



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

Items
MCPB 1-18-07

MEMORANDUM

DATE: January 8, 20076

TO: Montgomery County Planning Board

VIA: Faroll Hamer, Acting Director

FROM: Rose Krasnow, Chief *RAK*
Development Review Division
(301) 495-4591

SUBJECT: **CONSIDERATION of Alleged Violation regarding Construction of a Fence without Site Plan Approval Sanctions/Plan of Compliance**

PROJECT NAME: Candle Ridge and Essex Place II (East Village of Montgomery Village)

CASE #: 8-84014, 8-84015, 8-85073

REVIEW BASIS: Div. 59-D-3.6 of the Montgomery County Zoning Ordinance

ZONE: Town Sector

LOCATION: Southeast of East Village Avenue, and east of Goshen Road

MASTER PLAN: Gaithersburg Vicinity Master Plan Amended 1988 and 1990

RESPONDENT: East Village Homes Association

HEARING DATE: January 18, 2007

STAFF RECOMMENDATION:

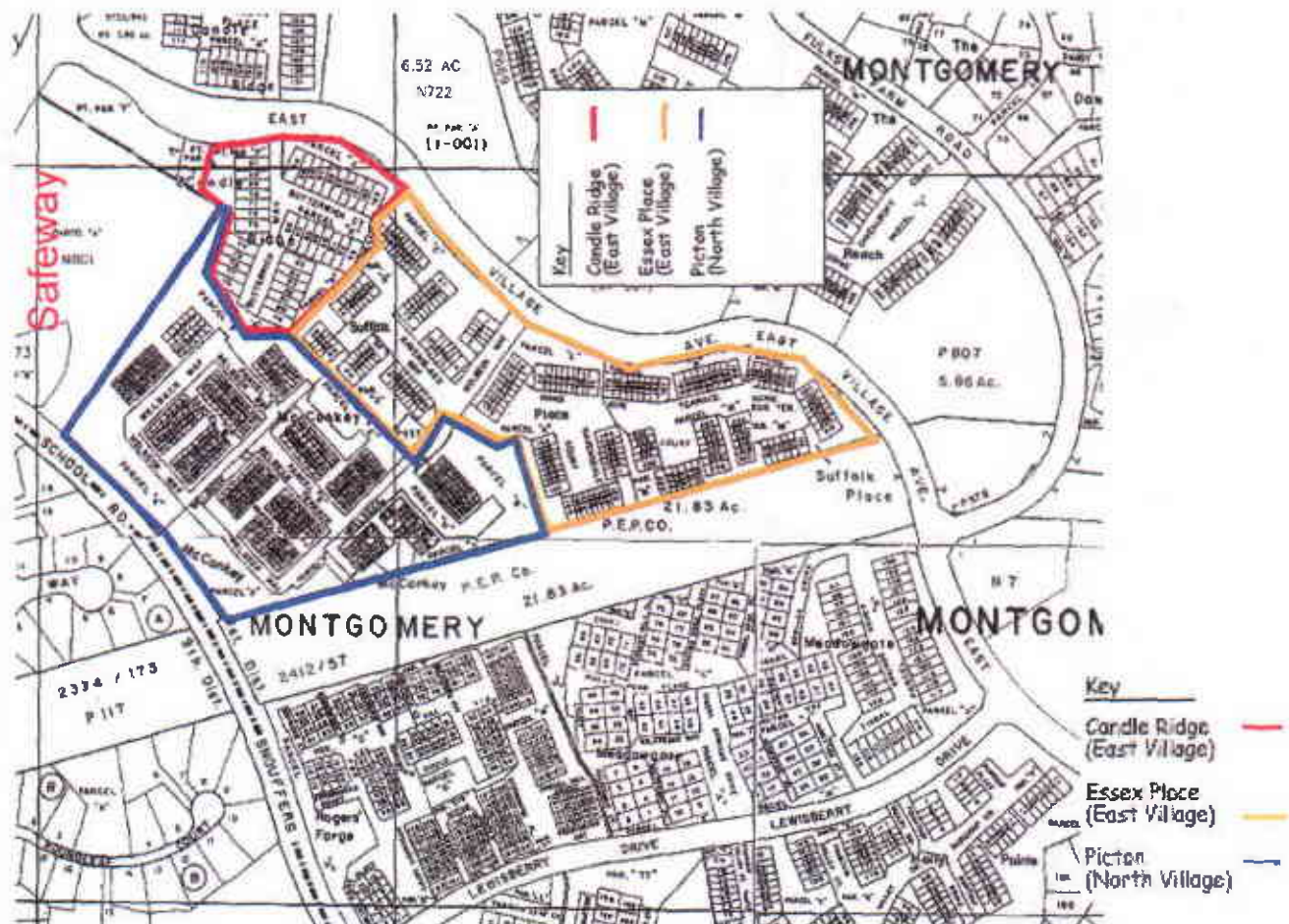
- *Finding that the wrought iron fence was built without obtaining site plan approval.*
- *Removal of the fence to restore circulation between the East Village and North Village Communities.*

PROCEDURAL PREFACE:

This item has been noticed as a public hearing during which the Board will consider whether a site plan violation has occurred with respect to the construction of a wrought iron fence by the respondent. If the Board does not find any violation, then this matter will be concluded. If the Board does find a violation, then it will proceed immediately to consider any citations and/or corrective action that it may elect to impose. Based on staff's recommendation that the Board find a violation, staff has also included herein a recommended compliance program.

I. Project Description Site and Surrounding Vicinity

East Village Homes Corporation is a community association located in Montgomery Village, Maryland, consisting of single family homes and townhomes within Montgomery Village, Maryland. It contains 1,389 single family detached units and townhomes that are divided into eleven subdivisions. The subdivisions at issue are Candle Ridge, located southeast of East Village Avenue and east of Goshen Road, and Essex Place II, which is also located southeast of East Village Avenue and east of Candle Ridge. These subdivisions sit to the north of Picton, a subdivision which is part of the North Village Homes Corporation in Montgomery Village. North Village has 888 single family homes and townhouses, divided among seven subdivisions. To the west is a commercially zoned shopping center.



II. Overall Description of Montgomery Village

Montgomery Village was one of the first planned residential communities in Maryland. In 1962 the Kettler Brothers (Clarence, Charles and Milton) purchased the Walker Farm, which contained 412 acres. Over time they purchased an additional 7 farms. In 1965, the Montgomery County Council granted the town sector zone classification to these properties, which became Montgomery Village. The first residents moved in on September 25, 1967. Soon thereafter, a number of amenities were added, including the Montgomery Village Golf Course, Lake Whetstone, and the Montgomery Village Swim Center. Today, Montgomery Village is an unincorporated area that covers 2566 acres. The village now has more than 40,000 residents, who either belong to one of 10 homes corporations, are members of one of 11 condominium associations, or are tenants in one of four rental complexes.

On October 17, 1966, the Montgomery Village Foundation, Inc., Articles of Incorporation were officially filed. In 1970, the Foundation received its nonprofit designation. The foundation provides services to the Village that mirror those provided by a city government. The foundation has the authority to collect assessments to meet the costs of preserving and maintaining more than 320 acres of open space, the recreational facilities, the roads, parking lots, and so forth. The Foundation also provides management services, for a fee, to some, but not all, of the homeowner associations. It is important to note that with respect to the current case, the Foundation provides management services to East Village, but not to North Village.

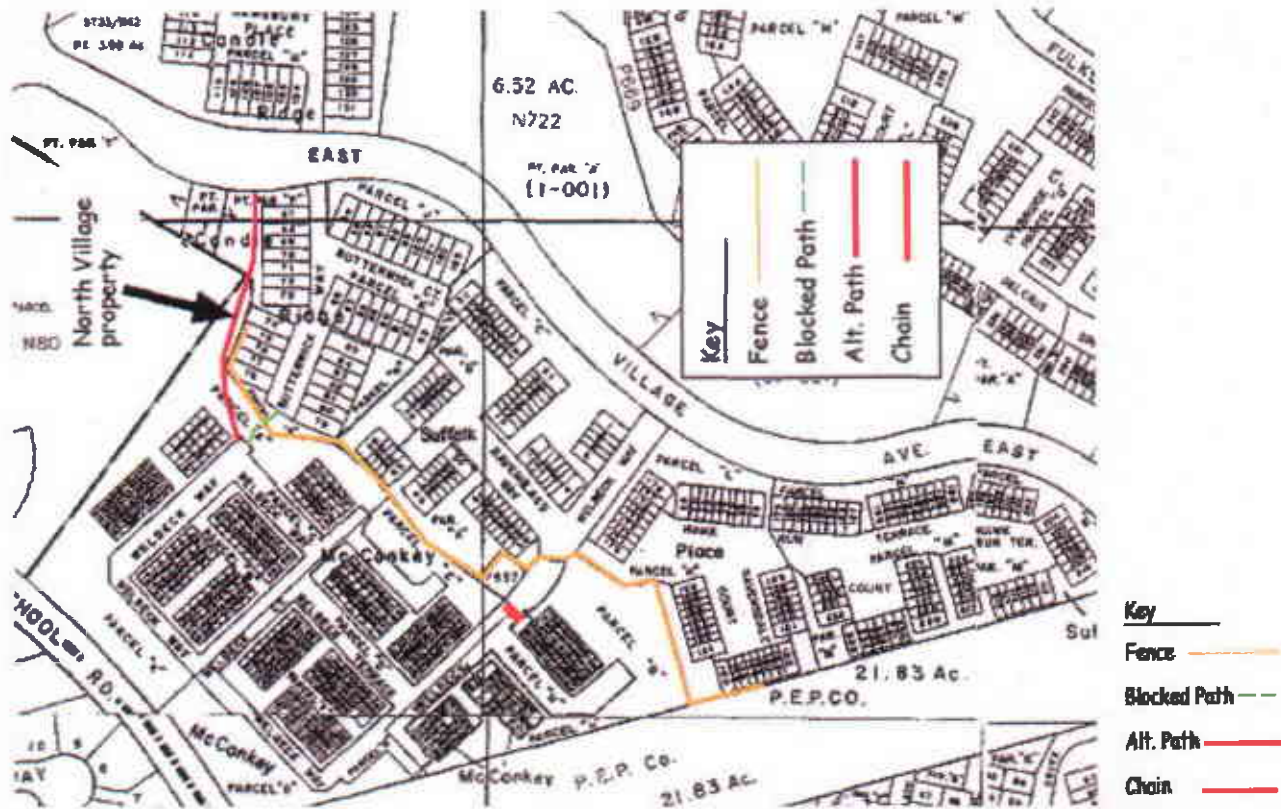
III. Prior Approvals

As Montgomery Village developed, numerous site plans were reviewed by Park and Planning. There appear to be three relevant site plans in this case. The first is Site Plan #8-84014, which covered the Medes and the Suffolk subdivisions in East Village. These subdivision names no longer exist in East Village, and according to Aimee Winegar, Community Manager for the East Village Homes Corporation (EVHC), this plan approval was based on an earlier construct and is no longer relevant. At least part of the Medes and Suffolk plan is also covered by Site Plan #8-84015 which is the Candle Ridge Subdivision. Interestingly enough, both #8-84014 and #8-84015 were approved on the same day, despite the fact that the areas covered appear to overlap. Both were approved by the Board on February 9, 1984, and the opinions were issued on February 21, 1984 (Attachment 1). The third site plan that is involved is #8-85073, which covered the subdivision in East Village known as Essex Place II. It was approved by the Board on September 12, 1985 and the opinion was issued on September 17, 1985. (Attachment 2). It is important to note that the degree of detail provided in the staff reports and site plan drawings for all of these plans is extremely limited compared to today's standards.

IV. Issues Surrounding the Alleged Violation

On August 3, 2006, a contractor hired by the East Village Homes Corporation began construction of a 1600 – 1700 foot long steel fence, on property entirely owned by East Village. The fence effectively separates the East Village subdivisions cited above (Candle Ridge and Essex Place II) from the Picton subdivision in North Village. The fence, which actually crosses pathways that provided pedestrian access between the two communities, contains numerous

signs that read “Private Yards, No Trespassing – Trespassing and Vandalism to Fence will be Prosecuted.” The Homes Association failed to obtain either a building permit from the Department of Permitting Services or a Site Plan Amendment from MNCPPC prior to construction. Moreover, although North Village was aware that a fence was being contemplated, they were given less than a week’s notice that a decision had been made to move forward with the construction of the fence, and they were given no real opportunity for input.



On September 5, 2006, the Montgomery County Department of Permitting Services issued a Notice of Violation to Aimee Winegar, community manager of the East Village Homes Corporation, for constructing the fence without an issued permit (Attachment 3). The notice called for the following corrective action:
 “Stop any additional fence/gate installation and obtain Maryland-National Capital Park and Planning Commission approval prior to obtaining a fence permit issued by

Department of Permitting Services. The Site Plan shall delineate actual fence location and any proposed future installation to scale including street or pathway closings.”

On September 18, 2006, MNCPPC issued a Notice of Violation to East Village Homes Corporation (DRD0000060), which cited them for building a fence that was not shown on their site plan (Attachment 4). That violation mistakenly called for the fence to be removed within fifteen days or for a site plan amendment to be filed. Because that course of action was not what staff had been directed to do, the citation was withdrawn and a new one - DRD0000061 - was issued on October 2, 2006 (Attachment 5). The new citation gave East Village fifteen days to remove the fence or request a violation hearing in front of the Planning Board. A letter requesting a hearing and dated October 2, 2006 was received on October 23, 2006. (Attachment 6)

On Tuesday, October 31st, staff met with representatives of East Village, including their attorneys, Casey Moore and Steve Orens of Miles & Stockbridge; their property manager, Aimee Winegar; and their HOA President, Terry O’Grady. They said that the fence, which cost \$70,000 (\$64,000 for the fence and \$6000 for associated costs, such as a survey), was installed because the residents of East Village had been asking management to do something about repeated incidents of vandalism, burglaries, and so forth (Attachment 7). The Association’s management had been in contact with the County Police (Germantown – District 6) and had asked the police to do a Crime Prevention Through Environmental Design survey. They also sent an email to Michael Ma of Development Review in April of ’06 asking about the need for an amendment to build a fence but never received a response.

On July 27, 2006 (a week before construction began) Ms. Winegar sent an email to Michael Eckloff, property manager of North Village, that clearly indicated that the management of East Village had been considering building the fence separating Candle Ridge and Essex Place II from Picton for some time (Attachment 8). That email, which was forwarded by Mr. Eckloff to Dennis Barnes, President of the North Village Homes Association Board, states that the East Village Board had voted to proceed with the installation of a fence. It went on to say that before construction would begin the property line would be surveyed, but that the surveyors were already in the community. It suggested that Mr. Eckloff might want to notify the residents of North Village about the fence, and stated that access to East Village Avenue would still be available by using the path between Butterwick Way and Safeway, by using the PEPCO right of way, and through Welbeck Way “as long as the property is respected.” It did not give a date that construction would actually begin or indicate that it was imminent.

