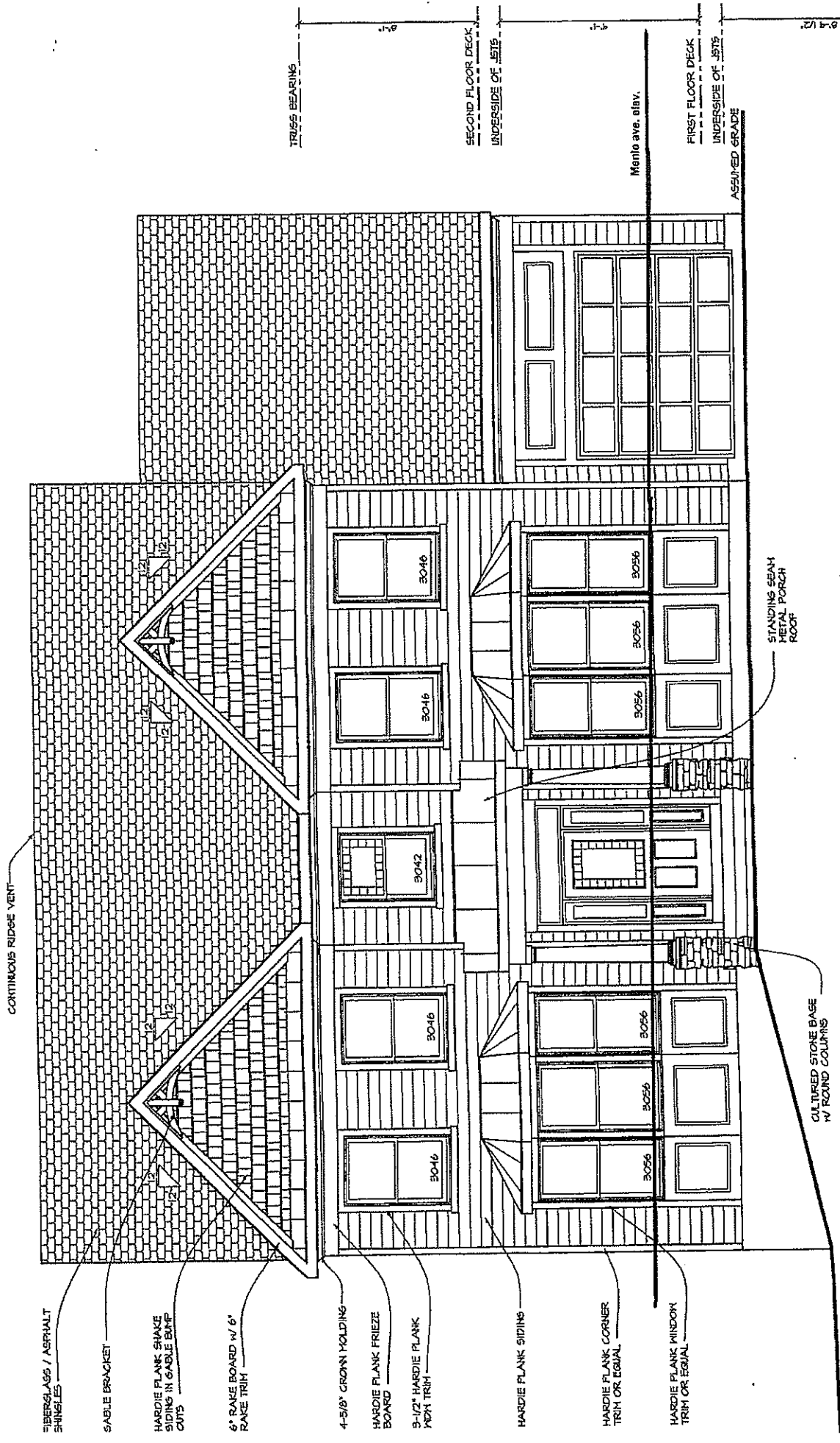
Land Surveying, Land Planning & Design  
18401 Woodfield Road, Suite C, Gaithersburg, MD 20879  
Tele: (301) 740-1409 Fax: (301) 740-3036 E-Mail: [wittmer@ymail.com](mailto:wittmer@ymail.com)

WALC PROJECT NO. **93122J**

**AREAS OF  
BUILDING ENVELOPE  
& LOT 13 BLOCK 18  
CAPITOL VIEW PARK  
October, 2017**

**FRONT OF PROPOSED HOUSE SHOWING MENLO AVENUE  
PAVING ELEVATION**

This illustrates how the house will sit lower than the street elevation.



CONTINUOUS RIDGE VENT

FIBERGLASS / ASPHALT SHINGLES

SABLE BRACKET

HARDIE PLANK SHAKE SIDING IN GABLE BARGE CUTS

6" RAKE BOARD W/ 6" RAKE TRIM

4-5/8" CROWN MOLDING

HARDIE PLANK FRIEZE BOARD

9-1/2" HARDIE PLANK W/ 1" TRIM

HARDIE PLANK SIDING

HARDIE PLANK CORNER TRIM OR EQUAL

HARDIE PLANK MINDON TRIM OR EQUAL

STANDING SEAM METAL PORCH ROOF

CULTURED STONE BASE W/ ROUND COLUMNS

TRUSS BEARING

SECOND FLOOR DECK UNDERSIDE OF JEYS

Menlo ave. slay.

FIRST FLOOR DECK UNDERSIDE OF JEYS

ASSUMED GRADE

FRONT ELEVATION

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



**BARTLETT TREE EXPERTS LETTER EVALUATING THE  
EXISTING TREES AND THEIR RECOMMENDATION FOR 9  
REMOVALS, NOT 7 AS PREVIOUSLY SUBMITTED**



# BARTLETT TREE EXPERTS

1 Metropolitan Court, Gaithersburg, MD 20878 • Telephone 301-881-8550 • Fax 301-881-9063

Kevin Manarolla  
Historic Preservation Committee

Christopher Larkin  
Bartlett Tree Experts  
Maryland LTE 616  
ISA Certified Arborist MA-0131  
ISA Tree Risk Assessment Qualified

Mr. Manarolla  
Historic Preservation Committee  
Fax: 301 563 3412

This is an evaluation of the existing trees located on the development lot #13  
10201 Menlo Avenue  
Silver Spring MD 20910.

Owner: Minter Farnsworth  
25101 Peachtree Road  
Clarksburg, MD 20871

Mobile Phone: 301-370-8625  
E-Mail Address: [farnsworthhomes@verizon.net](mailto:farnsworthhomes@verizon.net)

Eleven (11) trees are noted on the site development plan and located in or near the building disturbance area. The following summary notes the condition of each of the trees and factors affecting their survivability through the construction process.

Of the eleven (11) trees:

Four (4) are located near the street in the access to the lot.

- 1) 5" diameter Tulip Poplar overwhelmed with ivy in poor condition.
- 2) 13" diameter Walnut with a significant basal cavity and decay, leaning toward the street in fair condition.
- 3) 15" diameter Boxelder with no visible root flare and a severe lean in poor condition.

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SCIENTIFIC TREE CARE SINCE 1907



# BARTLETT TREE EXPERTS

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- 4) 20" diameter Tulip Poplar with numerous vines in the canopy in fair condition.

Removal is recommended for these four trees. The narrow width of access and all construction activity will severely impact these trees.

Two (2) are located on the left side of the lot near the property line. These trees are growing at the edge of, if not in the drainage area.

- 5) 16" Tulip Poplar partially vine covered and in fair condition
- 6) 20" Tulip Poplar severely leaning toward the neighboring property and in fair condition.

Preservation of these two trees is possible. Root pruning (only if a soil cut is necessary on that side of the construction site) and tree protection fencing should be at the edge of the construction disturbance as far from the stems as possible but preferably a minimum of 17 feet (twice the 5 times diameter rule of thumb due to the soil conditions). Limited access and no storage of construction supplies or equipment should be made around the trees. The leaning Tulip Poplar should be considered for removal due to the wet nature of the area and the potential to impact the neighboring property if it fails.

Three (3) are located in the center of the lot on the land above the drainage area.

- 7) 17" diameter Tulip Poplar with numerous vines in fair condition
- 8) 23" diameter Tulip Poplar with numerous vines in fair condition
- 9) 20" diameter Tulip Poplar with numerous vines in fair condition

Removal of these trees will be required to build. They are in the center of the proposed house site.

Two (2) are located on the right side of the lot near the property line.

- 10) 29" Tulip Poplar with vines in the upper crown in fair condition.
- 11) 19" tulip Poplar with a severe lean over the proposed building location and vines in the upper canopy in fair condition.

Removal is recommended for these two trees. Their proximity to the construction zone and the necessary limits of disturbance will severely

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impact the health of these trees and their roots. The weight distribution of the crown would leave a high likelihood of failure onto the new structure.

The majority, 7 of 9, of the trees recommended for removal are Tulip Poplars, a common tree of the mid-Atlantic region. Tulip Poplars are a rapidly growing pioneer species often colonizing open spaces. The wood is soft, light when dry, decays rapidly in moist conditions and is brittle. Construction activity closer than 5 times the diameter of the tree will cause root damage and often leads to root decay increasing the likelihood of whole tree uprooting. Wet or saturated sites will also affect the stability of the trees. A previously uprooted tree near tree number (6) indicates that the soil in the drainage are often saturated.

You can contact me at: Christopher Larkin  
Bartlett Tree Experts  
1 Metropolitan Court  
Gaithersburg, MD 20878  
e-mail [clarkin@bartlett.com](mailto:clarkin@bartlett.com)  
cell: 240-447-0837  
Fax: 301-881-9063

Thank you for your time and consideration.