On November 21st, staff met with representatives of North Village, including Chris Hitchens, attorney; Dennis Barnes, HOA President; Jeanne Powell, Treasurer of the North Village Board; and Cheryl Watson, Board member and resident of Picton. In their opinion, the key issue was that the path along Butterwick Way had been blocked by the fence, which made handicapped access from Picton to East Village Avenue very difficult. The alternate path proposed by East Village was too steep for wheelchairs, was densely wooded, dark, and full of litter. They acknowledged that their management company, CMI, had some preliminary discussions with Ms. Winegar regarding the fence, but when they had asked East Village to update them on the status of the fence, they were told nothing was being done. They also claimed that no one from East Village had ever come to the North Village Board to discuss their concerns that the spate of

vandalism and burglaries were either being perpetrated by residents of Picton or that Picton provided a convenient escape route for those who were responsible, which was now being alleged. They pointed out that North Village has a paid security force but that East Village does not. They also said that it had quickly become clear to the children of Picton that they lived "on the wrong side of the fence," which was damaging to their self-esteem. The representatives from North Village made it clear that they wanted the fence removed in its entirety and that East Village should help defray the legal expenses that North Village had incurred.

Following the meeting, Ms. Watson offered to share the notes that she had taken since the fence was first installed, as well as a number of pictures and some additional correspondence. These are included as Attachment 9. Another letter dated December 28, 2006 was received from Ms. Watson that summarizes a number of problems created by the fence (Attachment 10).

V. Additional Relevant Information

When DPS went to East Village to issue a citation for construction of the steel fence without a building permit, they observed posts and a chain across Welbeck Way, a private road that extends from Snouffer School Road, through Picton, and into East Village. Further investigation revealed that this chain had been in place for many years and had been installed by North Village (not East Village), apparently when the tot lot adjacent to the road had been installed. DPS issued a citation to North Village on September 6, 2006 (Attachment 11), and required that the posts and chains be removed or that a modification of the appropriate site plan be sought from MNCPPC. Representatives of North Village state that the chain had been installed for safety reasons, since Welbeck Way is a narrow road without sidewalks and is located immediately adjacent to the tot lot. Although no one in either community had voiced concern about the presence of this chain over the years, or the fact that it limited accessibility or connectivity between the communities, North Village removed the chain immediately after receiving the DPS citation. (Attachment 12). However, the East Village steel fence was supposed to have a gate across this same road, at the intersection of Welbeck and Ravenglass Way, north of the chain. This gate was put on hold at the request of Chris Hitchens, attorney for North Village (Attachment 13)

It is also worth mentioning that when Picton learned more fully of the concerns regarding safety in East Village, they pulled together a Neighborhood Watch program for their own community and proposed that the two communities implement the Watch program in unison.

VI. Staff Analysis

Had East Village submitted a site plan amendment to build the fence before it was actually constructed, staff's recommendation would have been to deny. This would have been based strictly on the issue of pedestrian circulation. The opinions for both Candle Ridge (#8-84015) and the Medes and the Suffolk (#8-04014) made a finding that "the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient. Moreover, Candle Ridge had a condition (#2), which stated: "Provision of pathway connections in accordance with the Development Plan." The Medes and the Suffolk had a very similar condition 2, which stated "Provision of pathway connections in

general conformance with those shown on the Development Plan.” Unfortunately, the Planning Department no longer seems to have copies of the Development Plans, but it is evident that good pedestrian connections were considered essential. Although the opinion for #8-85073 (Essex Place II) does not have any conditions relating to pedestrian connectivity, the Butterwick Way path, which is of primary concern in this case, is a path that goes through Candle Ridge.

Respondent submitted a document entitled “East Village Homes Corporation Fence Report” (Attachment 14) In support off the assertion that fences are common throughout Montgomery Village and, in fact, are “the rule on Private Property.”¹ In many cases, however, the arguments and pictures presented in this report seem to work against them. For example, the report points out that every house in Picton (214 homes) has a board-on-board privacy fence, and that there are 90 board-on-board privacy fences in Essex Place and Candle Ridge. However, such board-on-board privacy fences for individual units in townhouse communities are very common and are quite different, in staff’s opinion, from an extremely long, steel fence that was built to separate adjacent subdivisions.

The materials provided by East Village go on to say that there are many fences on community property throughout Montgomery Village. However, as their own documentation demonstrates, many of these, such as the ones installed around ponds and at the top of retaining walls, are required by code for safety reasons.² They also cite fences installed by the Montgomery Village Foundation around recreation areas, but these, too, serve a very specific, needed, purpose.³ They state that there is only one other fence in East Village that exists on community property, and that fence “serves to keep people out of the relatively deep Glenbrooke storm water management pond.”⁴ Indeed, a thorough review of the fence report makes it clear that the majority of the fences throughout the village are either board-on-board fences to provide privacy to individual townhouses or are split rail fences uses to separate communities from roadways, parking areas or similar facilities. The only fences cited that comes close to the nature of the steel fence are chain link fences that were installed in the Stedwick subdivision.⁵ These chain link fences appear to be primarily in wooded areas away from homes, and serve specific purposes such as directing foot traffic away from greenspace and streams and separating a high density residential area from the PEPCO right of way.

East Village argues that the police support the fence as a means of reducing crime. For this, they cite the Crime Prevention Through Environmental Design assessment, submitted by the police to Ms. O’Grady, on November 6, 2006 (Attachment 15). It is true that on Page 7 of their report, they state the following with respect to the fence:

“ The use of the wrought iron fence defines the boundaries of the East Village community from the Picton community and it discourages trespassing and cut-through from both communities onto private property. The wrought iron fencing is attractive, presents a positive image, and is durable and somewhat resistant to vandalism.”

¹ East Village Homes Corporation Fence Report, Page 2

² Ibid, p. 11

³ Ibid, p. 11

⁴ Ibid, p. 13

⁵ Ibid, p. 19

This statement, however, was in response to the fence when it had already been constructed. There is no evidence that the police ever recommended that such a fence be built.

In a similar manner, East Village points out that they received correspondence from many residents (Attachment 16) in support of the fence. Again, however, this correspondence was received after the fence had been installed. Moreover, the Gazette has printed letters from residents, including people from East Village, who do not support the fence (Attachment 16). It seems evident that East Village Management, in an attempt to address concerns about safety, rushed to judgment and proceeded to construct the fence without the full participation of its own residents, much less the residents of Picton.

It is interesting to note that the fence no longer effectively serves the purpose for which it was intended (preventing any through movement between Picton and Candle Ridge/Essex Place II) because North Village removed the chain that had been in place across Welbeck Way for many years and the gate across the road has not yet been installed. However, staff does not find that the Welbeck Way access is sufficient from the standpoint of handicapped access. For Picton residents such as Ms. Watson, whose daughter is handicapped, access to East Village Avenue via Welbeck is a more indirect route, and it is more dangerous, since the road has no sidewalks. Moreover, as discussed above, the tall steel fence, with the signs that clearly send a strong "No Trespassing" message, divides communities that, based on the original site plans, were clearly intended to be connected.

In light of all of the above, staff finds that a site plan violation has occurred.

VII. Sanctions/Plan of Compliance

Section 50-41c of Section 50-41(c) of the Montgomery County Code provides guidance on imposition of civil fines and penalties. In the case of the East Village fence, there appears to be evidence, based on the April email to Michael Ma, that management was aware that it might be necessary to seek a site plan amendment. Therefore, the fact that the community proceeded to build before obtaining a response makes this a more willful violation.

Rather than recommend a fine, staff recommends that the entire fence be removed no later than March 1, 2007. Should the fence not be removed by this date, a fine will accumulate at the rate of \$500 per day. Since the fence cost approximately \$70,000 to install, and since removal of the fence will require a further expenditure of funds, it is clear that East Village will suffer substantial a substantial financial loss as a result of this site plan violation. However, restoration of the connectivity between the two communities, and the need to establish better relationships among neighbors in communities that are all part of Montgomery Village, is of primary importance. Removal of the fence in its entirety appears to be the only way to achieve these aims.

- Attachment 1: Staff Reports & Opinions for Site Plan #8-84014 and 8-84015
- Attachment 2: Staff Report & Opinion for Site Plan #8-85073
- Attachment 3: Notice of Violation to East Village from DPS
- Attachment 4: Notice of Violation from MNCPPC to East Village

- Attachment 5: Corrected Notice of Violation from MNCPPC to East Village
- Attachment 6: Letter from East Village requesting a violation hearing
- Attachment 7: Example of a crime in East Village
- Attachment 8: Email from Aimee Winegar to Michael Eckloff
- Attachment 9: Notes, pictures and related correspondence from Ms. Cheryl Watson
- Attachment 10: Additional Correspondence from Ms. Watson dated 12/18/06
- Attachment 11: DPS Notice of Violation to North Village re: the chain across Welbeck Way
- Attachment 12: Letter from North Village to DPS regarding removal of chain
- Attachment 13: Correspondence regarding steel gate across Welbeck Way
- Attachment 14: East Village Homes Corporation Fence Report
- Attachment 15: Crime Prevention through Environmental Design Report
- Attachment 16: Correspondence from East Village residents in support of the fence
- Attachment 17: Letters printed in the Gazette expressing opposition to the fence

ATTACHMENT 1

STAFF REPORTS & OPINIONS
FOR SITE PLANS #8-84014 AND #8-85015



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8727 Georgia Avenue • Silver Spring, Maryland 20910-3763

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Date: February 21, 1984

Site Plan Review # 8-34014

Project: The Mages and The Suffolk

On December 23, 1983, William N. Hurley submitted an application for the approval of a site plan for property in the Town Sector zone. The application was designated Site Plan Review # 8-34014.

On February 9, 1984, Site Plan Review # 8-34014 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.
4. the Site Plan is consistent with the approved Montgomery Village Town Sector Development Plan.

and approves the Site Plan subject to the following conditions:

1. Submittal of an acceptable lot layout and screening plan including appropriate pathway connections between The Suffolk and Piction
2. Provision of pathway connections in general conformance with those shown on the Development Plan.
3. Submittal of an acceptable landscaping, lighting, and screening plan including the indication of supplemental trees if existing trees do not exist in the field in the locations where trees are shown to be preserved.
4. Indication on the record plats of a 10 foot wide public utilities easement on both sides of all public streets.
5. Submittal of an acceptable development program and site plan enforcement agreement.
6. Submittal of an acceptable set of homeowners association document.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

February 6, 1984

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Site Plan Review #8-84014
The Medes and The Suffolk
East Village Area of Montgomery Village Town Sector Zone
East of Goshen Road and North of Snouffers School Road
Gaithersburg Vicinity Planning Area

Staff Recommendation

APPROVAL subject to the following conditions:

1. Submittal of an acceptable lot layout and screening plan including appropriate pathway connections between The Suffolk and Picton
2. Provision of pathway connections in general conformance with those shown on the Development Plan
3. Submittal of an acceptable landscaping, lighting, and screening plan including the indication of supplemental trees if existing trees do not exist in the field in the locations where trees are shown to be preserved
4. Indication on the record plats of a 10 foot wide public utilities easement on both sides of all public streets
5. Submittal of an acceptable development program and site plan enforcement agreement
6. Submittal of an acceptable set of homeowners association documents

Staff Report

This site plan contains two areas in the East Village portion of the Montgomery Village Town Sector. The Medes contains 28 townhouses north of Montgomery Village Avenue and The Suffolk contains 97 townhouses south of Montgomery Village Avenue and immediately north of the existing back-to-back townhouse community of Picton which is also in Montgomery Village.

The Development Plan for the East Village indicates that the existing Picton community is to have two points of access from Montgomery Village Avenue and that the existing temporary access from Snouffers School Road is to be eliminated. Only one of these is shown on the site plan as submitted. In order to conform to the Development Plan, Butterwick Way in The Suffolk would need to be extended to connect with existing Welbeck Way in Picton to provide the second point of access.

The staff feels that there would be no problem if the circulation were to remain as shown on this site plan which would include making the temporary access from Snouffers School Road permanent.

There is an existing tot lot between The Suffolk and Picton. It needs to be shown on the site plan and appropriate access provided to it from The Suffolk. As it is immediately adjacent to one of the connecting roadways adequate screening needs to be provided to separate it from the roadway. If adequate screening cannot be provided it should be moved further from the roadway.

Additional pathways are needed to provide pedestrian access within The Suffolk and to it and the major recreation areas along Fulks Lake from Picton.

Within the Medes wooded areas are shown to be left undisturbed. These areas are to provide part of the landscaping. Supplemental trees should be shown on the landscaping plan so that trees will be planted in those areas (if none in fact exist in the areas or if they are unable to be preserved because of their proximity to the edge of the roadways).

JM:dh



MONTGOMERY COUNTY PLANNING BOARD

OPINION

Date: February 21, 1984

Site Plan Review # 8-84015

Project: The Reach

On December 23, 1983, William N. Hurley submitted an application for the approval of a site plan for property in the Town Sector zone. The application was designated Site Plan Review # 8-84015.

On February 9, 1984, Site Plan Review # 8-84015 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.
4. the Site Plan is consistent with the approved Montgomery Village Town Sector Development Plan.

and approves the Site Plan subject to the following conditions:

- ✓ 1. Revision of cul-de-sac at the end of Pulks Farm Road.
- ✓ 2. Provision of pathway connections in accordance with the Development Plan.
- ✓ 3. Provision of an acceptable tot lot in the open area behind lots 14 through 37 including appropriate pathway connections to Sections 3A and 3B.
- ④ 4. Provision of a temporary emergency vehicle turn-around on Deloris Drive or the extension of Deloris Drive through Section 3B to Pulks Farm Road prior to the occupancy of any units on Deloris Drive.
- ✓ 5. Indication ^{of} the record plats of a 10 foot ^{wide} ~~wide~~ public utilities easement on both sides of all public streets.
- ✓ 6. Submittal of an acceptable landscaping, lighting and screening plan.
- ✓ 7. Submittal of an acceptable development program and site plan enforcement agreement.
- ✓ 8. Submittal of an acceptable set of homeowners association documents.
- ✓ 9. All construction traffic is to use Montgomery Village Avenue.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3780

February 6, 1984

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Site Plan Review #8-84015
The Reach, Section 3A of East Village Area of
Montgomery Village Town Sector Zone
East of Goshen Road and North of Snouffers School Road,
Gaithersburg Vicinity Planning Area

Staff Recommendation

APPROVAL subject to the following conditions:

1. Revision of cul-de-sac at the end of Fulks Farm Road
2. Provision of pathway connections in accordance with the Development Plan
3. Provision of an acceptable tot lot in the open area behind lots 14 through 37 including appropriate pathway connections to Sections 3A and 3B
4. Provision of a temporary emergency vehicle turn-around on Delcris Drive or the extension of Delcris Drive through Section 3B to Fulks Farm Road prior to the occupancy of any units on Delcris Drive
5. Indication of the record plats of a 10 foot wide public utilities easement on both sides of all public streets
6. Submittal of an acceptable landscaping, lighting and screening plan
7. Submittal of an acceptable development program and site plan enforcement agreement
8. Submittal of an acceptable set of homeowners association documents

Staff Report

This site plan is for 104 townhouses in East Village area of the Montgomery Village Town Sector. The area is located east of Goshen Road between Warfield Road and Snouffers School Road. Access to this area is provided by Fulks Farm Road which extends north from Montgomery Village Avenue.

Two private roads come off the cul-de-sac at the end of Fulks Farm Road. One serves the subject area and the other serves the Downs, a proposed single-family detached home community to the north. The design of the cul-de-sac needs to be revised in order to properly channel traffic to these two communities.

Pathway connections are needed in addition to those shown on the submitted drawings. These pathways are needed to connect the subject area to the community to the north, to the pathways in the vicinity of the Fulks Road cul-de-sac and pathways in the open space areas along Fulks Lake and in the stream valley.

A tot lot is needed to serve this area as well as that in Section 3B to the east. The most appropriate location is behind lots 14 through 37 which is at the edge between Sections 3A and 3B. Pathways will be needed to connect the tot lot to those two areas.

Delcris Drive will be built into this area and then extended to connect to Fulks Farm Road near Montgomery Village Avenue. Until the extension is made a temporary emergency vehicle turn-around is needed at the end of Delcris Drive.

JM:dh

ATTACHMENT 2

STAFF REPORT AND OPINION
FOR SITE PLAN #8-85073



Date Mailed: September 17, 1985

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review #8-85073

Project East Village, Section 2-B

On June 26, 1985, Kettler Brothers Inc. submitted an application for the approval of a site plan for property in the TS zone. The application was designated Site Plan Review #8-85073.

On September 12, 1985, Site Plan Review #8-85073 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
4. the Site Plan is consistent with the approved Development Plan Amendment to the Town Sector Zone S2-1 and Preliminary Plan #1-83078.

and approves Site Plan Review #8-85073 subject to the following conditions:

1. Provide the required handicapped parking spaces.
2. Provide a multi-age recreation area for the townhouse community which could include consideration for placement in the Lake Marion recreational area.

3. Submit a final landscape plan which addresses concerns for noise and avoids the potential wall effect of the townhouses, including examination of a second entrance to East Village Avenue. This plan is to be approved by staff.
4. Provide a conceptual stormwater management plan and proof of water quality waiver for MCDEP.
5. Submit a site plan enforcement agreement and development program.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6787 Georgia Avenue • Silver Spring, Maryland 20907

September 9, 1985

MEMORANDUM

TO: Montgomery County Planning Board
FROM: Staff, Urban Design Division
SUBJECT: Site Plan Review #8-85073
East Village, Section 2B
IS Zone
Montgomery Village

STAFF RECOMMENDATION

The staff recommends APPROVAL subject to the following conditions:

1. Revise the proposed layout in a manner which will locate rear yards and rear building facades away from East Village Avenue, and provide more variation in building setbacks.
2. Provide a second point of access which lines up directly with the driveway access to the recreation center and provide required handicapped parking spaces.
3. Provide a multi-age recreation area within the townhouse community.
4. Submit a final landscape plan which reflects a revised layout and achieves the same quality and quantity as the initial proposed plan.
5. Provide a conceptual stormwater management plan and proof of water quality waiver from MCDEP.
6. Submit a site plan enforcement agreement and development program.

LOCATION

The site is located within East Village, approximately 1,000 feet east of the intersection of East Village Avenue and Goshen Road. The site is bounded on the north by the Lake Marion complex; on the west by Phase 2A (Suffolk Townhouse units); on the south and west by Picton (8-80046), an older townhouse complex; on the south by the 250' FEPCO right-of-way; and on the east by future Phase 11, part of the Lake Marion Recreational Facilities. The site is within the Air Park Study Area of the Gaithersburg Vicinity Master Plan.

BACKGROUND

A development plan (Development Plan Amendment to the Town Sector Zone 32-1, and preliminary plan (#1-83078) were approved for the entire site. The entire development has been approved for 1,976 dwelling units. The most recent amendment to the preliminary plan granted 1,150 dwelling units to receive building permits. The entire development consists of 13 sections. Sections 1A, 1B, 3A, 3B, 2A, 4A, 9, and the Lake Marion Recreational Facilities (Section 10) have already been approved. The preliminary plan permitted 106 townhouse units within Section 2B.

The Planning Board approve the amended preliminary plan subject to the following conditions:

1. Inclusion in the adopted CIP of Airport Road extended from Route 124 to Shady Grove Road, and Route 115 realigned from Chazy Grove Road to Route 28.
2. Participation in the Route 115/Route 124 CIP intersection improvement project.
3. Construction of the Master Plan primary street connecting East Village Avenue with Route 124 opposite Fieldcrest Drive.
4. Prior to approval of units beyond 1,150, a determination to be made on the necessary safety and capacity improvements to Wightman and Goshen Roads must be approved by Transportation Planning Staff and MCDOT.
5. No more than 64 building permits to be released prior to Condition 2 being met, no more than 450 building permits prior to Conditions 1 and 2 being met, and no more than 1,150 building permits prior to Conditions 1 and 2 being met and Condition 3 being under construction.
6. Dedication and construction of Montgomery Village Avenue as a four-lane divided highway, cross-sections to be approved by the Planning Board staff.
7. Street "A" to be primary street to point to be determined at site plan.
8. Street "Q" to be private street built to secondary street standards.
9. Second access point to be provided to townhouses in southwest corner of project.
10. Dedication along Goshen Road (120' right-of-way), Inouffers School Road (80' right-of-way), and Warfield Road (70' right-of-way).
11. Record plat to show 100-year floodplain and 25' building restriction line.
12. Portion of Montgomery Village Avenue west of Goshen Road is to terminate in cul-de-sac.

13. No recording of plats before site plan approval.
14. No clearing or grading prior to site plan approval, except in areas approved by staff.
15. Number and location of units to be determined at site plan.
16. Necessary slope and drainage easements.
17. Disclosure of Airport noise impacts to all new residents.

PROPOSED SITE PLAN

The site plan shows 110 townhouse units arranged around three parking courts. There is one point of access off a side street which intersects with East Village Avenue. An asphalt path, four feet wide, courses through the site, connecting the recreational center to Section 2B and access to the PEPCO 250' right-of-way.

There are no MPDU's scheduled for Section 2B. The MPDU units will be included in Sections 4B and 5 of the Development Plan.

FINDINGS

The staff has examined the proposed site plan with respect to the following:

1. Conformance with the Development Plan
2. Requirements of the TS Zone
3. Location of Buildings, Circulation, Open Space, and Landscaping
4. Compatibility

1. Conformance with the Development Plan

The proposed site plan generally conforms to the approved development plan in terms of unit type, layout, and phasing. However, the development plan and preliminary plan indicate 106 units within the section. The staff has been permitting minor shifting of units between sections, as long as a desirable site plan is achieved and there is no net increase in the number of total units. In this specific section, the staff believes the additional four units should not be permitted due to resulting undesirable layout relationships. The staff's concerns are discussed in further detail under Location of Buildings.

2. Requirements of the TS Zone

The proposed site plan conforms to the requirements of the TS zone, with the exception of the number of units, as follows:

SITE PLAN DATA TABLE

	<u>Permitted/Required</u>	<u>Proposed</u>
Number of Single-Family Attached Units	106 d.u.	110 d.u.
MPDU's	None	None
Parking	2 spaces/unit	
standard	215 spaces	224 spaces
handicapped	9 spaces (4%)	0 spaces
Total	224 spaces	224 spaces

3. Location of Buildings, Circulation, Open Space, and Landscaping

a. Location of Buildings

The proposed site plan arranges the majority of townhouses around three parking courts, and the remainder in a linear alignment which parallels East Village Avenue. The orientation of the development is towards internal streets lined with parking spaces. Rear yards face out towards East Village Avenue, separated by proposed berms. Access from East Village is confined to one point along the western edge of the site.

The staff has several problems with the proposed layout and resulting circulation pattern. The staff concerns are related to the proposed rear yard and rear building setbacks along East Village Avenue.

First, 44 of the 110 townhouse units lie within the 60 dBA Ldn contour for East Village Avenue. The layout subjects the private side of the units (bedrooms) to the higher unacceptable noise levels. (The development plan showed 38 units with rears facing East Village Avenue). The 44 units are subjected to noise impacts because they are sited closer to the street than originally approved on the development plan. The setbacks on the development plan ranged from 55' to 90' (four units have setbacks of less than 60'). The setbacks on the site plan range from 55' to 70', with 10 of the rear-facing units having a setback of less than 60'. As a result of the reduction in setbacks, the landscaping plan and berming shown will be inadequate to counter the effects of noise. Although the staff is aware that berms two or more feet higher than shown and noise fences will partially mitigate the noise impact, it would be more effective to flip the units with the parking bays so that sides or fronts face East Village Avenue. This would also reduce the extent to which townhouse rears would be viewed from East Village Avenue. The townhouses of Section 2A, Medes and Suffolk, have seven

out of 28 (25%) and 20 out of 97 (20%), respectively, with rears facing East Village Avenue. This is much less than the 40% of units of Section 2B with rears facing East Village Avenue.

The second staff concern deals with the visual relationships. The proposed plan creates a semi-continuous alignment of units paralleling East Village Avenue. There is little variation in the building setbacks to minimize the monotonous effect of the building line. This northern edge is important in that the community's major recreation is developed directly across from it, and an attractive view is desirable.

Finally, the 44 units which back up to East Village Avenue have inadequate sense of privacy. The bedroom levels will be in full view of the street as well as the recreation areas. Although the proposed additional landscaping will improve the situation over time, a revised layout will eliminate the poor layout relationship and need for such extensive screening.

The staff has determined that there are several ways to redesign the site plan to resolve these issues. The units backing up to East Village Avenue could be turned to face the divided roadway with associated parking lots, providing the necessary setback, thus placing the units beyond the 60 dBA Ldn contour. This revision would have the added benefit of increasing the sense of community and providing privacy because rear yards would be more internal to the neighborhood. Another alternative could be to more fully develop two separate groupings of townhouses around the parking courts. Both alternatives, however, are most successful with no more than 106 units as originally permitted by the preliminary plan.

The applicant objects to the staff's recommendation due to the loss of units, as well as to the need to revise the layout. They offer to add additional height to the berm and increase the landscape screening along East Village Avenue.

The staff considers the applicant's proposal inadequate in achieving a compatible site plan. The purpose of the Town Sector zone is to provide greater flexibility in setbacks, unit types, etc., and, in doing so, achieve a better-than-standard zone development.

b. Circulation

Vehicular access is shown entirely from a side street which also provides access to Section 2A and Picton. The development plan shows two access points from East Village Avenue. Staff's opinion is that two points of entry would concentrate the paved areas, provide a break between the parking courts, and simplify the circulation.

Pedestrian access through the site is accomplished on sidewalks along all parking areas, and on an asphalt path which connects the existing underground passage originating at the Lake Marion Recreation Center to the pathway paralleling the PEPCO right-of-way.

c. Open Space

The open space is primarily relegated to berms alongside East Village Avenue and the PEPCO right-of-way. However, there is a small area of common open space in the first building group. No local children's activity areas are shown on the site plan. The staff believes there is a need for one, given the number of units and the fact that there is not a multi-age recreation area provided within the recreation complex across the street.

d. Landscaping

The proposed landscaping provides shade trees within the parking areas, flowering trees adjacent to front entrances, and a mixture of evergreen and deciduous trees along the perimeter. The staff finds the landscaping adequate, in fact more than required for parking areas, but it does not effectively protect the rears facing East Village Avenue. The additional screening proposed by the applicant will not be effective, in staff's opinion, because it will not solve the noise problem, nor the visual problem of a continuous line of rear building facades. The best solution is to revise the layout, not add more plant material, in an attempt to improve a poor siting relationship to the street.

4. Compatibility

Section 2B is compatible with the concept of East Village Community on the whole. The development is characterized by a mix of single-family attached and detached housing types one to two stories in height. Section 2B is in keeping with this concept.

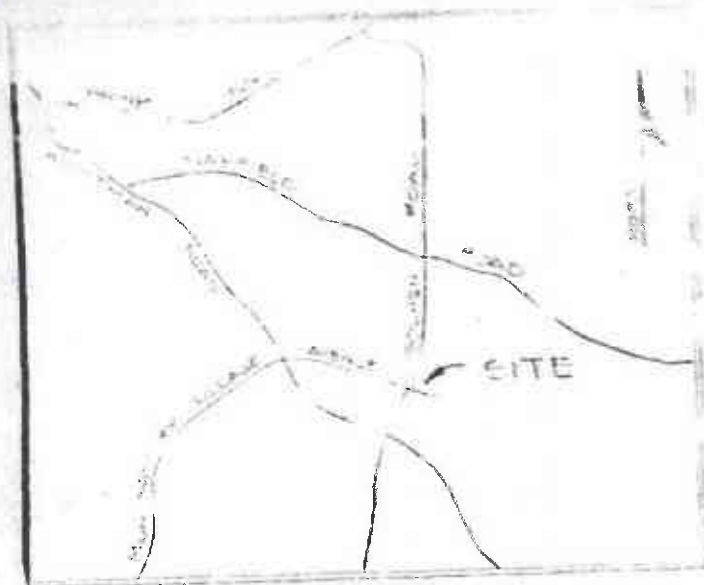
The site-specific conditions, and the difference between relationship of units to the surroundings as depicted in the preliminary plan and site plan, result in a site plan that is not compatible in terms of orientation and setbacks.

The rows of backs (44 units) fronting East Village Avenue are not compatible with the existing surroundings or site conditions. The lack of a continuous berm on East Village Avenue exposes the back to direct views from East Village Avenue, and also exposes the private half of the townhouse (bedroom) to noise levels of 60 dBA Ldn. The proportion of units with rears facing the main spine is not in keeping with the units already in place or approved.

Other Comments

The Environmental Planning Division has requested that an updated conceptual stormwater management plan should be required, since the amended development plan has increased the units from 1,764 to 1,976 units. In addition, MCDHP has requested that the applicant provide proof of a waiver for the water quality requirement.

PW:jed



VICINITY MAP
SCALE 1" = 2000'

ATTACHMENT 3

NOTICE OF VIOLATION FROM DPS
TO EAST VILLAGE



MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, SEPTEMBER 5, 2006 the recipient of this NOTICE, AMY WINEGAR 237418
Date Recipient's Name

who represents the permittee/defendant, EAST VILLAGE HOMES CORPORATION
Permittee's Name

is notified that a violation of Montgomery County Code, Section: 8-24(a)
exists at: EDGEHILL PLACE, SECTION OF BIRLSTONE AND CANOE RIDGE SUBDIVISIONS IN MONTGOMERY
Location Case # VILLAGE

The violation is described as ERECTED FENCE WITHOUT AN ISSUED PERMIT STARTING
BEHIND 20200 PARKENSDALE CT RUNNING BEHIND 20304 BUTTERNICK WAY

The following corrective action(s) must be performed immediately as directed, STOP ANY ADDITIONAL FENCE/
ERECT INSTALLATION AND OBTAIN MARIANA-ATIONAL CAPITAL PARK AND PLANNING
COMM. APPEAL PRIOR TO OBTAINING A FENCE PERMIT ISSUED BY DEPARTMENT
OF PERMITTING SERVICES. THE SITE PLAN SHALL DEUNERATE ACTUAL FENCE
LOCATION AND ANY PROPOSED FUTURE INSTALLATION TO SCALE INCLUDING STREET
OR PATHWAY CLOSURES.