Regards,

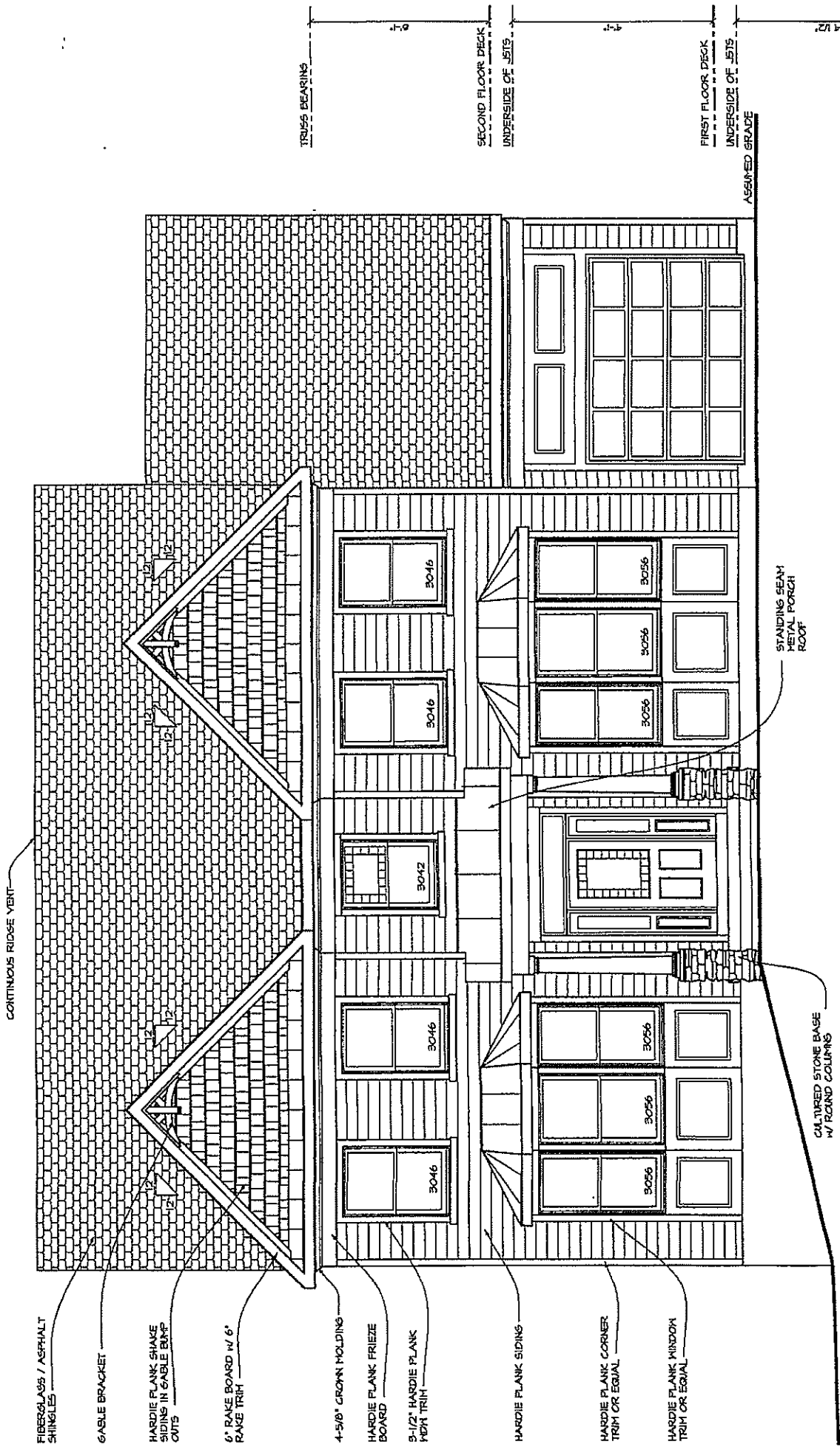
Christopher Larkin  
ISA Certified Arborist MA-0131  
ISA Tree Risk Assessment Qualified

THE F.A. BARTLETT TREE EXPERT COMPANY  
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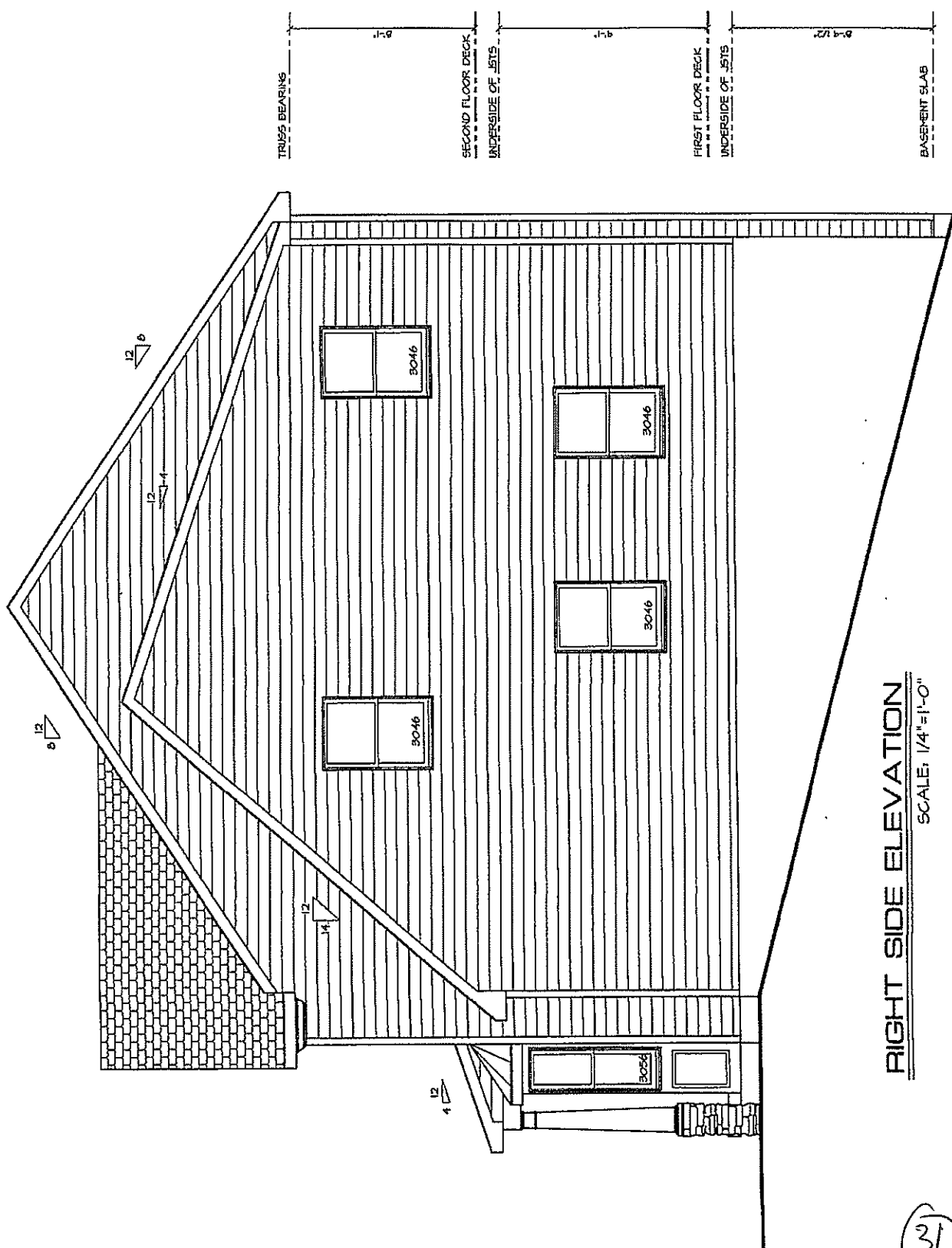
CORPORATE OFFICE: P.O. BOX 3067, STAMFORD, CONNECTICUT 06905-0067 • (203) 323-1131, FAX (203) 323-1129  
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## **NEW HOUSE ELEVATIONS DEPICTING QUEEN ANNE STYLE ARCHITECTURAL FEATURES**

We attempted to change the shape of the house to an “L” or a “T” layout, however due to the limited building envelope and topography, this would not work.



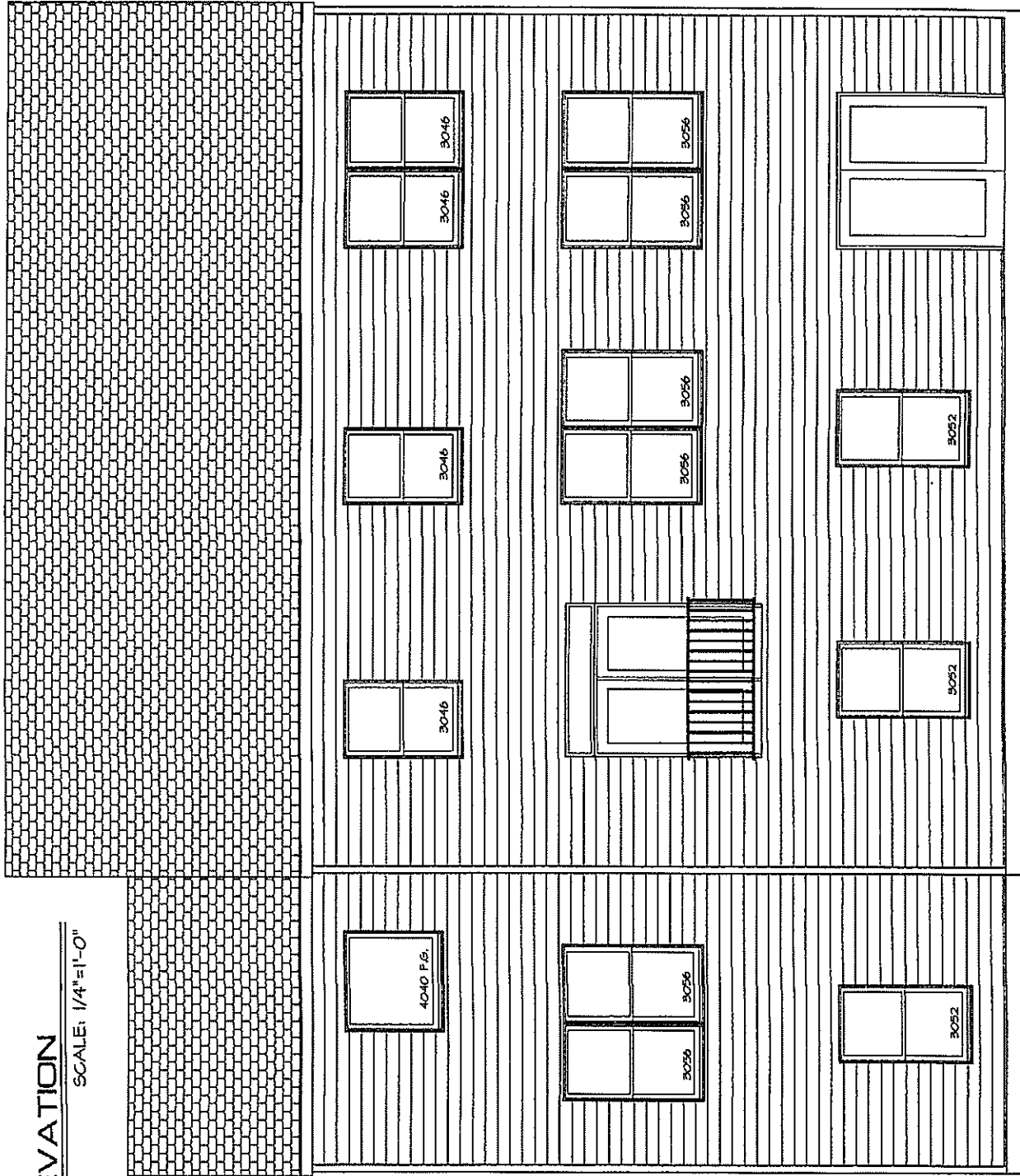
**FRONT ELEVATION**  
SCALE: 1/4"=1'-0"