See attached Inspection Report(s) for additional violations and/or required corrective actions.

☐ An inspection fee of \$ _____ is required in addition to any application fee(s).

Compliance Time: 30-DAYS Re-inspection Date(s): _____ Permit Number: _____ Code/Edition: _____

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

☐ A STOP WORK ORDER is also issued this date at the above referenced project. All construction activities on these premises must cease immediately. Only those activities required to correct violations may continue. Permission is required to resume construction.

ISSUED BY: STAN GARDER S. Gardner 9-5-06
Printed Name Signature Date

Phone No. (301) 370-3656

RECEIVED BY: Aimee Winegar [Signature] 9/5/06
Printed Name Signature Date

Phone No. _____ Sent by Registered Mail/Return Receipt On: _____

RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

This Notice may be appealed to the Montgomery County Board of Appeals within 30 days of the issue date. The Board of Appeals is located in the Council Office Building, 100 Maryland Ave., Room 217, Rockville, MD 20850, telephone (240) 777-6600.

ATTACHMENT 4

ORIGINAL NOTICE OF VIOLATION FROM MNCPPC
TO EAST VILLAGE DATED 9/18/06
AND RELATED CORRESPONDENCE

Civil Citation
The Maryland-National Capital Park and Planning Commission
vs.

Name: Asmee Winegar
 First Middle Last
 Company/Position: Community Assoc. Manager, Montgomery Village Foundation
 Address: 10120 Apple Ridge Rd.
 Phone Number: 301-948-0110 x312 Fax Number: 301-990-7071 Email: awinegar@mntv.org

Location and Description of Violation:

Address/location of site: Walbeck Way, Montgomery Village

Pursuant to the M-NCPPC's authority under Article 28 of the Annotated Code of Maryland and Chapter 50 of the Montgomery County Code, it is formally charged that the above named defendant on September 18, 2006 (date) at the stated site location did commit the following:

Constructed 6' high steel fence in violation of the Site Plan.

In violation of:

☐ Montgomery County Code, Chapter 22A

☒ Approval of Site Plan # Plan No. 8-84014

☒ Montgomery County Code, Chapter 59

☐ Other: _____

Civil Fine and Compliance:

1. (a) ☒ You shall pay a fine of \$ 500.00 by October 2, 2006 (date) and complete the remedial action listed below, if any, to avoid trial.
 (b) ☒ You shall pay a daily fine of \$ 100.00 if the original fine has not been paid and/or the remedial action has not been completed by October 2, 2006 (date). The daily fine shall accrue until the original fine is paid and all remedial action is completed.
 2. ☐ You shall pay a daily fine of \$ _____ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the Information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, Maryland 20910, 301-495-4610. Failure to comply with this citation may result in formal court action or issuance of additional citations including additional fines. You may also elect to stand trial. If you elect to stand trial, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910, within 15 days of date of citation. The District Court will thereafter notify you of the trial date.

Remedial Action:

1. ☒ Must either remove the fence, or contact Michael Ma and schedule a hearing date to file an amendment.

by: Oct 2, 2006 (date)

2. ☐ You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative Civil Penalty, which may include an additional monetary fine in addition to corrective measures. You must contact Environmental Planning Department of M-NCPPC at 8787 Georgia Avenue, 1st Floor, Silver Spring, Maryland 20910, 301-495-4540, within 15 days of issuance of this citation.

Acknowledgement:

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation. I have a right to stand trial for the offense(s) charged. If I do not exercise my right to stand trial, I agree to entry by the court of judgment on affidavit for the amount of the fine.

Defendant's Signature: [Signature]

Date: 9/18/06

Affirmation:

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Inspector's Signature: [Signature]

Print name: David Wigglesworth

Phone number: 301-425-4581

Date: 9/18/06

District Court to send notices to M-NCPPC, Office of the General Counsel, 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910.

white=District Court; green=Office of General Counsel; yellow=Defendant

MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
cmoore@milesstockbridge.com

September 27, 2006

Mr. Michael Ma, Planner
Development Review Division
Department of Park and Planning
The Maryland National Capital Park and Planning Commission
8787 Georgia Ave
Silver Spring, Md. 20910

Re: East Village Homes Corporation

Dear Mr. Ma:

We represent the East Village Homes Corporation and in that connection we have been provided with a copy of the Citation served on Aimee Winegar by David Wigglesworth on September 18, 2006. The citation alleges that a perimeter fence was installed along the common property line of the East Village Community in violation of the applicable Site Plan.

The citation purports to impose a civil penalty in the amount of \$500.00 that must be paid by October 2, 2006. It also specifies remedial action that must be undertaken by October 2, 2006. That remedial action, stated in the alternative is to either "remove the fence or contact Michael Ma to schedule a hearing date to file an amendment."

I am advised by my colleague, Casey Moore, that she spoke with you on September 19, 2006 and that you told her that the above quoted remedial action listed on the citation by Mr. Wigglesworth was in error. Accordingly, we are unable to initiate any action in response to this citation without written clarification as to what the remedial action is. Given the fact that a citation returnable in District Court was issued, a verbal revision of that citation does not appear to be appropriate.

The specific requirements of the citation direct the recipient to either pay the civil penalty or contest the citation by electing to stand trial in District Court and notifying the General Counsel of that election within fifteen days of the date of the citation. The deadline for electing to contest the citation is October 3, 2006, not October 2, 2006, placing our client at risk for additional penalties if it chooses to contest the citation on October 3, 2006.

Ms. Moore advised me that, according to your conversation, notwithstanding the specific language of the citation, we are not permitted to submit a site plan amendment application by October 2, 2006 and that notwithstanding the stated \$500 civil penalty we are to go before the

Mr. Michael Ma
September 27, 2006
Page 2 of 2


Planning Board at a date to be scheduled by you for the Planning Board to determine the penalty and decide if we can submit a site plan amendment. This needs written clarification.

As I know you understand, and assuming without conceding that a site plan amendment is required, the intake procedures of the Development Review Division would not allow us to schedule an appointment with Ms. Brown and submit a site plan amendment by October 2, 2006. As I am also sure you understand it would not be possible to prepare such an amendment in the time stated on the citation.

Unless I am misreading the citation, there is no reference to a Planning Board hearing on the violation and no reference to the recently enacted provision of the Zoning Ordinance regarding a hearing. We need to know whether we are before the Court or the Board.

The East Village Homes Corporation and its resident members desire to work with the staff of the M-NCPPC in the best interests of that community and the Montgomery Village Community as a whole and to that end have requested that we schedule a meeting with appropriate Development Review Division staff to proceed in an orderly fashion. We hope you agree that collectively we and M-NCPPC staff cannot accomplish what must be accomplished, in accordance with the civil citation, by October 2, 2006 and accordingly request that the citation either be withdrawn or that the date for compliance be extended for 60 days to enable us to schedule and meet with appropriate M-NCPPC staff.

Very truly yours,


Stephen J. Orens
Casey L. Moore

cc: Aimee Winegar, CMCA, AMS
Board for the East Village Homes Corporation

ATTACHMENT 5

CORRECTED NOTICE OF VIOLATION
FROM MNCPPC TO EAST VILLAGE

Civil Citation
The Maryland-National Capital Park and Planning Commission
 vs.

Name: Aimee Winegar
 First Middle Last
 Company/Position: Community Association Manager, Montgomery Village Foundation
 Address: 10120 Apple Ridge Road, Montgomery Village, MD, 20886
 Phone Number: 301-948-0110 x330 Fax Number: 301-990-7071 Email: _____

Location and Description of Violation:

Address/location of site: Walbeck Way, Montgomery Village

Pursuant to the M-NCPPC's authority under Article 28 of the Annotated Code of Maryland and Chapter 50 of the Montgomery County Code, it is formally charged that the above named defendant on October 2, 2006 (date) at the stated site location did commit the following:

Constructed a 6 foot high fence in violation of the site plan.

In violation of:

☐ Montgomery County Code, Chapter 22A

☒ Approval of Site Plan # Plan No. 8-84014

☒ Montgomery County Code, Chapter 59

☒ Other: Citation issued under
Mont. Co. Code 550-41

Civil Fine and Compliance:

1. (a) ☒ You shall pay a fine of \$ 500.00 by October 16, 2006 (date) and complete the remedial action listed below, if any, to avoid trial.
 (b) ☒ You shall pay a daily fine of \$ 100.00 if the original fine has not been paid and/or the remedial action has not been completed by October 16, 2006 (date). The daily fine shall accrue until the original fine is paid and all remedial action is completed.
 2. ☐ You shall pay a daily fine of \$ _____ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the Information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2nd Floor, Silver Spring, Maryland 20910, 301-495-4610. Failure to comply with this citation may result in formal court action or issuance of additional citations including additional fines. You may also elect to stand trial. If you elect to stand trial, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910, within 15 days of date of citation. The District Court will thereafter notify you of the trial date.

Remedial Action:

1. You must remove the fence by October 16, 2006.

by: October 16, 2006 (date)

2. ☐ You have violated Chapter 22A of the Montgomery County Code, and maybe subject to an Administrative Civil Penalty, which may include an additional monetary fine in addition to corrective measures. You must contact Environmental Planning Department of M-NCPPC at 8787 Georgia Avenue, 1st Floor, Silver Spring, Maryland 20910, 301-495-4540, within 15 days of issuance of this citation.

Acknowledgement:

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation. I have a right to stand trial for the offense(s) charged. If I do not exercise my right to stand trial, I agree to entry by the court of judgment on affidavit for the amount of the fine.

did not sign
 Defendant's Signature

Date

Affirmation:

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

David Wigglesworth
 Inspector's Signature
 Print name: David Wigglesworth

October 2, 2006

Date

Phone number: 301-495-4581

District Court to send notices to M-NCPPC, Office of the General Counsel, 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910.

white=District Court; green=Office of General Counsel; yellow=Defendant

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ATTACHMENT 6

LETTER FROM EAST VILLAGE HOMES CORPORATION
DATED 10/5/06 REQUESTING A HEARING
BEFORE THE PLANNING BOARD

MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
cmoore@milesstockbridge.com

VIA HAND DELIVERY

October 5, 2006

Mr. Michael Ma, Planner
Development Review Division
Department of Park and Planning
The Maryland National Capital Park and Planning Commission
8787 Georgia Ave
Silver Spring, Maryland 20910

Re: East Village Homes Corporation

Dear Mr. Ma:

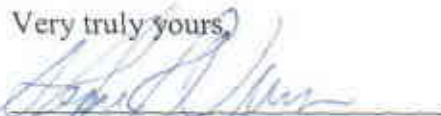
This letter serves as a request for a public hearing before the Planning Board with regard to revised Citation No. DRD0000061 issued by David Wigglesworth on October 2, 2006.

As you know, we represent the East Village Homes Corporation and in that capacity we have been provided with a copy of the initial Citation dated September 18, 2006 and the revised Citation that both cite Aimee Winegar, Community Association Manager, Montgomery Village Foundation, for allegedly constructing a fence in violation of the site plan. The revised Citation requests that we remove the fence by October 16, 2006.

As you advised Ms. Moore during your September 19, 2006 telephone conversation, notwithstanding the absence of any written Planning Board procedure, we have the opportunity to request a public hearing before the Planning Board with regard to the Citations and prior to "removing the fence" and/or paying the \$500.00 fine by October 16, 2006.

Please advise us of our hearing date and if you have any questions, please do not hesitate to contact us.

Very truly yours,


Stephen J. Orens


Casey L. Moore

cc: Aimee Winegar, CMCA, AMS
Board for the East Village Homes Corporation



ATTACHMENT 7

EXAMPLE SUBMITTED OF A CRIME
THAT OCCURRED IN EAST VILLAGE

•On June 30, at 9:48 p.m., a 14-year-old Laurel youth was walking with a 13-year-old Montgomery Village friend in the 20200 block of Ravensdale Court in Montgomery Village when they were jumped by five to six black male teenagers ages 13-18. They took cash from their pockets. The suspects then ran off towards Wellbeck Way. There was no further description of the suspects.

ATTACHMENT 8

EMAIL DATED 7/27/06 FROM AIMEE WINEGAR,
COMMUNITY MANAGER FOR EAST VILLAGE,
TO MICHAEL ECLOFF, PROPERTY MANAGER
OF NORTH VILLAGE, DISCUSSING NOTIFICATION OF
RESIDENTS ABOUT CONSTRUCTION OF THE FENCE

Dennis Barnes

From: Michael Eckloff [meckloff@comsource72.com]
Sent: Monday, July 31, 2006 8:53 AM
To: Dennis Barnes
Subject: FW: East Village fence

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

From: Aimee Winegar [mailto:awinegar@mvf.org]
Sent: Thursday, July 27, 2006 3:21 PM
To: Michael Eckloff
Subject: East Village fence

Dear Mr. Eckloff:

Pursuant to our conversations earlier in the year with regard to the proposed fence along the border of East Village and North Village at Picton, the EVHC has sent the following text to residents in a letter:

I am writing on behalf of the East Village Homes Corporation Board of Directors with regard to the Board's plan to respond to pedestrian traffic through the community. Over the past year, the Board has received increasing complaints about pedestrians walking through Candle Ridge and Essex Place II, leaving trash and litter, causing damage to the greenspace, and causing problems for residents. For example, a hedge and split rail fence installed near Ravenglass Way to guide pedestrians away from residents' homes was repeatedly vandalized and the plants were destroyed. This damage and other repairs to community property have already cost East Village Homes Corporation a significant amount of money.

In discussion with a number of residents as well as the police, it was recommended that a fence be installed along the East Village property line to guide pedestrian traffic around the community into more legitimate access points.

An extensive investigation of costs has taken place, and the Board has discussed the issue at several meetings. Because of the support of police and residents, the Board has voted to proceed with the installation of a fence along the property line between Candle Ridge/Essex Place II and the neighboring community. The fence will be constructed of ornamental steel and will resemble the fence in the photograph below.

8/1/2006

25



Before the fence is installed, the property line will be surveyed. Based on available property tax maps, the rear property line of some homes will be very close to the community's property line. The fence will be installed at the property line, and for the time being will continue to permit pedestrian traffic through Welbeck Way. If property damage in Essex Place II continues, the Board may take steps to limit that access, as well. The work has been ordered and should be accomplished within the next few weeks. It is hoped that the fence will improve security for East Village residents and also reduce long-term maintenance and repair costs for your community. If you have any questions about this or other issues, please contact the community manager at 301-948-0110 X312 or by email at

The surveyors are in the community now. Please note that our initial review of the property lines appears to show that EVHC has been maintaining some NVHC property over the past few years. Obviously, with the installation of a fence along the property line, that maintenance will stop. You may want to notify your maintenance contractor. The Montgomery County Public School System Transportation Department has already agreed to establish school bus stops for children on Snouffer School Road.

Residents of Picton will still be able to access East Village Avenue at the following points: by using the path between Butterwick Way and Safeway; by using the PEPCO right of way; and through Welbeck Way, as long as the property is respected. If property damage, littering and vandalism continue, the EVHC Board will look into having that access closed off, as well.

In conclusion, EVHC has notified residents of Candle Ridge and Essex Place abutting Picton, but we have not notified NVHC residents. You may want to proceed with this using the information above. If I can be of further assistance, please contact me.

Aimee Winegar, CMCA, AMS
Community Manager
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886
Phone: 301-948-0110 X 312
Fax: 301-990-7071

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 No virus found in this incoming message.
 Checked by AVG Free Edition.

8/1/2006

26

ATTACHMENT 9

PERSONAL NOTES, CORRESPONDENCE, AND PICTURES
FROM MS. CHERYL WATSON, A RESIDENT OF PICTON

Krasnow, Rose

From: Hopealana12@aol.com
Sent: Monday, December 04, 2006 1:02 PM
To: Krasnow, Rose; Ma, Michael
Subject: EV Fence - My Personal Notes

Dear Ms. Rose Krasnow and Mr. Michael Ma:

After giving much thought, I decided to share my personal notes taken since the first day (8/3) that the EV fence was installed. On that day, it started with our usual morning walk after breakfast since her summer school program had just ended.

These notes share my personal experience as a Picton resident with merely a "gut" feeling that something was very wrong with this fence despite what I heard to the contrary from seemingly respectable folks in the community. Then, I solicited feedback about the fence from my neighbors to find out their specific needs and concerns. This was accomplished by going door-to-door giving them an option to, anonymously, leave their comments at my house or to e-mail them.

You will notice from my personal notes that I have contacted a lot of people resources that resulted my becoming more knowledgeable about who are my neighbors, the role and responsibilities of homes corporation and Montgomery Village Foundation and about the Maryland homeowner's act.

My personal notes ends at the joint East Village and North Village meeting of 9/13. Following that meeting, we established a Neighborhood Watch Program that included a Halloween Event and Clean-Up Day.

My vision is that the Picton Community will become the model community for others to follow.

I trust that you will include this information for the Planning Board member's preparation.

Sincerely,

Cheryl Watson
301-442-4074

12/26/2006

27

8/3/06 @ 10:00a.m. – While taking a morning walk with my daughter who uses a manual wheelchair, I saw a Construction Company who was blocking the usual walking pathway along Butterwick Way heading toward East Village Ave. Specifically, I saw (2) poles installed and ask if they were installing lights. Their response was: "NO, we're building a fence so that you will not be able to walk thru this way any more." When we reached East Village Ave, my daughter and I walked towards Welbeck Way along East Village Ave to get back home but realize that it was difficult for a wheelchair since there was not enough pavement. So we headed back to Butterwick Way and realize that the fence was almost completed across Butterwick Way pavement and had to cut across the grass to get back home. I felt shocked and confused about what was happening.

8/3/06- I called MVF and spoke to the operator about my problem and was advised to talk to Jason of MVF/property management. I was routed to two other people (Kelly and?) in the office. I was told that there were many complaints about traffic. My response was that no cars could travel down that path. Then in a hostile manner, I was told that there were littering complaints and it's private property!

After holding the telephone for over 15 minutes, I was told that Aimee Weimeger would call me back. Then, I received a call back from Jason. I told him about my situation with my daughter in a wheelchair and ask him for an alternative route from my home to East Village Ave.

He did not know the street names in my community and in East Village (i.e., Butterwick Way.). Then, I ask him if he could provide a map for me via fax. Then, he faxed a map to me and, I told him that I would try out the recommended route and will call back the next day to follow up.

On 8/3/06 ~ 5:00pm while it was still daylight, I walked the recommended route with my companion named, Elaine. She was frightened and pleaded for me to turn back. But, I told her that I must continue to see the entire route from start and where it ended. Most of all, I must find out if it is safe and wheelchair assessable...it was an unacceptable alternative since it appeared dangerous due to the dense wooded area, dirty with broken glass, and dark even in the day time. Most of all, there was a steep hill that may cause injury to wheelchair and strollers.

On 8/4/06, I wrote a letter to Jason of MVF and copied certain county councilmembers. (See copy letter for more details.) I sent letter via fax ~ 4:58pm.

On 8/7/06, I sent e-mail and copy certain county councilmembers. (See e-mail for details)

On Monday, 8/7/06, I received a call back from Aimee Wemeger who is Jason's manager. Since I was unavailable, she left a vm asked if I wanted a meeting but she also mentioned that the fence is on private property in a hostile manner.

On Monday, 8/7/06, I received a call back from Danella of Councilman Knapp's office....She will talk to Sharon Levine...

Distributed feedback and copy of letter and e-mail to neighbors in community.

On Tuesday, 8/8/06, I received call back from Krager Sanders from Victor Hoskins, Secretary of Housing and Community Development.

On Wednesday, 8/9/06...Contacted the Maryland Disability Law Center / Cathy Surace ---referred my problem to the Intake Manager named, John Wheeler 800-233-7201 x223. He called back to advise me to call MC Community liaison 240-314-8316. and Commission of Disabilities 240-777-1256. Received no call back yet.....

On Wednesday, 8/9/06..Received call from Ms. McCaffrey of Councilmember Nancy Floreen. Ms McCaffrey spoke to Sharon Levine and Aimee Weimeger of MVF. She then advised me get a couple of people from North Village, and find people from East Village and get police involved including property management from North Village. When I called Aimee, she insisted that the fence was on private property

and when I suggested gathering people from East Village, she said that she represents East Village and that she can get the police and another Board member who represent East Village to participate in any upcoming meeting.

She still appeared to be very stubborn in her position and very hostile and unfair. This is not the kind of meeting that I would expect to be productive. I deferred this meeting until I found adequate representation as advised by my Pastor of ICOG Church named, Reverend Thomas Phumprey. He encouraged me to attend any meeting, but cautioned me to go with someone who can advocate my interest and I would attend in, primarily, a "listening" role only.

Wednesday evening, I told my neighbor, Kim Fitts, that Aimee wants to meet with me and she provided me a memo dated July 18 that was distributed only to East Village residents discussing the proposed fence. The memo included information about why the fence will be constructed and how the local police advised them to build the fence. I felt betrayed by the local police for not informing the Picton residents of vandalism activity that would lead to deny my community's access to East Village Ave. And I felt betrayed by Aimee Weimeger who seemed untrustworthy and unforthright with full disclosure of information to me.

On Wednesday, I called Mike Eckloff of ComSource and faxed a copy of my letter of 8/4. For 2 day we played telephone tag exchanging e-mail. He told me that Amy is telling lies to the residents of North Village and he is interest in talking to me and finding out what I know. He said that the fence is an "eye-sore". There are attorneys for Picton working right now.

8/10/06 - I left voice mail message to Aimee Weimeger of MVF to defer my attendance in her proposed meeting because I stated that I was not ready yet. Then, I continued my search for either Legal Counsel by contacting the Cochran Firm Law Group via phone. I spoke to an intake personnel (stored contact name and phone # in my cell phone). They will analyze my information to determine legal assignment. No call back.

8/11/06 - E-mailed information to Sebastian Montes, a reporter from the Gaithersburg Gazette. He visited our community ~6:00p.m.

8/13/06 - Met Ike Leggett @ Church. I ask for help /mediator about this dispute. Gave him a copy of my letter and e-mail message. He gave me a contact # and I was told to send info to Jeff Zyontz of MC Gov't.

8/13/06 - Charlie Shumaker, the cameraman of Gaithersburg Gazette took pictures @ ~ 5:00pm.

8/15/06 - Contacted Jeff Zyontz of Montgomery County Gov't to fax and e-mail all information. I told him that my goal is to search for a mediator. This is based on a referral from Ike Leggett who attended my Church on 8/14.

On 8/16/06 - I called the Johnny Cochran Firm to seek Legal Counsel. Talked to intake personnel. Recorded name and phone number on cell phone.

8/16/06 - Ms McCaffrey called me to find out why I did not meet with Aimee. I told her that I was not ready yet and did not trust Aimee and that I mistrusted her methods and justifications used to putting a fence on a pathway that existed for over 18 years.

Ms. Mc Caffrey called me again ~ 7:45pm and she insisted that I meet with her and Aimee and walk thru the neighborhood on Thursday Morning...However, I declined because I had a Dr. Appointment @ Children's Hospital for my daughter on that same day @ 10:30am.

8/17/06 - Submitted a formal HUD Complaint via fax.

8/17/06 - Interviewed and appeared on Channel 9 News w/neighbor Kim Fitts.

8/17/06 – Received call from Ms. McCaffrey. She told me that she walked through Picton w/ Amy of MVF. She's encouraged me to call Aimee and talk about a win-win solution with her. She said that Aimee blames North Village Corp. for not informing its residents about the fence. Aimee told Ms. McCaffrey: "If I knew that North Village did not inform the Picton Residents ...that she would have informed us herself."

8/18/06 – Picked up my mail in mailbox. Received letter dated 8/15/06 from ComSource Management, Inc./ Michael Eckloff. Letter states that North Village Corp was informed about fence on 7/27/06 via e-mail based on property damage at Essex Place II. North Village opposes the fence and expressed opposition to East Village Board of Directors.

8/18/06. Again, I spoke to Michael Eckloff about my concern for wheelchair accessibility at Welbeck Way where a gate is being proposed.

8/18/06 – I called Aimee Weimeger. We agreed to meet at the fence with only my daughter, Aimee and me in attendance on 8/21/06 @ 10:00am.

8/21/06 – My daughter and I met Aimee at the fence. We walked through Picton. At the recommended alternate route, she observed that the hill was too steep. She still insisted that I take my daughter down that hill. I refused to take the risk of injuring my daughter or me. Then she agreed to stop at the top of hill. We proceeded to Welbeck Way and she agreed that there was no adequate sidewalk area for pedestrians walking to East Village. She also stated that Councilmember Nancy Floreen could provide a grant if needed to fund the changes needed and MVF can share the funding with North Village Homes Corp. She wanted me to ask the board to vote for funding certain changes discussed based on keeping the fence erected.

She also admitted that the negative impact on safety for women, men, children going to school, etc... was not well thought out. She said that the construction company started work sooner than they expect which left them no time for planning. I told her that I was mostly disappointed in not given adequate notice. She said that they told North Village and it was advertised in the Montgomery Village Newspaper. I said that the newspaper is not the way to communicate news to residents about this type of drastic change that impacts people's day-to-day lifestyle.

8/21/06 – I attended the North Village Corporation /Board of Director meeting @ 7:00pm. I told the Board of Director's that my ultimate choice is to have the fence removed. However, if it is legally impossible to remove the fence then, to consider negotiating with East Village and MVF including Councilmember Nancy Floreen. Overall, at the meeting, there was a public outrage expressed by the Picton residents. Many felt that we were not offered "Due Process" based on informing the residents about the Fence. There was more concern about the children's safety regarding the school bus pickup/ drop off @ snouffer school road. There are many women and men who need to go to work using the Ride-On.

The local Police, namely, Officer Diane Tillery denied that the local police recommended the fence to East Village and she stated that it is a "PERCEPTION" that the crimes and vandalism is coming from Picton community. Therefore, the local police contradict what East Village states in its memo of 7/18/06 to East Village Residents about the reason for the fence and that it was recommended by the local police.

The President of North Village is Dennis Barnes and during the meeting he was very anxious to dismiss the Picton Residents to conduct a private/closed meeting (probably w/ their Attorneys) about the fence. My impression is that North Village is in conflict w/ its residents because of the potential risk of exposure for not carry out their fiduciary responsibilities to it's resident concerning distributing prior notice about the fence. I'm not sure if the Picton Residents are well represented by North Village Corp.

Dennis Barnes asks me to lead a committee of residents. North Village expressed that their position is to remove the fence. The residents were advised to attend the MVF meeting on Thursday, 8/25/06 @7:30pm.

8/25/06 – Attended the MVF Board Meeting to complaint about the fence and to find out their position. They believe that the fence seems to run counter to the pedestrian-friendly design principles on which Montgomery Village was built but the foundation decided to not interfere in the affairs of two Homes Corporation. In addition the president Keith Silliman confirmed that the fence did not go thru the MV Architectural Review Board for approval.

9/6/06 – The Gaithersburg Gazette dated 9/6 stated that the East Village Fence is a site plan violation. There is NO MC permit. Rose Krasnow, the board's chief of development review, said that you couldn't just add a fence when you have a site plan. "The fact that it's on their property has nothing to do with it when you're govern by a site plan. A joint EVC/NVC meeting is planned for 9/13 @7:30pm.

9/10/06 – I met with a small committee of residents that included Kim Fitts, Paul Lyons, Lauren Couillard, Donna Bailey and Barbara Wells. We developed a list of questions to ask EV Board of Directors. We also decided to make flyers and hand deliver to all the Picton Residents for support @ the upcoming meeting.

9/11/06 – Lauren and Mark Couillard, Nova Scott, Mary Johnson and me met to distribute the flyers that announced the next meeting of 9/13. We went door-to-door to distribute those flyers.

9/13/06 – Attended the joint EVNV meeting. To our shock, surprise and disappointment, we were given "ground rules" that basically stated that we could not ask any questions to EV board of directors. We were instructed to only speak / address our respective Chair who is Dennis Barnes of NV. The question was asked by Donna Bailey of Picton, "who created these ground rules?" After Dennis quietly consulted with Terry O'Grady, President of EV, he told us that EV created the ground rules. Despite the feelings of humiliation and disrespect towards the Picton residents, we spoke about our personal issues about safety concerns; the Picton residents remained calm and very professional. There is a consensus that this fence symbolized a division of People by Class. We expressed a willingness to work with EV on a joint neighborhood watch program if there is any concern about vandalism/littering. We expressed that we are intolerant of unlawful behavior too. We talk about how our children's self-esteem is being damaged because the fence sends a negative message about living on the wrong side of the fence. We reminded them that our children go to the same school and that we live in the same MV community. We resent being labeled "criminals and "vandals". Consequently, we are very concerned about THE NEGATIVE EFFECTS ON OUR PROPERTY VALUE. There was a repeated outrage about NO PRIOR NOTICE TO RESIDENTS. The overall consensus message to EV and NV is to remove the Fence without compromise.

I primarily told the group that learning more about the fact that there was no consultation / approval by the Police, Fire Dept, Public Transportation, and certain School transportation and no MC permit, that my new position is to take down the fence without compromise. I also read my personal notes related to any meeting with Aimee Weimeger.

8803 We beck Way
Montgomery Village, Maryland 20886
August 4, 2006

Jason
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, Maryland 20886

Dear Jason,

I write this letter to let you know that your recommended alternative-walking pathway from my home to East Village Avenue is extremely unacceptable. For background history, I have been a homeowner of Montgomery Village at my current residence for approximately 25 years. For the past 14 years, I have enjoyed walking with my daughter who uses a wheelchair from my home to East Village Avenue by using a walking pathway that leads to Butterwick Road and then we turn onto East Village Avenue.


Aside from the recreational purpose, my daughter needs wheelchair accessibility to the Metro Bus and, the Lake Marion Community Pool facility. Keep in mind, that Snouffer School road's walking path is not acceptable for a wheelchair since it is made of gravel and dirt. In addition, I typically walk to my designated voting pole located at the Lake Marion Community Center by using the described pathway that is no longer available.