**RIGHT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"

# REAR ELEVATION

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



TRUSS BEARING

8'-1"

SECOND FLOOR DECK  
UNDERSIDE OF JOISTS

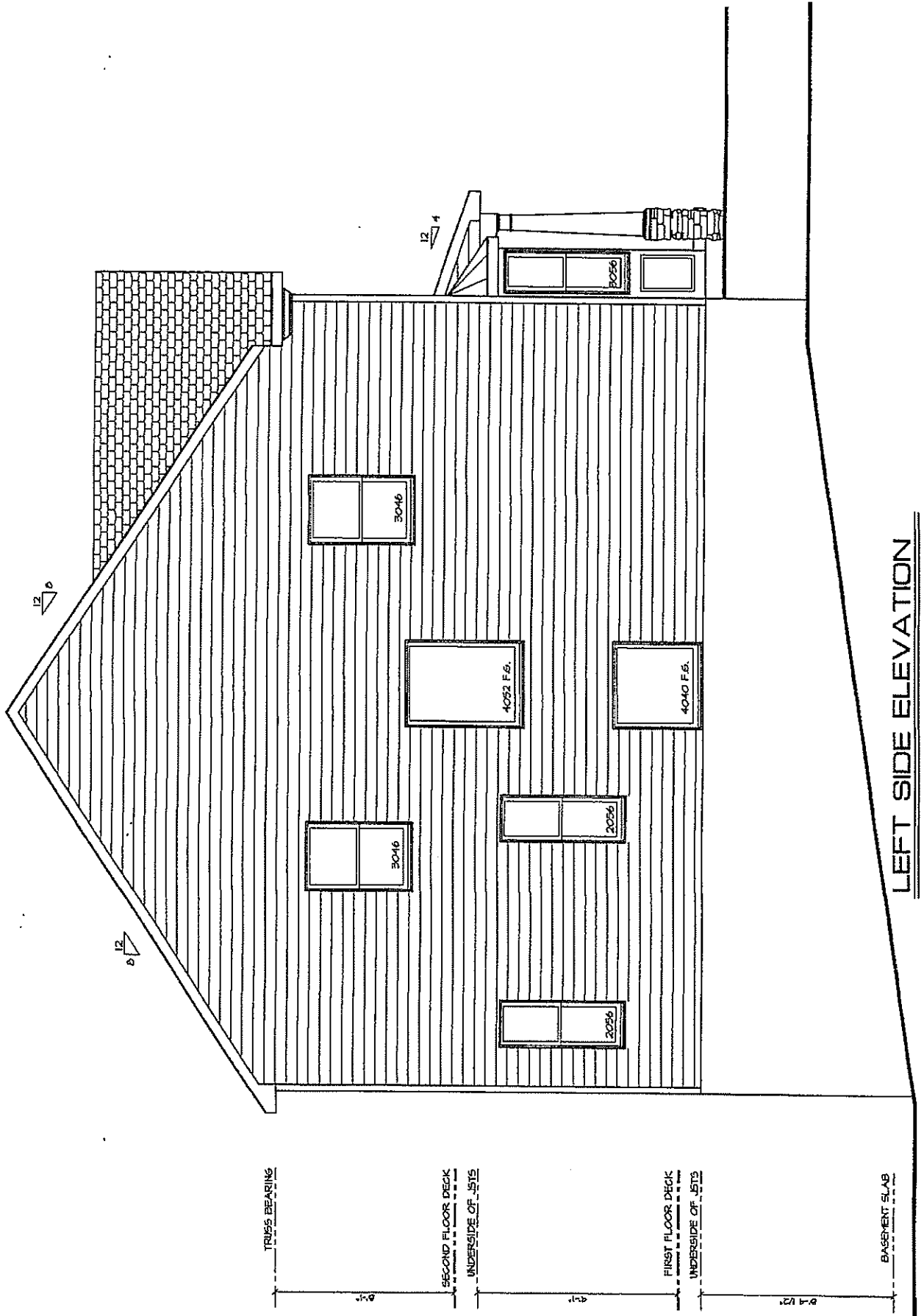
4'-1"

FIRST FLOOR DECK  
UNDERSIDE OF JOISTS

8'-4 1/2"

BASEMENT SLAB





**LEFT SIDE ELEVATION**  
 SCALE: 1/4"=1'-0"

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

- - - - - X  
:  
HISTORIC AREA WORK PERMIT - :  
10201 Menlo Avenue : HPC Case No. 31/07-17G  
- - - - - :  
:  
PRELIMINARY CONSULTATION - :  
5813 Surrey Street :  
- - - - - :  
:  
PRELIMINARY CONSULTATION - :  
7400 Wisconsin Avenue :  
- - - - - :  
- - - - - X

A meeting in the above-entitled matter was held on  
October 25, 2017, commencing at 7:49 p.m., in the MRO  
Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland  
20910, before:

COMMITTEE MEMBERS

- Bill Kirwan, Chair
- Sandra Heiler
- Marsha Barnes
- Kenneth Firestone
- Richard Arkin
- Eliza Voigt
- Robert Sutton

ALSO PRESENT:

Phillip Estes

Michael Kyne

Daniel Bruechert

APPEARANCES

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Kerstin Florian-Staguhn	25
Harry Volce	28
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Avenue in Silver Spring. Do we have a Staff Report?

MR. BRUECHERT: Good evening, I'll try and speak up. This is the Staff Report for the in-fill construction at 10201 Menlo Ave. in Silver Spring. Currently the lot is undeveloped as you see in the image before you. You see the Capitol View Historic District is sort of a Y-shape. The red star in the upper right corner is the location of the proposed lot. This map dates from the original district designation in 1982.

So the Capitol View Historic District was established in 1982 as an example of a railroad community in suburban Montgomery County. And the District, as it's established stated that its -- exhibits most of the building styles that one would find in buildings constructed between 1870 and 1970. And the resources are grouped into four categories, and these are extant resources when the district was established. So you see specific numbers of resources identified. So the sort of primary or contributing, or outstanding resources are dated 1870 to 1916. These are large Victorian buildings with some bungalows. And as of 1982 there were 22 of them within the district.

The second category which is analogous to contributing in the Takoma Park or Chevy Chase Guidelines, these are built between 1917 and 1935. They are all on

smaller lots and have a much more regular setback, which is typical of later suburban development. There are 23 of these resources when the district was established, and they're identified as being of lesser significance. The nominal resources date from 1936 to 1981, when the survey was last completed. These are identified as having no historical significance, and basically, they add interest and a consistent appearance within the district.

Lastly, there were spatial resources identified which were undeveloped lots. There are -- a few of those remain. There are some. Many of them have been developed over the last 35 years.

So the red dot is the lot in question. It's an oddly shaped lot. It's largely rectangular, although the front, which has a weird jog in the front due to the other lots. It was -- in 1985 the Planning Board actually subdivided the large lot, large parcel, which was associated with the house in the lower right of the shaded area, and that developed all of the lots that you see in that trapezoidal shaped parcel. It also -- part of that was the elimination of Menlo Ave. running through, and from the south to the north a road had run through the parcel, but was abandoned as part of that as well. So we lose two roads and get the introduction of basically five additional buildable lots as part of that.

So, for those of you who haven't done a site visit, I'll sort of introduce you to the site and the area. It's an undeveloped lot literally right at the corner. I think the political sign and the left side is sort of the border of the lot. And then everything to the garbage cans is what's accessible from public right-of-way. This is looking into the corner. The utility pole that you see is identified on the site plans that are included in the application materials, which we'll see in a minute. The privacy fence that you see is associated with a neighboring property which was built in the 1950's.

As you can see, nothing has really happened to the site since at least 1985 when it was subdivided. So it's largely overgrown and sort of woody character, very natural. When there was a subdivision, the rear third of the lot, give or take, was also created a conservation easement. So the back third of the lot is not buildable. So, some of the other contributing buildings that are located on the block are sort of largely folk Victorian with some Craftsman elements, but are consistent with early 20th century building.

So, the Capitol View District is a challenging one because they proscribe -- they identify what's there, but they don't proscribe what needs to be there the way that other design guidelines do. So that means that we

are relying on Chapter 24A and the Secretary of the Interior Standards for Rehabilitation. Now, the Secretary of Interior Standards for Rehabilitation dictate how to construct new buildings, sorry, how to rehabilitate existing buildings, and Standards 9 and 10 involve new construction. So we're relying on those to a lesser extent, but largely Chapter 24A is what guides the decisionmaking process.

And, in particular, I'd like to point you to (b) (2) in analyzing the appropriateness of the design, whether it's compatible in character and nature with the historic setting, and 24A(c) which is not one that we point to typically, that it is not the intent of this chapter to limit new construction, alteration or repairs to any one period or architectural style, and that Chapter 24A(d), that an application for work on a historic resource located within a historic district, the Commission shall be lenient in its judgment of plans for structures of little historical or design significance, or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of the surrounding historic resources, or would impair the character of the historic district.

So, what you see is the tree survey that was conducted by applicant. You can also see an outline of a



number of easements that run on the property. As far as the trees go, there are four identified trees. Again, they're only the trees larger than six inches in diameter breast height are the purview of the Historic Preservation Commission. So there are four trees in the northwest corner of the lot, and then you see a collection of three trees, with the red dots, in the center of the buildable area. You also see dashed easements. There are drain easements and sewer easements, and water easements. Additionally, when the subdivision was passed, it established the 25 year flood plane buffer, which cannot be built on. It also established the conservation easement, which is above that, so nothing can be built in that area either.