On Thursday, 8/3/06, my daughter and I went for our usual morning walk and discovered to my surprise that a construction company was building a fence to block our pathway. If I didn't shorten our typical length of stay, we would not have been able to reach back home since the fence was quickly finishing.

Immediately, after arriving back home, I informed you about my concern for an alternative-walking pathway that is wheelchair accessible. As a result, you fax a map that described your recommendation. When I tried your recommendation, I was shocked and disappointed that this walking pathway was extremely dangerous since it is a densely wooded area, dirty and, no lighting. Most of all, the steep hill does not accommodate a wheelchair without the risk of a serious injury.

In my opinion, this plan to prevent my access to the East Village Avenue is a serious violation of our civil rights, voting rights, as well as, a violation of the American Disability Act (ADA). After today, I have no safe option available since the blocking fence is almost completed.

My expectation is that an acceptable solution is offered by Friday, August 11, 2006. Please feel free to contact me at 301-442-4074.

Sincerely,

Cheryl Watson

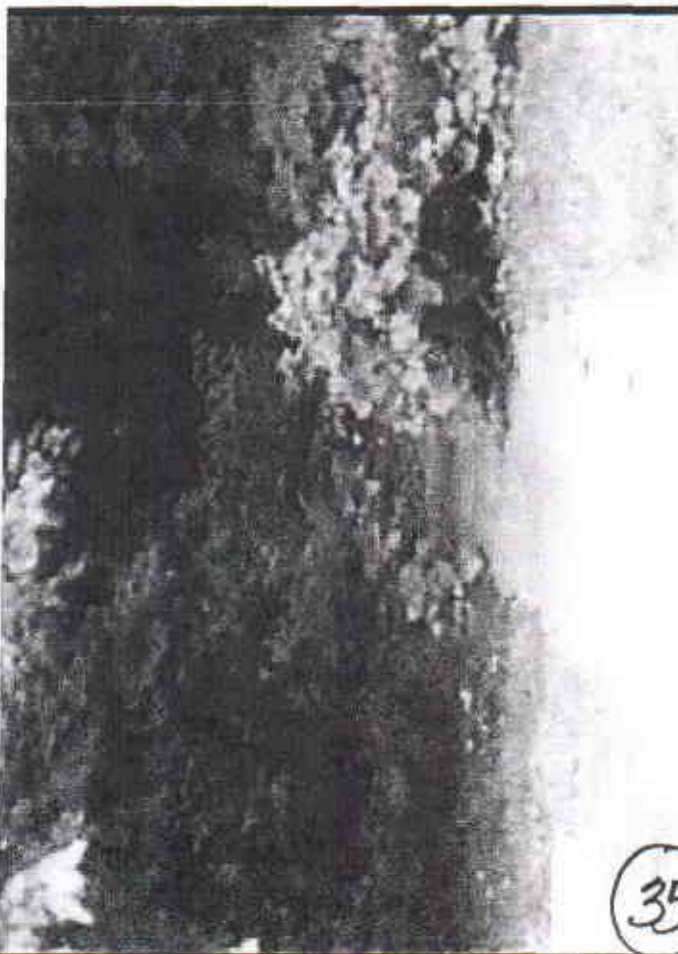
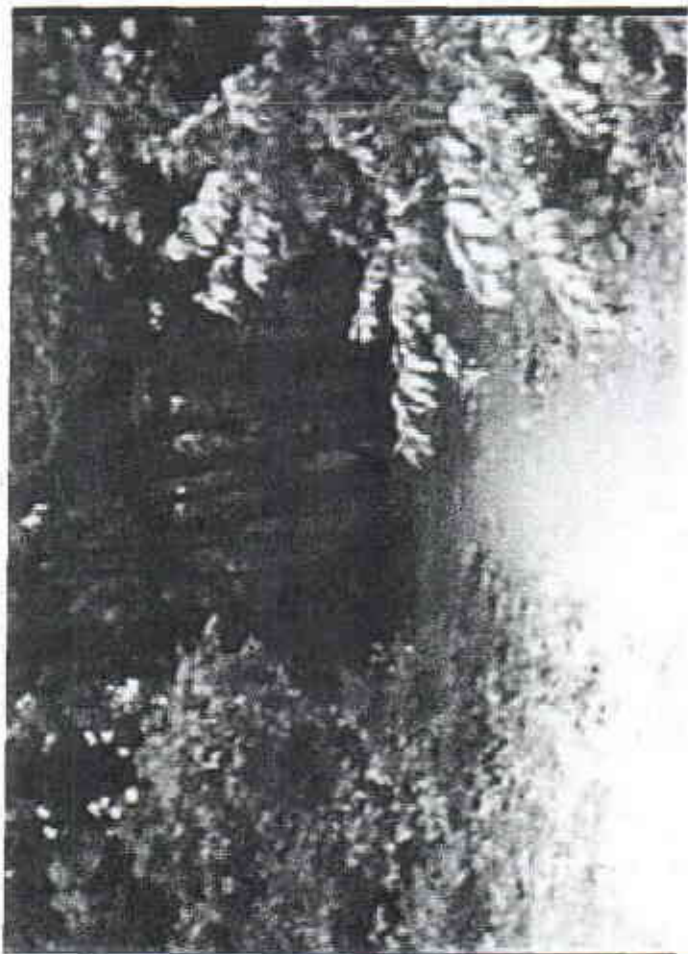
CC: Douglas Duncan, County Executive
Kristen Cox, Secretary of Disabilities
Victor L. Hoskins, Secretary of Housing and Community Development
Michael Knapp, Councilmember - District 2
Michael Subin, Councilmember - At-Large
Steven Silverman, Councilmember - At-Large



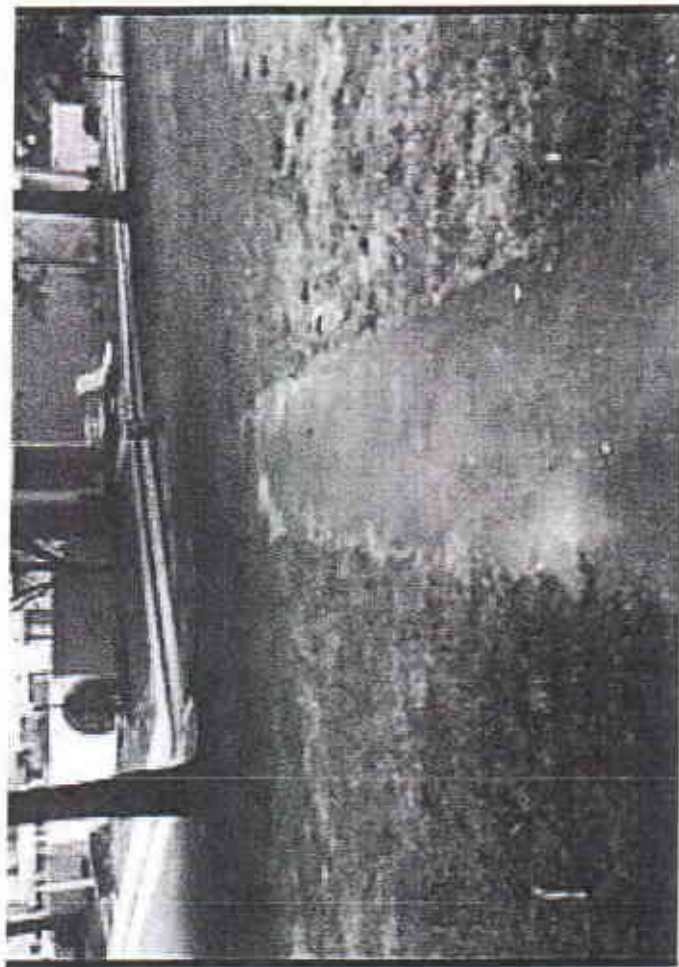
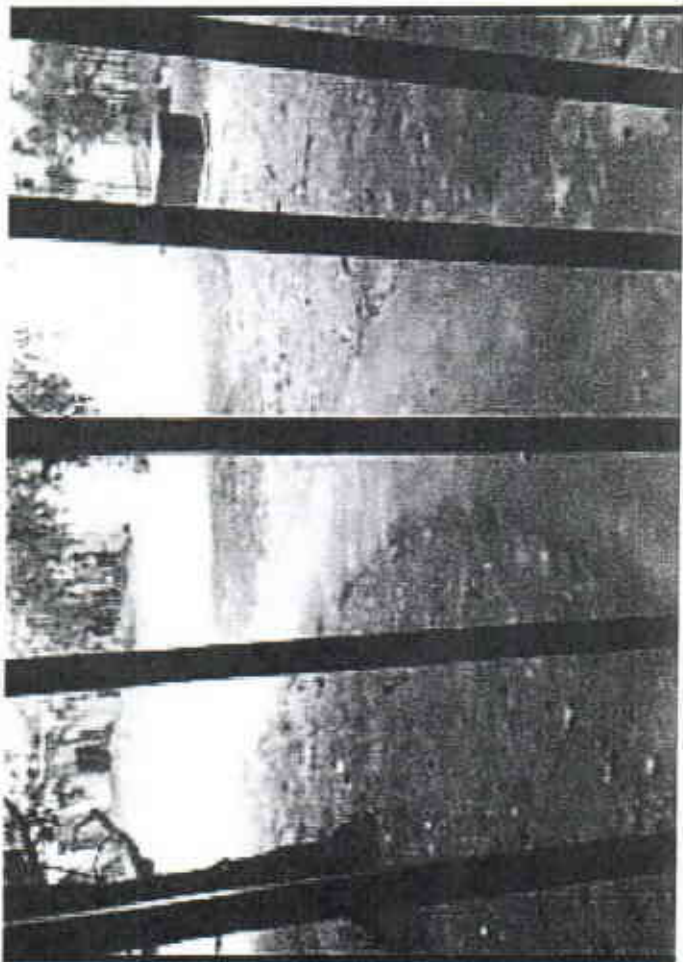


Alternate Path

Alternate Path



Zetternick Park



Private Yards
No Trespassing
Trespassing and
Littering to Her
Will be Prosecu

Subj: Fwd: A Serious Problem About My Community In Montgomery Village
Date: 8/7/2006 10:23:26 AM Eastern Standard Time
From: [Hopealana12](#)
To: councilmember.floreen@montgomerycountymd.gov
CC: revp@msn.com
File: **USUAL WALKWAY FROM HOME.ZIP** (229194 bytes) DL Time (49333 bps): < 1 minute

Dear Councilmember Floreen:

Thank you for visiting our church services at ICOG on 8/6. I saw you when Reverend Pumphery introduced you but unfortunately, did not get a chance to speak to you in-person.

I'd like to take this opportunity to ask for your help, advice and support on an issue described in the attached letter to some of your fellow Councilmembers and Representatives.

Despite this problem, I am blessed to be in a position to perform as an advocate for a better society. I also plan to attend our Church's Thursday Night Prayer Meeting to corporately pray for wisdom, protection and compassion for ALL PEOPLE.

Thank you in advance for your support.

Please advise,

Cheryl Watson
 301-442-4074

Forwarded Message:

Subj: A Serious Problem About My Community In Montgomery Village
Date: 8/7/2006 9:52:18 AM Eastern Standard Time
From: [Hopealana12](#)
To: douglas.duncan@montgomerycountymd.gov; mdod@mdod.state.md.us; hoskins@dhcd.state.md.us; Council
CC: [Hopealana12](#)

Dear Gentlemen and Gentlewomen:

I write this letter to let you know about a serious problem that negatively impacts me as well as, my neighbors living in our community. Acting as a neighborhood advocate, I need your help, advice and support for the best outcome for all people living in Montgomery Village at large.

To briefly describe, this problem has been caused by the decision-makers at the Montgomery Village Foundation where we pay association fees and expect certain services support. Unfortunately, this problematic decisions was made without facilitating communication between two neighborhoods living very close to one another where we have the very same concerns and values about living in a safe, clean and accessible environment.

OVERALL, THIS PROBLEM APPEARS TO SEPARATE PEOPLE BY CLASS since my neighbors come from many backgrounds (i.e., Black, White, Hispanic, Senior Citizens, Asian, etc.).

My great hope is to sensitize the heart of MVF towards all people despite their class and, to implement a solution that is acceptable for both neighborhoods.

Please read my letter of 8/4/06 sent to Montgomery Village Foundation that describe my specific need for a better solution. In addition, I provided pictures that demonstrate this problem.

After I spoke to some of my neighbors over this weekend, they have enlightened me on other issues. For example, there are children who typically walk to get to the school bus can no longer do so.

Tuesday, November 21, 2006 America Online: Hopealana12

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My next step is to solicit feedback from my neighbors about their need for a safe and accessible walkway.

Again, I thank you in advance on your support.

Sincerely,

Cheryl Watson
301-442-4074

ATTACHMENT 10

ADDITIONAL CORRESPONDENCE RECEIVED FROM MS.
CHERYL WATSON DATED 12/28/06

December 28, 2006

Dear Gentlemen and Gentlewomen:

On behalf of the North Village Homes Corporation (NVHC), I write this letter to provide an update on a serious problem concerning the fence installed by the East Village Homes Corporation (EVHC). This fence has been installed along the property borderline along the Picton community of NVHC and the Candle Ridge/ Essex Place II of EVHC.

As you may be aware, the EVHC states that the reason for installing this fence is to solve a repeated problem with vandalism, littering and vagrancy by prohibiting pedestrian traffic from the Picton community to East Village Avenue. Similarly, this type of criminal activity comes from all communities throughout Montgomery Village including East Village. Most importantly, a fence is an unacceptable solution, because it doesn't work and, it causes more damage to property value for both communities.¹

Furthermore, the Montgomery Village Foundation board members prefer a neutral position concerning this dispute between two homes corporations. This may be due to the fact that, MVF has a multi-year contract to deliver property management services to EVHC. On the other hand, NVHC obtains property management services from ComSource Management Inc. (CMI) instead of MVF.

However, Ken Silliman, President of MVF Board, expressed that the fence contradicts the fundamental design and concept of a "pedestrian friendly" environment.² In addition, he, personally, supports the original site plan.

Over the past two months, the Picton community continuously demonstrates their commitment to intolerance of any criminal activity. This fact is based on the establishment of a strong and active Neighborhood Watch program consisting of at least, 15 active block captains and, ~95% of residents are participating block watchers. In addition, there has been a successful Picton "Clean-Up" Day where middle and high school students received Student Service Learning hours.

On 9/13/06, there was a joint EVHC and NVHC board meeting to find a resolution about the fence.³ As a result, they agreed that it would be beneficial for both communities to continue with the establishment and coordination of Neighborhood Watch programs.

We strongly believe that the best solution is for a joint Neighborhood Watch Program consisting of residents from neighboring communities (EV/NV) working together with the local police. Faced with the today's reality of limited police resources, this type of community involvement is valuable and needed. In fact, this solution is in progress since residents from East Village, Picton and, Huntingwood attended a joint Neighborhood Watch training program facilitated by Officer Tillery of the local 6th district police.⁴

During September, the Maryland -National Capital Park and Planning Commission (MNCPPC) issued two civil citations: One citation has been issued to NVHC for the chain across Welbeck Way. The other citation has been issued to EVHC for the fence in violation of the site plan.

On 10/5/06, NVHC removed the Welbeck Way chain to comply with the order from MNCPPC. However, during the week of 10/23/06, EVHC withdrew their application for a site plan amendment. Their intent was to take advantage of time to rally for support to implement changes in the site plan amendment process and procedures.

¹ Recent Pictures of the Fence -

² Ken Silliman quoted in Gaithersburg Gazette

³ Copy of Agenda of Joint NV/EV Board Meeting

⁴ Copy of List of Participants in Joint Neighborhood Watch Program training

However, on January 18, 2007, there will be a violation hearing for EVHC at the MC Planning Board. At this hearing, we anticipate that EVHC will claim no wrongdoing by installing the fence because they said that the local police told them to do so.

Yet, on 8/21/06, there was a NVHC board meeting where Officer Diane Tillery told us that the local 6th district police did not tell EVHC to install the fence.⁵ However, the local police conducted an environmental survey of the Picton and East Village communities on October 25-26, 2006.⁶ Based on the comments made on the sections entitled, "Fence" and "Welbeck Way Chain", this caused an outrage in the community, especially, the members of the Neighborhood Watch felt misled and betrayed by our local police. Those comments make the police appear biased toward EVHC decision to install the fence. In addition, the specific comment made on the "attractive" appearance of the fence is very inappropriate.

On the other hand, the "Executive Summary" of the Picton Police Survey, the local police supports denying access to the Giant and Safeway shopping centers to residents living in East Village.

Keep in mind that individual citizens, Dennis Barnes, our NVHC President, and me, have made Officer Tillery and Commander Goldberg aware of our concerns.⁷ Overall, the police recommendations in those specific areas contradict the order from MNCPPC. Consequently, we are caught in the middle of this conflict.

To resolve this conflict, we need your support to prohibit any Police Survey, crime data and, any police testimonial during the violation hearing on 1/18/06. We trust that you will advise the MC Planning Board Members accordingly.

On the other hand, if this type of information is allowed, the credibility of our local police will be severely damaged and it may sabotage the efforts of our Neighborhood Watch program that need a good relationship with our local police in order to be successful. Consequently, the safety of our Block Captains, Block Watchers and, children will be jeopardized!

I also trust that you believe that we need to restore people's faith in Government that it is fair to all people and that the system works for all people.

Again, we strongly believe that the best way to handle information in Police Surveys and crime data is with our joint Neighborhood Watch programs and communication between the two homes corporations.

Finally, we need your support to oppose this fence because it created the following list of problems including certain serious violations:

- Violates the Town Sector Plan and, installed illegally without a MC Permit.
- Threatens the integrity of all site plans throughout Montgomery Village Foundation (MVF) communities potentially causing chaos for the MC Planning Board.
- Opposes the implementation of "Inclusionary Zoning" which is one of the cornerstones of Montgomery County and, the blueprint used by other U.S. states to implement affordable housing. The Picton community has been developed to provide affordable housing in the Montgomery Village community.
- Higher risk of children's safety using the School Bus pickup / drop off locations changed since the fence.⁸

⁵ Officer Tillery quoted in the Gaithersburg Gazette.

⁶ Copy of Picton Police Survey

⁷ Copy of letters of complaints and issues with local police

- Segregated School Bus for children in Picton and East Village who go to the same school.
- Increases the vulnerability of the self-esteem of children who must read and visualize derogatory signs on fence that feed in to the concept of "self-fulfilling prophesy".¹
- Eliminates a reasonable wheelchair accessible & walking pathway used by East Village residents who need to go to the Safeway and Giant Shopping centers located at Goshen Road for work and, for consuming quality food products, goods and services. Many East Village residents typically used the Butterwick Way path, too. (See Executive Summary in Picton Police Survey)
- Violates the civil rights of Picton residents who equally need a safe, crime-free, healthy, and clean and, reasonable wheelchair/ stroller accessible environment. To name a few, this includes access to Open Space / Common Grounds, to East Village Avenue for the "Ride-On" bus transportation, for walking exercise and, to the Lake Marion Community Center for parks and recreation.
- Violates the voting rights of the Picton residents who typically walk to their designated voting poll locating at the Lake Marion Community Center. This negatively impacts a 214-homes community.

Your support will be greatly appreciated by attending the upcoming violation hearing on 1/18/07 or to send a letter expressing your support to Rose Krasnow who is Chief of Development Review Division at the MC Planning Board. At your earliest convenience, please contact me at 301-442-4074 to let me know your intent.

Sincerely,

Cheryl Watson
Director
North Village Homes Corporation Board

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ATTACHMENT 11

NOTICE OF VIOLATION FROM DPS TO NORTH VILLAGE
REGARDING THE CHAIN ACROSS WELBECK WAY



MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, SEPTEMBER 6, 2006 the recipient of this NOTICE, THOMAS C. SCHILD
Date Recipient's Name

who represents the permittee/defendant, NORTH VILLAGE HOMES CORPORATION
Permittee's Name

is notified that a violation of Montgomery County Code, Section: 59-C-7.28.(a)
exists at: WELBECK WAY
Location

The violation is described as: MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION
(THE "MNCPPC") HAS NOT APPROVED CHANGES TO THE DEVELOPMENT PLAN WHEN POSTS
AND CHAINS WERE ERECTED CLOSING OF THROUGH-STREET ACCESS
Case #

The following corrective action(s) must be performed immediately as directed, REMOVE THE POSTS AND
CHAINS OR APPLY FOR A MODIFICATION AT MNCPPC FOR CHANGES MADE TO THE
PLAN. IF APPROVED, SUBMIT THIS REPORT TO THE DEPARTMENT OF
PERMITTING SERVICES FOR THE RECORD. ANY CONDITIONS THAT M-NCPPC
MAY IMPOSE, SHALL BE IMPLEMENTED IN 15-DAYS FROM THE DATE THE
REPORT AND RECOMMENDATION WAS RENDERED.

See attached Inspection Report(s) for additional violations and/or required corrective actions.

☐ An inspection fee of \$ _____ is required in addition to any application fee(s).

Compliance Time: 30 DAYS Re-inspection Date(s): _____ Permit Number: _____ Code/Edition: _____

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

☐ A STOP WORK ORDER is also issued this date at the above referenced project. All construction activities on these premises must cease immediately. Only those activities required to correct violations may continue. Permission is required to resume construction.

ISSUED BY: STAN GARDEN
Printed Name

SAG R/G
Signature

9-6-06
Date

Phone No. (301) 370-3656

RECEIVED BY: _____
Printed Name

Signature

Date

Phone No. _____ Sent by Registered Mail/Return Receipt On: 9-6-06

RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

This Notice may be appealed to the Montgomery County Board of Appeals within 30 days of the issue date. The Board of Appeals is located in the Council Office Building, 100 Maryland Ave., Room 217, Rockville, MD 20850, telephone (240) 777-6600.

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ATTACHMENT 12

LETTER FROM NORTH VILLAGE TO DPS
REGARDING REMOVAL OF CHAIN

**THOMAS SCHILD
LAW GROUP, LLP**

Thomas C. Schild
Christopher Hitchens
Steven Deutsch

8555 16th Street, Suite 240
Silver Spring, Maryland 20910
301-589-7800

Fax: 301-589-8540
law@schildlaw.com
www.schildlaw.com

October 5, 2006



VIA FAX: 240 777 6262

Mr. Stan Garber
Montgomery County Department of Permitting Services
255 Rockville Pike
Rockville, Maryland 20850-4166

**Re: North Village Homes Corporation
Notice of Violation (Chain across Welbeck Way)**

Dear Stan:

Following up on our telephone conversations this week, I am writing to confirm that North Village Homes Corporation intends to remove the chain currently in place across Welbeck Way, within the Picton neighborhood in North Village. This is the chain referenced in the Notice of Violation that you issued to North Village dated September 6, 2006.

We have been unable to locate any documentation of action taken by North Village Homes Corporation regarding the installation of the chain. The common belief among the community is that it was installed contemporaneously with the construction of the tot lot playground along Welbeck Way, between the East Village and North Village neighborhoods, to prevent cars from traveling in the area immediately adjacent to the playground.

My understanding is that the chain will be removed today.

If you have any questions, please don't hesitate to call.

Sincerely,


Christopher Hitchens

cc: Mr. Dennis J. Barnes, President
Mr. Michael Ma ✓

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ATTACHMENT 13

LETTER DATED 8/22/06 FROM NORTH VILLAGE
TO EAST VILLAGE ASKING THAT GATE ACROSS
WELBECK WAY NOT BE INSTALLED

August 22, 2006

Ms. Aimee Winegar, Community Manager
East Village Homes Corporation
10120 Apple Ridge Road
Montgomery Village, Maryland 20886-2130

Re: North Village Homes Corporation
Installation of Fence between Picton, Essex Place II, and Candle Ridge

Dear Ms. Winegar:

I am writing on behalf of the Board of Directors of the North Village Homes Corporation to request that East Village refrain from further action that prevents pedestrian movement between Picton, Essex Place II, and Candle Ridge.

In particular, North Village requests that East Village abandon its plan to install gates across Welbeck Way at Ravenglass Way. This is a vital pedestrian route for Picton residents. North Village asks that discussions aimed at addressing East Village's underlying concerns about vandalism, noise, safety, and litter be resumed between the two associations. Combined with East Village's installation of the fence blocking the path between Welbeck Way and Butterwick Court, further obstruction of Welbeck Way will create significant inconvenience for Picton residents. At present, North Village cannot foresee any scenario in which obstruction of pedestrian access to Welbeck Way is acceptable, but North Village is willing to exhaustively explore measures it can take to address East Village's concerns in consideration for keeping Welbeck Way open.

Please contact me as soon as possible, so that discussions may resume.

Sincerely,



Christopher Hitchens

cc: Mr. Dennis Barnes

G:\Adoc\CLIENT FILES\NVH\Winegar path closure 082106.doc

Dennis Barnes

From: Aimee Winegar [awinegar@mvf.org]
Sent: Thursday, September 14, 2006 10:24 AM
To: Dennis Barnes - NVHC
Subject: RE: Joint Board approved resolution

Here is the text:

The Board members agreed to leave Welbeck Way open for a period of time, to study additional security measures over the next several months for the benefit of both communities, and to continue discussions. The Board members agreed that it would be beneficial for both communities to continue with the establishment and coordination of Neighborhood Watch programs.

Aimee Winegar, CMCA, AMS
Community Manager
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886
Phone: 301-948-0110 X 312
Fax: 301-990-7071

From: Dennis Barnes [mailto:dennisjbarnes@comcast.net]
Sent: Thursday, September 14, 2006 10:15 AM
To: Aimee Winegar
Subject: Joint Board approved resolution

Aimee-

Please send the text of the joint Board resolution ASAP. thanks, Dennis

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No virus found in this outgoing message.
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9/14/2006

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ATTACHMENT 14

EAST VILLAGE HOMES CORPORATION FENCE REPORT

MILES & STOCKBRIDGE P.C.

Casey L. Moore
301-517-4817
cmoore@milesstockbridge.com



VIA HAND DELIVERY

January 5, 2007

Rose Krasnow, Division Chief
Michael Ma
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: East Village Homes Corporation Citation DRD0000061

Dear Ms. Krasnow and Mr. Ma:

Please find enclosed for inclusion in your staff report for the Planning Board's January 18, 2006 public hearing on the above-mentioned Civil Citation, information provided to us by Aimee Winegar, Community Manager of the East Village Homes Corporation ("EVHC") in support of the fence erected on the EVHC's property abutting the EVHC neighborhoods of Candle Ridge and Essex Place.

We apologize for any inconvenience our delay in providing you this information has caused and should you need any additional information, please do not hesitate to contact us.

Very truly yours,

Casey L. Moore

Enclosures

Cc: Aimee Winegar
Stephen J. Orens, Esq.

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Fences in Montgomery Village

Fences on Private Property

Fences are the rule on private property. In Picton (North Village), every house has a privacy fence. These 214 fences are board-on-board.

In Essex Place and the portion of Candle Ridge adjoining Picton (East Village), there are 90 privately owned fences. These fences are board-on-board.

Following are tables showing the number of estimated fences in various communities in Montgomery Village and photographs of the fences that can be seen on private property.

East Village

Neighborhood	Type of fence	Number of units	Est. number of fences
Essex Place	Board on Board	165	75
Candle Ridge	Board on Board	99	60
Ashford	Split Rail	184	60
Gablefield	Board on Board	113	60
Glenbrooke	Board on Board	176	176
Holly Pointe	Board on Board	117	80
Meadowgate	Board on Board	96	94
Downs I and II	Split Rail	141	100
The Reach	Board on Board	210	160
Wethersfield	Picket	88	88
TOTAL		1389	758



Board fences in Candle Ridge



Board fences in Candle Ridge



Board fences in East Village Essex Place



Board fences in East Village Essex Place



Example of fences in the high density community of Glenbrooke

North Village

Neighborhood	Type of fence	Number of units	Est. number of fences
Essex Place	Board on Board	165	75
Highland Hall	Board on Board	94	60
McRory	Board on Board	162	162
Perry Place	Board on Board	74	74
Picton	Board on Board	214	214
Pleasant Ridge	Split Rail	97	70
Salems Grant	Split Rail	82	50
TOTAL		888	705



Example of board fences in Picton



Board fences in the North Village community of Highland Hall

Northgate

Neighborhood	Type of fence	Number of units	Est. number of fences
Apple Ridge	Picket	45	45
Dorseys Regard	Split Rail	168	130
McKendree	Board on Board	212	212
Overlea	Board on Board	254	254
Shadow Oak	Board on Board	256	180
The Points	Split Rail	137	120
Williams Range	Split rail	62	45
TOTAL		1134	986



Examples of board fences in Northgate (private properties)

Eastgate

Neighborhood	Type of fence	Number of units	Est. number of fences
Charlesgate	Board on Board	162	162
Hickory Grove	Split Rail	62	45
Kings Pointe	Split Rail	53	30
Meadows	Split Rail	27	15
Mews	Board on Board	45	30
Ridgefield	Board on Board	53	30
Wood Edge	Board on Board	41	20
TOTAL		405	332

Whetstone

Neighborhood	Type of fence	Number of units	Est. number of fences
The Courts	Brick	105	105
Ridges/Goshenside/Lakeside	Split Rail	342	335
TOTAL		447	440

Stedwick

Neighborhood	Type of fence	Number of units	Est. number of fences
Club Hill	Board on Board	141	130
Clusters I, II, III	Split Rail, Board on Board	548	490
Forest Brooke	Board on Board	200	60
Frenchton Place	Brick and Board	155	155
Heights	Split Rail	147	140
Ridges	Split Rail	69	45
TOTAL		1260	1020



Sample board fence in the high-density community of Club Hill



Sample board fence in the high-density community of Club Hill (private properties)



Sample board fence in the high-density community of Club Hill (private properties)



Sample board fence in the high-density community of Club Hill (private properties)

South Village

Neighborhood	Type of fence	Number of units	Est. number of fences
Center Stage	Board on Board	63	Unknown
Dockside	--	160	0
Grovers Forge	Board on Board	180	180
Hamptons	Board on Board	--	All
Millrace	Board on Board	168	100
Nathans Hill	Board on Board	200	200
Walkers Choice	Board on Board	81	Unknown
TOTAL		852	480



Sample board-on-board fences in The Hamptons (private properties)

Patton Ridge

Neighborhood	Type of fence	Number of units	Est. number of fences
Arrowhead	Split Rail	96	70
Fairidge	Split Rail	217	180
Fairway Island	Split Rail	189	Unknown
Greentee 1 and 2	Unknown	106	Unknown
Highfield	Split Rail	133	Unknown
Partridge Place	Board on Board	331	250
TOTAL		1072	

Fences on Community Property

A scale map of the Village is included. Please note that the community of Stedwick is duplicated on the two maps.