The site plan with the proposed house and paving superimposed over it -- again, because of the lot's odd shape, the only access to the lot is provided in the northwest corner. The house does have an attached garage, which is admittedly a feature that is not found widely in the Capitol View Historic District. However, because of the siting of the house and the siting of the lot, the garage will actually not be available, not be viewable from the public right-of-way.

So the front elevation of the house, it's relatively traditional style. The two-over-one windows

are sort of taken from Craftsman appearance, as are the board and batten elements in the two front facing gables. Board and batten shutters. It's Hardi-plank siding. We don't have the specific materials for the windows. Cultured stone bases for their battered columns, which are sort of drawing a little bit from the Craftsman style. Again, the single bay attached garage to the right side, which won't be visible from the public right-of-way.

Because of the severe slope in the lot, they'll be a walk out basement. There is a rear deck that isn't shown in here, but we have plans for that that I can show you in a later image. The right side will not be at all visible from the public right-of-way. The two-over-one windows match, are consistent throughout. Again, Hardi siding. And then, the left side will be partially visible from the public right-of-way, but really only the front half of that side will be.

The applicant provided deck details. Later the deck will be on tall wood piers with Aztec trim, and a metal decorative railing. This is on the back side of the house, and it will not be visible from the public right-of-way. Lastly, the applicant is proposed to install a six foot privacy fence at the front of the lot. Typically, in front of the rear wall plane, fences have to be no higher than 48 inches. However, much of this fence

is not visible because it confronts the neighboring side or rear yard. So Staff is generally okay with this fence.

And lastly, there are a number of proposed retaining walls. The applicant is proposing to use six inch by six inch railroad ties. I think a lot of this has to do with the fact that they're stable and should the easements, the sewer and water easements need to be accessed, they can be removed readily, but that may be a question for the applicants. And, that's it. Are there any questions for Staff?

MR. KIRWAN: Yes, Commissioner Arkin?

MR. ARKIN: Thank you, Mr. Chairman. Do the guidelines for the historic district state a standard of review for spatial districts? Spatial resources?

MR. BRUECHERT: They say that they are of no significance. What I presented is verbatim. I have the full text of the ordinance with me. Spatial resources are unimproved parcels of land which visually and aesthetically contribute to the setting of the historic district, and which can be regarded as extensions of the environmental setting of the significant historic resources. It does not say that they are to remain unimproved parcels. It just -- again, what was conducted in 1981 was a survey of the district as it existed. So, in the designation, they don't identify the way that Chevy

Chase or Takoma Park do that this type of element is entitled to get this level of review. It is merely a synthesis of the survey work that was done when the district was identified.

MR. ARKIN: Well, I'm asking the question because the language that's on the screen right now states that spatial resources contribute to the setting of the historic district. So, by extension you believe that that means that they are of lesser importance than any of the other categories?

MR. BRUECHERT: Well, I don't know that that's the case, and based on the map that was done, this is actually identified as a resource associated with the time period 1870 to 1916. And without action by the HPC, the Planning Board, and the County Council, I am not able to amend that finding independent of those actions.

MR. ARKIN: So you're basically hanging interpretation on the word nominal, which appears in the key of that map, is that correct?

MR. BRUECHERT: No. Well, nominal is separate from spatial, but the amendment to the master plan that established the district did not identify a standard of review for any of the four identified categories of resource within the district.

MR. ARKIN: Okay. Is there anything in the

Guidelines that states anything about potential future uses of spatial resources?

MR. BRUECHERT: The Guidelines do not indicate any potential future uses for any resources within the district. What I can tell you is, if you look to the southeast of the red star, there is a rectangle of spatial resources identified on the map. Do you see those?

MR. ARKIN: Yes.

MR. BRUECHERT: All of those resources -- all of that rectangle have all been developed if you look to the south end of -- if you follow Barker Street and you make a right turn at the red line, those three houses are a row of approximately seven houses that were all in-filled in what was identified as spatial in 1982.

MR. ARKIN: Okay. Moving to another subject. I did not go out to see the site this time. But I am familiar with the Capitol View area, and it is my impression, and please correct me if I'm wrong, that most of the houses are fairly modest in size. And most of them do not take up considerable -- most of them have relatively small footprints. Is my impression correct or would you disagree with it?

MR. BRUECHERT: I think that's pretty accurate. I mean, if you look to the south of the subject lot, both of those houses are, I would say, significant in size.

More significant than the surrounding houses.

MR. ARKIN: And the three lots that you were pointing to, that you mentioned a moment ago, where Barker Street turns to what I assume is the south, those were spatial resources that were developed upon?

MR. BRUECHERT: Yes. I don't have dates of construction but, in 1981, the last time that this district was surveyed, those were identified as spatial resources.

MR. ARKIN: Do you have any pictures of those?

MR. BRUECHERT: I do not.

MR. ARKIN: Do you recall at all what --

MR. BRUECHERT: I don't. But, that's something that we can look into.

MR. ARKIN: Okay. It's also something that somebody who testifies might be able to give us some information on. Okay, thank you very much.

MR. KIRWAN: Any other questions for Staff? Commissioner Heiler?

MS. HEILER: Yes. You had another slide or picture where you showed the conditions required to grant a permit, and one of them mentioned -- this. Thank you. I wanted to look at five especially. Thank you.

MR. KIRWAN: Any other questions for Staff? All right, if not, we'll ask our applicant to please come

forward, and you have seven minutes to provide us with testimony if you would like. And we do have a list of other speakers after that.

MR. FARNSWORTH: My name is Minter Farnsworth. I purchased this lot about three months ago, and met with Mike and went over what we could do on this piece of property. Met with the engineers, and came up with this plan. As far as the Staff Report goes, I'm in total agreement with the Staff Report and I'm in total agreement with the Staff recommendations. And I'm going to leave it at that.

MR. KIRWAN: Okay, fair enough. Do we have any questions for the --

MR. FARNSWORTH: And if you needed a picture of the house to the south, I've got picture of the house to the south.

MR. ARKIN: Could you introduce that into the record so that all of us can see it. The picture you're showing is one of the three lots or -- those three lots that were pointed out --

MR. FARNSWORTH: Yes, one of the three lots south of the subject property. Want to pass it around?

MR. ARKIN: I think that would make some sense, and perhaps we could leave it on a table for members of the public.

MR. FARNSWORTH: The permit's on the back.

MR. ARKIN: Thank you, sir.

MR. FIRESTONE: The question I have is, there's been some discussion or concern about some sort of a stormwater drainage plan for during construction. Is it your understanding that you will be doing this?

MR. FARNSWORTH: There is a storm drain on the property right now.

MR. FIRESTONE: No. I mean, this is during the construction to prevent run off.

MR. FARNSWORTH: There's a sediment control permit that I would be pulling and I guess I need to give it to the Staff first for their approval. That's in their recommendations, I'm sorry.

MR. FIRESTONE: Okay, so you are willing to submit that and then you understand that that's something the Department of Permitting Services would require before they give you a building permit?

MR. FARNSWORTH: That's correct.

MR. FIRESTONE: Thank you.

MR. KIRWAN: Commissioner Barnes?

MR. FARNSWORTH: Also, I have an aerial, if you guys want that too.

MR. KIRWAN: We'll happily take it. Accept that into the record, aerial photograph of the site.



MR. ARKIN: Thank you very much.

MS. BARNES: Mr. Farnsworth, can you tell me the square footage of the house you're proposing to build?

MR. FARNSWORTH: It's about 3200 square feet. And the footprint is 35 by 36, which is a small footprint in relationship to the houses that are around on those four pieces of property.

MS. BARNES: And, I'm sorry, you said about 3200 square feet?

MR. FARNSWORTH: 3200 square feet. Approximately 3200.

MR. KIRWAN: That's the total of all floors?

MR. FARNSWORTH: Yes.

MR. KIRWAN: I understand the footprint is 35 by 36. Any other questions for the applicant? All right, if not then we have several speakers we need to bring up. So if you could make room for us on the dais there. I'm first going to ask -- why don't we come up in three's. And we have Tori Lay --

MR. BRUECHERT: Mr. Chairman, I believe that there are comments from the LAP, if those could be presented first.

MR. KIRWAN: Sure. Go ahead. Oh, the LAP is here?

MR. BRUECHERT: Yes.

MR. KIRWAN: Oh. All right. Jenny Ritchie, please come forward, for the Capitol View LAP. And, we can give you five minutes for your testimony. Before you start, I am going to be fairly strict with the time because we have several speakers here, so please be mindful of your time allotment when I share it with you. Go ahead.

MS. RITCHIE: My name is Jenny Ritchie, and I'm a member of the LAP, and I've been asked to read this statement from our co-chair that was written. Capitol View Park Local Advisory Panel has met several times with the neighbors concerned about the proposed new construction at 10201 Menlo Avenue, and have visited the site. We are concerned as the HPC Staff is, given what they cited in their Staff Report, about Condition No. 3. Condition 3 notes that because of the site's environmentally sensitive location, there should be an erosion plan submitted to HPC, and the neighbors, too, are concerned about the erosion and flooding, especially after rain.

The are also concerned about that there are streams beneath the location which could exacerbate possible erosion. They've also shared the concern that the proposed retaining walls well negatively affect rather than protect their adjoining properties. As Staff notes,

the lot slopes, which your films didn't show, steeply down a ravine to a conservation easement that covers the rear third of the lot. The LAP was shown this steep slope, and concurs both with the neighbors and the HPC Staff that there is reason to be concerned about the difficulty of construction, and the proposed plan given this circumstance. Thus, the LAP concludes that more study needs to be done on erosion and tree removal. We also wonder if given the environmental sensitivity of the landscape, whether the footprint of this proposed house should be -- that maybe the house is too large for that site. We likewise are concerned that more trees will need to come down as part of the driveway and house footprint areas than shown in his builder's tree plan.

We'd like to see a tree protection plan developed as part of the application. The LAP suggests that the Board postpone a vote on this permit until our concerns and those raised by the HPC Staff are thoroughly addressed. Thank you very much.

MR. KIRWAN: Thank you very much. Appreciate you coming. All right, we will then get back to the order I had them in. Can we have, is it Tori Layman, please come forward.

MS. BARNES: Is it possible to ask a question of someone who's just testified?

MR. KIRWAN: Sure. Would you like to? You have to speak up if you do. Please come forward.

MS. BARNES: Sorry.

MR. KIRWAN: Yes, please, we have a question for you.

MS. BARNES: You mentioned the need for a tree protection plan. Does the Capitol View Historic District or the Capitol View neighborhood, have such requirements?

MS. RITCHIE: Yes. I mean, we've always had to call in and have a tree, you know, if we have a tree over a certain dimension, we have to have it approved. And I've been in Capitol View for 30 years, and I've had many a tree that I've come before, sent in my application. So this lot is, you know, so deep and so hilly, that the trees are a big concern for everybody.

MS. BARNES: Okay. But you do have such a planning process?

MS. RITCHIE: Right. As part of the historic preservation, tree removal is always, has to be cleared by the Board, by you guys.

MS. BARNES: The question was, many jurisdictions have requirements relating to trees. They require an arborist to review. They make determinations. Does the Capitol View area also have such --

MS. RITCHIE: We do.

MR. KIRWAN: Any other questions for the speaker? All right, thank you very much for your testimony. I'll go back to Tori Lehmanz. Kerstin Florian -- sorry I can't. Please come forward. We'll try to do you in threes, if we can just to keep things moving. And Harry Voice (phonetic sp.), please come forward and take a seat at the dais. Mr. Lehmanz, we'll let you begin, and I think each of you are scheduled for three minutes apiece.

MR. LEHMANZ: Okay, thank you very much. For the members of the Commission for --

MR. FIRESTONE: Excuse me, you're going to have to speak up so we can hear you as well. That microphone is just for recording.

MR. LEHMANZ: Okay. So I would like to thank the members of the Commission for the opportunity to consider, to listen, and to consider for our concerns. I am Tori Lehmanz, live with a family in the lot adjacent to the 10201 just to the west of it. And we have seen over the past eight years the growing problem of erosion that have exposed roots of existing trees in our properties, and it is difficult to manage as it is now.

Last year a tree fell just in the border between the two properties, and this has begin to form a channel into our property. So we have clear evidence that this steep slope is going to be difficult to handle, to prevent

growing erosion problems. And we are very concerned that the removal of all the vegetation is required per these construction plan, would mean literally no stop for the erosion and a very accelerated and deteriorated problem.

Not only the over ground flow is evident, but also we have seen in our property a small kind of almost a foot-size hole that has been formed in the front, and a smaller one in the back, spontaneously after severe rains. I would try to fill this hole with rocks and over several years the rock -- several months, the rock disappear. So I think that there is good evidence for an underground flow in this hill that feeds into the springs. The area has several springs down this hill. So the construction of the structure that could prevent those flow are a potentially serious problem for the underground flow and the backing of this water.

So, we are requesting a hydrologist assessment of this construction plan and the ramification, and we are requesting to be able to know what are the risks and if there are protection measures to be taken that we can take these protective measures. This is the most important points that I want to bring. In addition, the removal of so much of the vegetation and the natural environment which is a source of pride and tranquility and beauty for all of us, is a major concern. We understand that a

smaller portion may need to be removed, that's fine, but we really call for a restriction of the site. Thank you very much.

MR. KIRWAN: Thank you. Let's go through all three, and then we'll go back to questions. Thank you. Ms. Florian.

MS. FLORIAN: I'm on an adjacent property as well. And I'm also very concerned about the erosion, because on our property is already starting a lot of flooding after severe rainfall, and the subject property slopes very steeply, as you all know. Meanwhile, and it slopes onto our property as well.

MR. KIRWAN: Are you to the south of the property?

MS. FLORIAN: North. We are to the north. Another neighbor, who is also very concerned, has written a statement, and I want to read that. And, if I still have time, I want to do my own. So, she says, any and all information or history that I believe has been related to me by residents of the neighborhood who are now long gone but may be supported by the historical plat maps, and knowledge of the terrain and natural history of the area in question. The stories of the neighborhood and explanations about land disposition was retold to me around 20 years ago. Neighbors whom I converse with

included Mr. Sullivan (phonetic sp.), who's deceased, Madeline Savant (phonetic sp.) is the original owner of 10203 Menlo Avenue, also deceased, and the woman whom 20 years ago owned the home, which held the original parcel of the land next to and behind the 10203 property. I don't recall her name. Mr. Sullivan was an original property owner in our street. He was there to observe nearly all of the building and changes on our street since the time when there was just a few homes on our side of Menlo. These bits of information are included in my understanding and I believe are supported by historical plat maps and area conservation and use data. First, historically, there was a road which connected the two now separated sections of Menlo. That section of road which went past the east side of the Lehmanz house, the most east placed house on the Menlo corner was closed off to support the wetlands and watershed easement. The area included the steep hillside drainage to the southeast of the Lehmanz house, to the swampy area by the south aspect of the property in question as it all feeds into the creek which runs through all of our Menlo back lots and, of course, feeds into Rock Creek and then into the Chesapeake Bay.

Second, there's a very shallow bedrock in that entire as yet undeveloped land around the White Creek



easement. I have not walked that land -- can I finish it, please?

MR. KIRWAN: I'll give you'll 30 seconds.

MS. FLORIAN: But the corner lot sort of between, you know, there is a natural spring right on the area. There is a spring hose remaining on that lot. And there are two other springs along the creek. And the drainage is very important as it's a natural resource to the rich population of wildlife that has drawn neighbors to live in the street of the historic district. And it is her understanding that the proposed development would be using a lot that was historically designated a non-buildable lot. I was never aware of any changes to that designation which I presume would have had to include --

MR. KIRWAN: I'm going to ask you if you could wrap it up, please.

MS. FLORIAN: Excuse me?

MR. KIRWAN: You need to wrap up your testimony, please. I've given you more than 30 seconds.

MS. FLORIAN: Yeah. So, and it's the flora and fauna of the natural. So the understanding is that there would be never, ever new construction in that corner of the street.

MR. KIRWAN: Okay. I think we understand. Thank you for your testimony.

MS. FLORIAN: You're welcome.

MR. KIRWAN: Mr. Volce.

MR. VOLCE: I'm Harry Volce, I live in the lot just south of the proposed lot. I have two things to say, and they both stem from the time that we came before this Commission to build a little bit of an addition onto our house. And, two things that I heard at that meeting I think are dispositive for tonight's discussion. One of them was, one of your members, I don't know who it was, said that, this is 20 years ago, he went to look at the lot and that it was built, the house that was built on 2507 Barker Street, and he said, I regret now my decision to allow that house to be built because it was so out of character with all the other houses in the neighborhood. My point is, I think this house is also out of character. I would to maybe have no more than one mistake made.

Second, this point has been made several times, but I'd like to repeat it. The plan that we've seen says there are going to be seven trees cut down. I think they'll be more than that, in the neighborhood of maybe more than twice that number of trees that are larger than six inches. So, we live on a very highly wooded lot, mature trees. It's wonderful and I'd like to keep as many trees as we possibly can. That's the end of my testimony.

MR. KIRWAN: Thank you very much. Do we have any questions for any of the witnesses? Yes?

MS. VOIGT: Harry. So you said that that house was out of character, and I was just wondering why you --

MR. VOLCE: It's very modern. It's very modern. And it's just, and it would not be out of character in some neighborhoods, but it's just a very modern house.

MS. FLORIAN: Could I say something?

MR. KIRWAN: Any other questions for -- we're taking our questions now, unless you have a question directed to --

MS. VOIGT: No. Thank you.

MR. KIRWAN: Questions for the applicants, I mean, the speakers? Mr. Arkin, you had referenced a question you had earlier.

MR. ARKIN: It's really a question, well, either to the applicant --

THE COURT REPORTERE: You are not mic'ed.

MR. ARKIN: Okay, thank you very much. One of the speakers just now spoke of the amount of vegetation that will be removed, and I was wondering if you could expand on that, and explain how much vegetation will be removed, and what will be planted in its place. The lot, from the pictures, other than the, I guess, five or six trees that are identified, seems to be largely filled with

a scrub brush, is that correct? Could somebody?

MR. LEHMANZ: Oh, I'm sorry, I didn't know who he's talking to.

MS. FLORIAN: Well, there are a lot more trees that are on this property, and they are surrounded by brush.

MR. ARKIN: Okay. How much of the vegetation will be removed?

MS. FLORIAN: We counted and it's about approximately double the amount.

MR. ARKIN: I'm sorry.

MS. FLORIAN: It is approximately double the amount as marked in the drawing.

MR. VOLCE: So, if it said seven, it'll be 14.

MR. KIRWAN: Well, Commissioner Arkin, I'm not sure we can take that as factual. This is a question for the applicant. I don't think this is a question you should ask the neighboring witnesses.

MR. ARKIN: All right.

MR. KIRWAN: The applicant has to state how many trees he's going to remove, and he has to stand by that.

MR. ARKIN: I'll ask that question of the applicant after we bring him back. Thank you.

MR. KIRWAN: Okay. Thank you all for your testimony. Greatly appreciate it, and thank you for

taking the time to come out tonight to help us with our deliberation. The next three speakers are Lynn Bush, Emily Volce, and Johannes Staguhn. And, we'll start with Ms. Bush. And please state your name for the record before you speak.

MS. BUSH: Good evening. I want to thank the Commission for the opportunity to address this very important issue. My name is Lynn Bush, and I live in an adjacent property to the Menlo lot that is at issue. I want to join my neighbors, some of whom were unable to appear tonight, in voicing a strong opposition to the footprint and scale of the proposed construction. Simply put, the developer proposes to shoe horn an oversized house and driveway onto a relatively small sliver of land which slopes steeply down a ravine and into a conservation easement that covers the rear third of the lot.

If allowed, this construction, as proposed, will severely and negatively impact both the physical and historic character of the surrounding properties and neighborhood. I moved into my house approximately six months ago. The primary attraction for me to this neighborhood was the charming historic character of homes nestled among dense clusters of trees and shrubbery. For the privilege of living in such a natural and peaceful environment, I sacrifice and poured the entirety of my

life savings into a seven figure house, which was far more than I ever set out to spend, but I fell in love with the house, and more importantly, with the neighborhood.

Thus, I believe I am exactly the type of home buyer I think you want to continue to attract to Silver Spring and Kensington, but one who would be totally dissuaded by lots where quasi mcmansions have been squeezed in, leaving only a few trees and greenery. Here, once the developer decimates the trees and greenery, it won't be a matter of him being able to simply replant them, because he can't. It'll be the house there. It will be the concrete. You can't plant over it. I know my time is limited so I'll just make a couple of observations regarding the Staff recommendation.

First, while only about 25 percent of the long narrow lot may be visible from the street, the same cannot necessarily be said for the propose house itself. The outside scale and height of the proposed 3,000 plus square foot house will make it a stark standout, and I believe, significantly visible from the street. Second, while Standard 9 does make reference to new work being differentiated from the old, that standard, in the same sentence, also explicitly requires that the new work "will be compatible with the historic materials, features, size, scale, and proportions to protect the integrity of the

property and its environment."

As proposed, this house would objectively fail to comply with these mandates and at the very least should be required to be significantly scaled down both in terms of its footprint as well as its overall size and height to achieve the requisite compatibility enunciated in Standard 9. Thank you.

MR. KIRWAN: Thank you, Ms. Bush. Emily Volce.

MS. VOLCE: Hi. I just want to say that I'm an architect, and I worked on this kind of project where you added onto houses or you made them up-to-date in old neighbors, for 20 years, and all over the area. And, it is very important to try to fit things in so that you don't have an eyesore in a place. And what I'm afraid here is, that this house is more like a house you'd expect to see in a development where everything is very cut and dried and square lots and all that. And, I believe it's just not going to look the part of a house -- I mean, all the houses on that street, Menlo, are much smaller for one thing, except for maybe a couple. But they are very Victorian looking, and they don't look out of place.

Now, I would like to point to this elevation. This is going to face me. And I will be very upset by having to look at that every day. Because I'm an architect, and I have a concern about unresolved roof

lines. I like to see resolved roof lines. I have a book here that shows old houses for 13 styles over 200 years. There's nothing that looks anything like this in here. This is not a recognizably historic look. It is a historic look and not of the sort that one might want in a historic district, in my opinion.

I live in the same house with Harry Volce, which is an original house, original property that was, the Hahn (phonetic sp.) property, that was re-subdivided. And that property has a spring house at the back -- the west end of her property just a little shy of the property that is proposed. Here's the spring house right here. It's still there. There's a spring coming out of it. There are springs in the area. This is not the only spring. There's springs over here that come down behind this whole row. When in the springtime, and even other times of the years, you can see ponding all through this area between these two properties. Its the lowest area in the neighborhood, and it's really --

THE COURT REPORTER: I'm sorry, I can't hear you when you cover the mic.

MS. VOLCE: Oh, I'm sorry.

THE COURT REPORTER: Thank you.

MS. VOLCE: I am very concerned about all of that. I am not opposed if someone wants to put a house



there, and it's okay to do because it's not a problem environmentally. But what I want to see is something that looks as if it was actually thought about for this neighborhood, not just pulled out of a plan book somewhere. And that's how it looks to me. Thank you.

MR. KIRWAN: Thank you, Ms. Volce. Mr. Staguhn.

MR. STAGUHN: I'll try to do what I can in three minutes. Let me first, my name is Johannes Staguhn, I live in the property to the north of it. Let me summarize. The first thing I want to say is that the garage will be visible. The report that I submitted, and I have not received an acknowledgement, but you should have our concerns in written form, has a picture on it. And unfortunately, the arrows moved. I was a victim of Microsoft Office which you probably can relate to. The arrow show exactly where the house is. I was able to do that because I superimposed the house that is shown on the map on the tree survey and I looked at the trees. So the garage will be visible.

The second thing is the footprint that was just mentioned by the builder excluded the garage, which according to this drawing, has a lot of live-in space above it and below it. So it should be counted. So it's not 35 by 36, but plus this section. Let me summarize. This is a very special lot, that's why you see so many

people and have so many written things. It consists only of an extremely steep slope. The rest is pure wetland which collects all the springs there. As Mrs. Volce said, there are springs. Go to Google Map, zoom in. Google Map shows a big pond. That's where the spring is. It's also on topographic maps of this district.

The second thing I want to mention is that I'm very surprised, I have to say, that we agree with the assessment that there needs to be erosion control. I do not understand the argument of the Staff report, because they argue with regulations that we just quoted, which clearly say that this property has to abide with the characteristics defined in the 1870 to 1925, and they argue with the fact that the houses were built later there, makes it that you shouldn't apply it. Well, all the houses on the original Hahn survey of that property that you can see from outside, are Victorian. You asked me about what the status. They are all Victorian, including ours. And that's why we bought it. We believed we were protected.

And, also, this No. 9 says that the spatial relationships that characterize the property has to be preserved. Staff took this to say it has not to be conform to those statements. This says they have to be preserved. He wants to, the entire hill, the upper eight

inch, feet of the hill will be taken off, completely covered with asphalt. That means none of the trees we saw on the picture will be there. It will be completely treeless, a ginormous house, a driveway that is bigger than the footprint of 1600 feet. There cannot be anything regrown, and I do not understand that the logic of the Staff report, because all the criteria that quote, speak actually against their argument. And ask me many questions so I get more time than three minutes. I would appreciate it.

MR. KIRWAN: All right. Do we have any questions for -- yes, Commissioner Arkin.

MR. ARKIN: I do, thank you, Mr. Chairman. Could you describe your impression, so it will be somewhat subjective, your impression of the driveways and garages that appear in the neighborhood. I think what the regulations strive for in their -- the Guidelines strive for compatibility, not necessarily for an exact copy of a Victorian or post-Victorian house. Could you describe -- you mentioned the very large asphalt pad which is part of the proposal, and are there any other large pads in the neighborhood that you're aware of?

MR. STAGUHN: I'm not aware of any pad of that size. No.

MR. ARKIN: There are some garages and some

driveways, are there not?

MR. STAGUHN: Nobody on Menlo Avenue has a garage. I know there are some people have garages in Capitol View Park. On this part of the -- on Menlo Avenue on our section, nobody has a garage.

MR. ARKIN: Thank you.

MR. STAGUHN: But you refer to one which I would like to respond to. I believe that the 1870 to 1960 it states explicitly that this has a higher demand on the appearance of the houses, and it clearly states that it's either Victorian, or revival styles, and early bungalow style. I do not believe that in this highest of the categories, which this property is under, that the developer should have the freedom to come up with something, as the architect sitting next to me said, has no historic precedent whatsoever.

MR. ARKIN: What were you just reading from, sir?

MR. STAGUHN: I was reading here from the approved and adopted sector plan for Capitol View vicinity, the definition of 1870 to 1960, which we saw is, applies to the entire Hahn property, which this piece is out of.

MR. ARKIN: Thank you very much.

MR. STAGUHN: So, 1870 to 1960.

MR. ARKIN: And, I believe the lady sitting next to you also had something to say on this topic.

MS. VOLCE: Yes. I live on the Hahn property. The original one. I mean, the part that, the saved over -  
-

MR. ARKIN: Can you speak up, please.

MS. VOLCE: I live on the Hahn house property, which was reduced, you know, it was cut into lots of lots. But I live in the original lot. The remaining original lot. If that makes sense.

MR. ARKIN: Did you have a comment on this question?

MS. VOLCE: Yes. The houses that were put in -- I think you were talking about the houses on Leafy Avenue, below, right in here. Below Darker (phonetic sp.) Street. Those houses, which were built in the '80's, do have garages. But those are not old houses. And there's no houses across the street from them.

MR. ARKIN: Thank you.

MS. VOLCE: Okay, but this is where I live right here.

MS. BUSH: May I respond also to that question? I have the house that, I think was referred to earlier, as the modern house, and that it was large. And it has a garage. The large modern house is on over an acre of

land. So there's no comparison, and with the garage, the entire house is invisible from the street.

MS. VOLCE: That is correct.

MS. BUSH: Which, I mean, is a problem with taxi's, and Ubers, and visitors trying to find me. But you cannot see my house from the public street at all. So, the fact that it's modern and it's sort of an aberration.

MR. STAGUHN: All visible houses comply with 1870 to 1960. They all do.

MR. KIRWAN: Any other questions for the witnesses? All right. Thank you very much for your testimony this evening. Appreciate you coming out tonight and helping us. The next three speakers are Diane Cameron, Catherine Lowry, and Mike Livermore. Please come forward. And I'll give you three minutes for your testimony, and please make sure you state your name for the record before you speak. And we'll begin with Ms. Lowry.

MS. LOWRY: Hi, Catherine Lowry. Thank you so much for having this hearing and listening to us. I've got two -- I live several doors down from the property, so I'm not one of the adjacent ones, but I'm couple doors down, and it's a site I will drive by every single day, you know, back and forth, as I come and go. So it's certainly

going to be seen by me. So I've got two main concerns. One is about the general historic problems. Am I speaking loudly enough? Can you guys hear me? Okay, great. That the house definitely doesn't fit the character of the neighborhood. It just doesn't. Not only are there no big driveways, most of the driveways aren't even paved. Like a lot of them are just gravel. You know, it's an informal neighborhood. Lots of trees. No sidewalks. It's got a kind of rural feel. And so this house simply doesn't fit that. And then, of course, if the trees are dramatically reduced by the footprint of the house and the large driveway, that also takes away from the overall character.

And then the second big concern I have is the erosion and the impact on the streams, the underground streams that are there. The pond. I have concerns about my neighbors could be directly impacted if the water flows are shifted. I don't know what that does to them, and how that -- if it does do something, what happens? You know. If all of a sudden they're being flooded by this, what happens? How do they get, you know, sort of be made whole to that.

And then, of course, it's a tributary into Rock Creek, and I'm very concerned about the additional run off, and the silt, and basically the destruction of the stream. You know, that it's fragile. It's not probably

already in great health. And, this would only add to the difficulties with it. So those are my main points.

MR. KIRWAN: Thank you very much, Ms. Lowry.

MS. LOWRY: Thank you.

MR. KIRWAN: Ms. Cameron.

MS. CAMERON: Thank you, my name is Diane Cameron. I live at 3102 Edgewood Road in Kensington, in the Homewood neighborhood that is adjacent to the Capitol View neighborhood. And I go walking in the Capitol View neighborhood, including Menlo Street, several times a week. And, as you know, natural resource protection is part of overall historic preservation, including at this site. And this particular site, as you've heard tonight, is important to the historic character and the environmental integrity of Capitol View Park because it's wooded and it has some unique topography, and it has a conservation easement, and all of this must be taken into account.

I agree with the testimony given by the neighbors of the site tonight. And, I hope you will fully incorporate the neighbors views into your decision. I also want to say that I agree with the Staff's recommendation that this site in this proposal needs an erosion control plan, and along with that there is the need for a stormwater management plan, and as we've heard,



a tree protection plan. And when we get involved with stormwater management in Maryland, as you know, since 2007 the requirement is for environmental site design. And this is an integrative site planning method that does include erosion prevention and tree protection all integrated together. And, environmental site design is really crucial as an integrative approach. And I wanted to quickly quote that mandatory elements of this from the State of Maryland include, site design shall minimize the generation of stormwater. The site design shall maximize using pervious areas, vegetated areas for stormwater treatment, and annual ground water recharge rates shall be maintained by promoting infiltration.

I made an estimate based on some of the neighbors estimate for how much cubic feet of soil this design would require to be removed because of the location of the house being placed on what is now a hill, or a hill slope, and a lot of, there will be the need for a lot of earth moving, and removal of earth and dirt from this current hill in order to put the house there. And, so to wrap up, I concluded that roughly, being very conservative in my calculations, roughly 10,000 to 20,000 gallons of water are now stored by the soil in that hill, and after removing that soil, that's a lot of water that will have to go somewhere else.

MR. KIRWAN: Thank you very much.

MS. CAMERON: Thank you.

MR. KIRWAN: Mr. Livermore.

MR. LIVERMORE: Hi. I'm Mike Livermore. I am the owner, oh, first, thanks for letting me speak on this issue. I live at 10118 Leslie Street which is --

MR. ARKIN: Could you speak up a little bit, please.

MR. LIVERMORE: Oh, okay. I live at 10118 Leslie Street, and that is right adjacent to the lot in question, the 10201 Menlo. Basically a little bit down the creek from the proposed development. And, I'd like to piggyback on the previous speaker, and a couple of other speakers about stormwater management. That is my biggest concern, because currently right now, my backyard gets flooded already as it is now, when it rains really hard. And, with this development, I just want to make sure that something is done to, so that the correct appropriate stormwater management takes place so it doesn't get even worse. I mean, it's already bad as it is now for me and my neighbor also at 10116 Leslie Street.

And I understand now this conservation easement and there is complications around, you know, manipulating or doing something on the land, but you know, I just want to know, you know, want to make sure that something is

done or want to know my, you know, options to work with the developer in whatever way necessary, you know, to ease the issue. Thank you.

MR. KIRWAN: Thank you for your testimony. Are there any questions for these three witnesses. All right, if not, we want to thank you very much for your testimony. Appreciate you coming out this evening. Do we want to bring the, Commissioners want to bring the applicant back up for some follow up questions? There was some talk of doing that.

MR. ARKIN: I would like that, yes.

MR. KIRWAN: Okay, yes. If the applicant could please come back. And, if you could just once again, quickly state your name for the record.

MR. FARNSWORTH: Miller Farnsworth.

MR. ARKIN: Yes, sir. I wonder if you could describe what vegetation and how many trees you intend to remove, and what you will do with the rest of the lot. Will you be -- I guess we're talking about the side yards and the backyards right now. Will you be making part of it lawn? Will you be removing large amounts of soil as has been, as one of the witnesses testified? Could you describe that, please?

MR. FARNSWORTH: Okay. As far as the trees go, there are seven trees that we're going to be taking out.

There are scrub around these trees, ivy, prickles, and all kinds of stuff, around the trees that will also, would be taken out for the driveway and for the house. But, as far as the trees goes, there's only seven trees that will be taken out that has been required, a tree survey that we had a tree survey done, and had the engineer look at it and tell us which trees need to come out.

MR. ARKIN: Are there large trees elsewhere on the lot?

MR. FARNSWORTH: There are. There's poplar trees, and we didn't actually survey the trees down in the conservation easement, because we can't touch any of the conservation easement. But there's, as you can see on the plan, I don't know if you have that plan there in front of you, it also shows a 20-inch poplar, a 16-inch poplar, a 29-inch poplar, another 19-inch poplar, that is out of the building envelope that are not going to be touched.

MR. ARKIN: And what do you -- beyond the building envelope and the envelope for the parking pad, what do you intend to do with the rest of the lot, which is outside the conservation easement?

MR. FARNSWORTH: Some of it will be grass. Some of it will be left in bamboo, which the bamboo has kind of overtaken the lot. And that's about it. It'll be bamboo, trees and grass.

MR. ARKIN: Can you tell me how large the grassed area will be?

MR. FARNSWORTH: Well, the lot is 2800 square feet. Excuse me, 28,000 square feet, and the buildable area is 5160. So, I would say that we're probably going to have about 6,000 square foot of lawn and house, and driveway. Maybe a little more than that for the driveway.

MR. ARKIN: At any point did you consider proposing a house that would be somewhat more modest in size?

MR. FARNSWORTH: It is modest in size. It's less than the houses around it. There's a house to the north that is larger than this house. There's a house to the south that's larger than this house. It's a smaller house than the two houses that are on either side of it. I didn't bring the tax records to show you the square footage.

MR. ARKIN: It is 3200 square feet though, is that correct?

MR. FARNSWORTH: 3200 square feet.

MR. ARKIN: Thank you very much.

MR. KIRWAN: Any other questions for the applicant in follow-up?

MR. FARNSWORTH: I can tell you about the stormwater management, if you want to talk about that. If

anybody wants to ask me a question about that.

MR. KIRWAN: Anybody have a question about that?

MR. FIRESTONE: All right, I'll get into that.

As far as the stormwater management goes, I believe that is something that you would have to deal with several other agencies such as Department of Permitting Services?

MR. FARNSWORTH: That's correct.

MR. FIRESTONE: And who else? What other agencies?

MR. FARNSWORTH: Department of Permitting Services, sediment control, and stormwater management.

MR. FIRESTONE: Okay. So you have to go before them with an adequate stormwater management plan, because it's my understanding that stormwater management is not within the purview of this Commission.

MR. FARNSWORTH: Okay.

MR. ARKIN: Have you made application to the other agencies?

MR. FARNSWORTH: No. That's not done until you submit for a building permit.

MR. ARKIN: Okay, thank you.

MR. SUTTON: I have one question. Have you considered using material other than asphalt for the driveway?

MR. FARNSWORTH: The driveway itself, the next

door neighbor has a long driveway that goes down the hill and all the way back to the house. The driveway that I would put in, will have to have an infiltration trench to gather all the stormwater run-off before it goes to the stream. The driveway to the north doesn't have that, and to the south.

MR. SUTTON: Okay. Thank you.

MS. HEILER: I have a question for you. There seems to be a question about what is included in this 3200 square foot area. Does that include the garage and the area over the garage?

MR. FARNSWORTH: First two floors. No. It does not include the garage.

MS. HEILER: What would it be, how much would we add for the garage and the area over the garage?

MR. FARNSWORTH: It includes the area over the garage.

MS. HEILER: It does, okay.

MR. FARNSWORTH: But it does not include the garage. And the garage is 12 by 20.

MS. HEILER: Okay. So, the actual size, the footprint you noted was 35 by 36 --

MR. FARNSWORTH: And I made a mistake. I forgot. I forgot the garage --

MS. HEILER: Okay, so that's really --

MR. FARNSWORTH: -- piece on there.

MS. HEILER: -- 35 plus 12?

MR. KIRWAN: Forty-seven.

MR. FARNSWORTH: Yes, 35 plus 12.

MS. HEILER: Thank you.

MR. KIRWAN: Any other questions for the applicant? All right, if not, we can excuse you from the dais. We'll move into deliberations, unless anyone has any questions for Staff before we go forward. All right. I'll go ahead and kick things off. So, I think one of the first things to sort of address from what we've heard from the witnesses tonight is, the architectural response of the resource.

It's my opinion, I mean, what I see when I drive through Capitol View is certainly a fine collection of Victorian resources, but beyond that in the district, there's a very eclectic mix of periods. And this Commission has approved new construction in the district, which has included houses that were traditional recreations of similar houses in the district, as well as very modern houses in the district.

And we do that because our guidelines do not direct us to only approve a certain style of resource in the district. We have to look for compatibility and appropriateness in the district when we review the



architectural response of a new proposal. So for me that is, you know, while we all might have our individual opinions about the aesthetic response of this resource, it is not something that I can find that we can turn to the Guidelines and require a specific response for.

As Commissioner Firestone already noted, the erosion control issues, sediment control issues, and stormwater issues, all get dealt with at the county level when the application is made for a building permit, and the applicant has correctly stated that he will be required to deal with all of those things on site. He will not be allowed by the county to direct water and erosion off site. So, that'll be something that is DPS's responsibility, and I don't know this or not, but the neighborhood may have a path with DPS to review those plans.

I will state though that I think the Staff's recommendation of reviewing that in the drawings that come back for Staff final approval, and I may be speaking for Staff here, but I think you can make the argument that they're relating that to the impact of the environmental setting, which we are responsible for, as well as the spatial resource that it is. So, I think it is appropriate for Staff to review that drawing even though we have no requirement, we have no ability to necessarily

design it for them or make suggestions to the stormwater management design, but I think we can review it with regard to the impact on the environmental setting. So I think that was appropriate for Staff to do that.

I think the issues that I'm concerned about, both hearing from the applicant and hearing from the witnesses, is tree removal. I think a tree removal plan that both shows existing trees that are remaining and trees that are going to be protected, I think needs to be very clearly presented. I don't see that in the Staff Report we've seen tonight. I see sort of hand marked up notes about where trees are located, and we've heard a lot of testimony conflicting with what is on that drawing. So I think we need to see a final tree removal plan. That's my recommendation for approval of this historic area work permit.

Massing and scale is something many witnesses did bring up, and I think, you know, that is something that I am concerned about with this resource. What we don't have before us tonight is the ability to compare the house footprint with its neighbors. We have a drawing that shows us the house on the site, and we have drawings that show the neighborhood with footprints for those houses. And I think we need to see a composite drawing that allows us to judge whether we think the footprint is

overwhelming in the neighborhood or not. And I don't have that ability to do that with what's before us tonight.

I think the other issue is the scale has been raised as a concern from the public right-of-way relative to the neighboring houses, and I think that is something we have required in other districts, when people have brought in a new resource, we've asked for street elevation studies, and I think there's no reason why this district should necessarily be exempt from what we've asked for in other districts.

So, just to conclude. I think for me to provide a finding on this application, I do need to see a proper tree removal and protection plan, a footprint comparison within the neighborhood, and a street elevation comparison of the front facade with the adjoining properties.

Whoever wants to go next, please do.

MS. VOIGT: So, thank you all for coming. It really is a testament to how important this community is, and what we do to preserve these communities that all of you have showed up here and stayed late and participated in this process. And, I think the Chairman has just nailed it. The only thing I would add is, I want to understand a little more about the -- well, I think it's really important from our point of view is the public right-of-way. What you see from the public right-of-way.

Many of you said you walk through this neighborhood a lot, and drive through it. So, I think we really need to understand how we will see the house from the community, as a part of the historic neighborhood. And also, the paved area. I don't know if you mentioned that. Just a little understanding about, more, about how that will impact the environmental setting and the spatial resource. But besides that, I think we've covered it. But thank you, again, for coming.

MS. HEILER: I also would concur with everything that the Chairman said. I think we need to see this house in relation to the other houses, and also what's visible from the public right-of-way. The other question I have is the actual relationship of our review of tree protection to what the Capitol View LAP provides. Presumably, they also will review the whole tree and vegetation plan, and I'd like to understand what order those things happen in, and what their role is. I presume that they have the final say about preserving the trees and other vegetation. Otherwise, I think we probably want to continue this so that we have more information about how this house will fit in the neighborhood.

MR. FIRESTONE: I'm going to -- first though, I want to thank everybody for coming in. It's great to see a community that is active and concerned, and involved.

But I am going to concur with our Chairman and the other two Commissioners. I feel that there's not quite enough information here for me to approve something like this tonight. I'm definitely concerned about the tree plan, first of all. A better survey of what trees are there, and what is actually going to be removed, and what's going to be left. And two, a plan to protect the trees, the remaining trees that are not going to be removed.

While the stormwater management is not under our direct purview, because I'm not sure we even have the expertise to deal with it from an engineering standpoint, I would be concerned as to how the stormwater is handled in the way that it might impact the environmental setting. If there are several choices of how to do it, there might be some that are more suitable for historic district. And, as far as the scale and massing, and footprint of the house, I also would like to see a comparison to other houses in the district, a visual comparison that we can look at. Thank you.

MS. BARNES: I have a few comments. One to the knowledge of those of us on the Commission based on reporting from the Staff, there is no indication that this property was ever deemed unbuildable. Indeed, when the property was subdivided, there was an assumption that this was a buildable lot based on everything we've been told.

So I wanted to put that out there, because there does seem to be a perception that somehow this was an unbuildable, or had been declared an unbuildable lot.

I would have preferred to have seen something more detailed from the LAP about the trees, and what they propose for a tree protection plan. I would have preferred that the applicant have sought a preliminary consultation. This has turned into something similar to a preliminary, but we're in the position of denying a historic area work permit, because this is an application we can't adequately deal with.

I would say also that with regard to the proposed house, as the Chair noted, the Capitol View Historic District has a collection of eclectic styles, and we are not, when we look at new construction, to sort of say, oh, this must be similar to a Victorian, or this must be similar to a Craftsman. But what I think has been presented this evening in these drawings is rather a mishmash, and I would encourage the applicant to come back with a more coherent proposal for a structure that is something rather than sort of a mishmash of various elements.

And I think, although I'm prepared to be persuaded otherwise, when, as the Chairman has suggested, you come back with a proposal that relates this project to

other houses nearby, my initial impression is that this house is too large. But I could be persuaded otherwise when it's related to others in the area. So, that's what I have to say.

MR. SUTTON: I really don't have anything to add to the comments that have been made so far, so I will pass to my partner.

MR. ARKIN: Thank you, partner. We are sharing a screen here. I am in full agreement with all the comments that have been made so far by the Commissioners. In my perspective, primarily is from the compatibility standpoint. And, from that, I think a lot of these questions flow. In the past I spent a good deal of time in and around the historic district. I had friends who used to live there, and my impression of the district is also, as prior speakers have said, that it was not, by any means, entirely Victorian. It is eclectic even to the point in some of the houses I think are delightfully eccentric.

But it is not a neighborhood of cookie cutter houses. And I think that more attention has to be paid to the design. What's going where. And my initial impression was that this house was too big. That it was too big to be compatible with the rest of the neighborhood. It is possible that I could be persuaded

otherwise because there is a great deal that has to do with presence. This is a very aggressively designed house. Two stories with the, I guess those are intended to be cross gables, or seem to be cross gables. And a very tall roof, tends to, dominates the lot, and it could have a very powerful impact on the rest of the streetscape.

There's not a lot of specificity in the application that we've been presented with. And, it would be useful to know what the approach of the architect was or would be in terms of designing for this lot. How to make it compatible. I would be interested in knowing -- this is not a requirement -- but, I would be interested in hearing some comments that go beyond tree removal and tree protection, and go to the protection or removal of the vegetation on the lot. Because so many of the lots in this neighborhood are wild or overgrown, or bits and pieces. My impression, and again, it has been awhile since I've been there, is that the lawns are rather small around the houses, and tend to be surrounded by vegetation, mixed vegetation.

I think the streetscape, which was suggested initially by the Chairman, street of elevationals would be very helpful. I am also very concerned about the driveway. I think there is a difference between a driveway



that meanders to a parking area or to a garage. And the surface that is used, the material that is used to build such a driveway is important. I really do not recall any large parking pads in the neighborhood, and unless what we're looking at is not a large parking pad, if it has some other purpose that we haven't -- that's not clear from the drawings -- I would have some difficulty with a feature like that.

I don't think we really have enough information now to either approve or deny the application. And I don't think an approval or denial would be in the public interest, or in the interest of the applicant. And, I would hope that since we are not, we're kind of, it appears that we're kind of converting this historic area work permit application into a preliminary consultation, I would hope that we could see some more creative solutions at an adjourned meeting, in which we could consider some of the issues that have been raised tonight by the Commissioners and Staff, and by other members in the audience.

But, at this point, it's hard for me to see how this is compatible with the rest of the historic district.

MR. KIRWAN: Thank you, Commissioner Arkin. Mr. Farnsworth, I'm going to ask you to come forward, because you ultimately need to make this decision, and it may be

helpful for Staff to summarize the difference between continuing the case and the potential denial for a case, and what that means for his schedule as far as moving forward, and coming back to us.

MR. BRUECHERT: Sure. So, I mean, the Commissioners have indicated some additional information that they would like that may be heard as a revision, and could be heard, if you indicated this evening that you are going to get us all of that information, it could potentially be heard at the November 15th meeting. We finalize that agenda on this Friday. So that would sort of disrupt, I mean, that would enable you to get on the next agenda as soon as possible. However, if you take the Commissioners feedback and would like to make more extensive revisions and can get those to us in a timely fashion, we would have to put you on to the December agenda, and I believe Phillip has that one. Is that December 6th? I think it's December 6th, is that correct? So, that would give you until the middle of November, another three weeks to get that information.

MR. FARNSWORTH: So when do you need that information for the November meeting?

MR. BRUECHERT: So, the information for the November meeting I would need the middle of next week.

MR. FARNSWORTH: I don't think that's going to

happen.

MR. BRUECHERT: Pardon.

MR. KIRWAN: So, the other option you have is, you say, no, I don't want to do that and I want you to take a vote on it tonight. What I've gathered is it's probably going to be denied. And the denial process, what is his recourse -- when can he come back and resubmit after a case has been denied?

MR. BRUECHERT: Well, so with a denial you would have 30 days to appeal to the Board of Appeals. That is certainly one avenue that is open to you. They would review that as though the Commission never heard it. You would then have to come back before the HPC with a substantially different proposal in order for it to be heard again, with a new HAWP number. So, that would present a number of challenges to you as far as both Staff and HPC determining that it was a substantially different proposal, and could raise more hurdles in the future, and would be challenging.

MR. KIRWAN: So, I think it's -- basically, what I'm trying to have you understand is there's -- and we've run into this many times where it's definitely advisable to the applicant to continue the case, give you the time to respond to the issues, and that's going to save you in the long run more time.

MR. FARNSWORTH: Yeah. And actually, when I submitted this, I didn't know if I should go as a preliminary or as an application. And, it was kind of left to Staff, and Staff was like, you know, go that route. So that's the reason that I'm down that road. So, I think, is it a continuance, is that what it is?

MR. KIRWAN: Yes, we'll continue this matter at a future hearing and based on your deadline, so you can get things into Staff.

MR. FARNSWORTH: Yeah, I think I'll do the continuance.

MR. KIRWAN: Okay, great. Thank you very much, I appreciate that. We look forward to seeing you come back. Sorry, we don't take any questions. Okay. We're going to move on to the next item on our agenda, which are the preliminary consultations. The first of which is II.A at 5813 Surrey Street in Chevy Chase. Do we have a Staff Report?

MR. KYNE: Yes, we do have a Staff Report. And I guess I can start over here since we don't have the microphones. As noted, this is 5813 Surrey Street, Chevy Chase. A secondary post-1915 resource within the Somerset Historic District, colonial revival style, circa 1933. The Commission saw this at the September 19th meeting, and at that time expressed the following concerns.

**CAPITAL VIEW PARK  
(WITHIN THE SIX LOT SUBDIVISION)**

(3)

**SQUARE FOOTAGE HOUSE FOOTPRINTS, DRIVEWAYS, IMPERVIOUS SURFACES, ETC.**

PROPERTY ADDRESS	SQ FOOTAGE HOUSE FOOTPRINT	SQ FOOTAGE DRIVEWAY	TOTAL SQ FOOT IMPERVIOUS SURF	LOT SIZE SQ FEET	% OF LOT'S TOTAL IMPERVIOUS SURFACE
Proposed					
10201 Menlo	1,810	2,149	3,959	28,675	.1380%
10203 Menlo	1,992	1,190	3,182	21,675	.1468%
2801 Barker	2,334	3,400	5,734	56,301	.1018%
2901 Barker	2,200	1,000	3,200	10,919	.2930%
2903 Barker	2,020	1,150	3,170	11,529	.2749%
2905 Barker	3,562	2,700	6,262	40,447	.1548%