Fences for Safety

Fences around ponds and at the top of retaining walls were specifically excluded from this list, as these would appear to be required by code. For reference, there are a number of such fences throughout the Village.

Montgomery Village Foundation

Fences are installed around recreation areas at Lake Whetstone, near Middle Village, and in the North Village area at Hurley Park and ballfield as well as at the new Kaufman Park.



Fence through North Village, possibly on MVF property, between North Village and MVF



Split rail fence in North Village, between North Village and MVF property



Fences around MVF property at Lake Whetstone



Fences around parking area at Lake Whetstone

East Village

In addition to the steel fence constructed between Picton and Essex Place, one other fence exists on community property in East Village. This fence runs between Glenbrooke and Snouffer School Road. Part of the fence serves to keep people out of the relatively deep Glenbrooke storm water management pond.



Steel fence on right side, private board fences on left



Fence next to Glenbrooke



Fence next to Glenbrooke, beyond the pond – note the white board fence on North Village property in the background; this fence separates Picton from Glenbrooke and the PEPCO right of way

There is a low fence along East Village Avenue at the PEPCO right of way. This is not East Village property, but is visible from East Village property.



Fence along PEPCO right of way

North Village

Essex Place along Wightman Road – split rail fence behind townhouses and single family homes. Fences also exist next to Picton, and between Picton and the East Village neighborhood of Glenbrooke, next to the PEPCO power lines.



Board on board fence separating North Village Picton from East Village Glenbrooke



Split rail fencing next to Picton on North Village community property



Continuing view of the fence next to Picton



Wightman Road behind North Village's Essex Place





Continuing view of split rail fence along North Village property line



Continuing view of North Village community property fence behind North Village Essex Place



Board fence at perimeter of North Village high-density community McRory; the fence may belong to the adjacent property owner.

Stedwick

Chain link fences separate the high-density community of Club Hill from the PEPCO right-of-way and the adjacent community of Clubside. Chain link fences separate the community of Forest Brooke from adjacent property. Chain link fences have also been installed along some paths to direct foot traffic away from greenspace and streams.



Chain link fence at perimeter of Forest Brooke



Chain link fence at perimeter of Forest Brooke



Chain link fencing between Club Hill and Clubside



Chain link fencing between Club Hill and Clubside



Chain link at Club Hill



Chain link at Club Hill

South Village

In South Village, the neighborhoods of The Hamptons and Grovers Forge, very similar to Picton and Essex Place in North and East Village, are separated by fences. Fences also line the perimeter of both neighborhoods. Fences also exist within the high-density neighborhood of Nathans Hill, apparently to direct pedestrian traffic off of greenspace. Split rail fences also separate Nathans Hill from Millrace.



Odendhal Road behind The Hamptons



Near Contour Road behind the Hamptons



Contour Road by Grovers Forge



South Village fence along Contour Road next to Grovers Forge



Two layers of split rail fencing at Grovers Forge



Split rail fences in Nathans Hill



Split rail fencing in Nathans Hill



Split rail fencing in Nathans Hill



Nathans Hill



Nathans Hill



Nathans Hill



Nathans Hill and Millrace



Split rail fencing between Nathans Hill and Millrace

Northgate

Northgate also has split rail fences along its perimeter with Wightman Road; some of these are on private property and some are on community property. A board on board fence separates the high density community of Overlea from an adjacent property. Split rail fences have been installed at the entry to two other high density communities: McKendree I and McKendree II.



Fence at the perimeter of Overlea



More of the Overlea perimeter fence.



Split rail fence along perimeter of McKendree 2



Split rail fence along perimeter of McKendree 2



Split rail fence along perimeter of McKendree 1



Fence within McKendree to keep traffic off greenspace

Vandalism in East Village

The fence has been routinely vandalized since it was installed. One area of the fence was hit by a car. Some of the pickets were sawed through, and others have been bent. Estimated damage to the fence is approximately \$5000 (\$300 per panel, to date nearly 20 panels have been damaged).

The forested area next to the fence was set on fire on November 28. Residents report the fire was extinguished by the fire department, but there do not seem to be records for that. In any event, the fire occurred and was extinguished before it damaged the homes that are approximately 20 feet from the burned area.



Scorched area of 11/28 fire



The No Parking/Firelane sign on the island facing the fence was damaged in mid November. It was broken off at the base of the sign. East Village has since replaced the sign.



Welbeck Way in East Village

Welbeck Way in East Village is approximately 24 feet wide at its widest point. A parking bay is along one side; the homes corporation has posted a No Parking sign on the other side in an attempt to improve safety on this very narrow street. The street narrows and divides into two 12 foot wide sections with an island between in front of the tot lot. There are no sidewalks along Welbeck Way in East Village.



View toward Picton



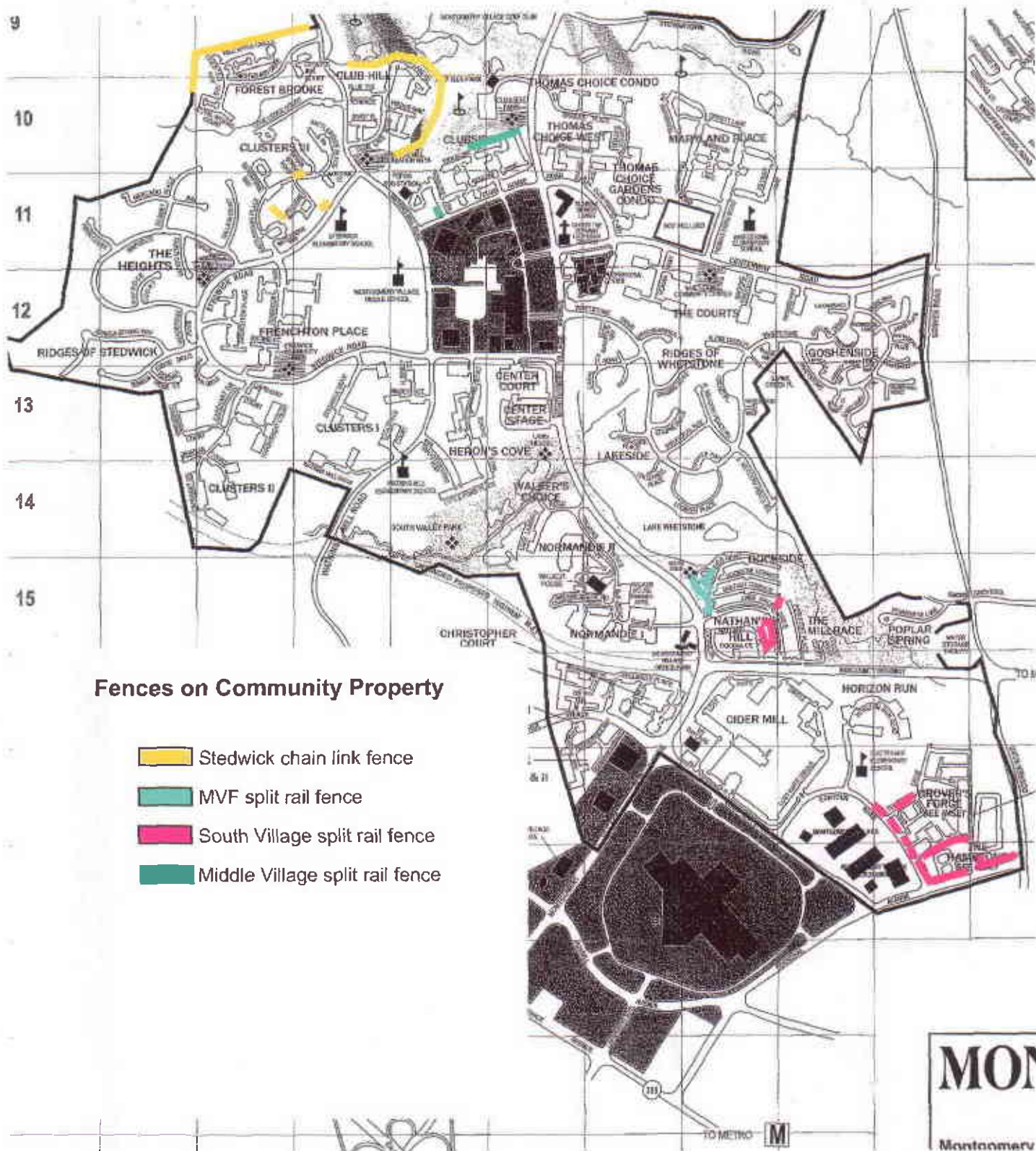
View toward East Village Avenue

Previous fence in East Village

Fenceline in East Village where a split rail fence and hedge were attempted prior to installing the steel fence. The hedge was destroyed twice by cross traffic. The split rail fence was also destroyed, despite being fastened together with hog wire.



- [illegible]



ATTACHMENT 15

CRIME PREVENTION THROUGH ENVIRONMENTAL
DESIGN REPORT FOR EAST VILLAGE
DATED NOVEMBER 6, 2006.



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

J. Thomas Manger
Chief of Police

November 6, 2006

Ms. Terry O'Grady
East Village Homeowners Association
Montgomery Village, Maryland

Dear Ms. O'Grady:

The Montgomery County Police Department specifically, Officer Dana Matthis, Community Services Officer/Crime Prevention Specialist conducted a Crime Prevention Through Environmental Design (CPTED) assessment of the East Village communities of Essex Place II and Candle Ridge and The North Village community, Picton on October 25-26, 2006. The methodology included a review of the community, landscaping, and parking lot. It also included crime reduction strategy recommendations.

Please understand that there is no absolute methodology to guarantee the protection of all of your property against all types of threats. The proposed recommendations submitted for your consideration in this report are intended to reduce the likelihood of criminal and undesirable behavior from occurring in the East Village Community.

In any business, there is a critical need for clearly defined and strongly enforced policies and procedures in all areas of security. It is understood that the East Village Community may have guidelines for specific application. It is up to you to decide both philosophically and realistically, exactly how much security you feel is enough. I encourage you to make this decision in partnership with the



6th District Station

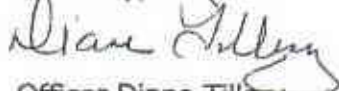
18749F North Frederick Avenue • Gaithersburg, Maryland 20879 • 240/773-5700, FAX 240/773-5710

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Montgomery County Police Department, basing your decision on crime pattern/trends and the quality of life for the residents in this community.

I encourage the readers of this report to look in-house for other suggestions and recommendations, as there are internal considerations of which I may not be aware. The following pages are broken down into categories beginning with general interest and concerns, and progressing through each area of the community. Please remember and stress that no amount of security is effective unless it is closely monitored, and management and Board Members impress upon residents and the reasoning and importance of security.

Sincerely,



Officer Diane Tillery
Community Services Officer
Montgomery County Department of Police
240-773-5757
Diane.Tillery@montgomerycountymd.gov

Crime Prevention Through Environmental Design is based on four basic principles:

- Natural Surveillance: the placement of physical features, lighting, activities and people to maximize the ability to see what is going on while ensuring that intruders will also be observed.
- Natural Access Control: the judicious placement of entrances, exits, fencing, landscaping, and other physical design elements to discourage access to an area by all but its intended users.
- Territorial Reinforcement: the use of buildings, fences, pavements, signs, exterior paint colors, street furniture, and landscaping to establish boundaries that express ownership and delineate private from public. People protect territory of others. Identifying intruders is also easier in a well defined space.
- Maintenance and Property Management: Poor states of repair or indifferent practices express a lack of concern for the property and create easy targets for criminal activity. Using quality durable materials will also reduce maintenance requirements.

Recommendations:

1. Planting should be arranged to allow surveillance of open area, roads, parking lots, walkways, buildings, etc
2. Planting should be kept at a height that will not block surveillance, (2.5 feet for motorist, and 3.5 feet for pedestrians)
3. Bushes, shrubs, and trees should be trimmed so visibilities of the parking lots are not hindered.
4. Landscaping should be coordinated with site lighting to avoid the creation of shadows or difficulty in viewing locations.
5. Trees, bushes, and shrubs should be trimmed so lighting is not obstructed.
6. Use landscaping, and fences to define the boundaries of the community and impart a sense of the community property.
7. Trim shrubs and trees that offer concealment.

Planting:

- Use planting to project an image of caring, quality and identity, define edges and entrances, create continuity and screen undesirable views.
- Arrange planting area to delineate public areas such as parking lots, building entrances, and walkways while allowing for natural surveillance. Generally, low-growing deciduous and evergreen shrubs (36" maximum) planted with high branched deciduous trees (branches and limbs removed up to at 8 feet) will separate private from public spaces while providing adequate visibility of the public areas.
- Use mass planting and hedges to control pedestrian movement. Plants that provide good access control because of thorns or prickly leaves are:
 - Wild Roses
 - Juniper Chinensis
 - Pyracantha
 - Severina Buxifolia
- Some low-growing shrubs which will require little to no pruning include:
 - Berberis thunbergii atropurpurea Crimson Pygmy
 - Buxus sempervirens Vardar Valley (Vardar Valley Boxwood)
 - Ilex Crenata Green Luster (Green Luster Japanese Holly)
 - Nandina domestica Nana (Dwarf Nandina)

Lighting:

- Adequate lighting of activity areas at night is crucial to providing a sense of safety and security. In fact, proper lighting is one of the best and the least expensive psychological deterrents to crime. It causes intruders to think about being observed, and usually to choose a less illuminated target. Good lighting also averts injuries that can occur if visibility is obscured.
- Proper lighting enables law abiding citizens to observe/report crime and to identify suspects.
- The general rule of thumb involving parking lot illumination is the height of the pole multiplied by 4 will give the distance the poles should be placed apart. Uniform lighting (lighting that uniformly illuminates a parking lot and does not allow for dark area), should be provided in parking lots. Recommended lighting sources for exterior illumination: metal halide, Halogen and Quartz Halogen, and High Pressure Sodium.

- Halogen and Quartz Halogen: lamps are incandescent bulbs with halogen gas (like sealed-beam auto lights) and provide about 25 percent better efficiency and life than ordinary incandescent bulbs.
- Metal Halide: lamps are gaseous with a yield of 80 to 100 lumens per watt and a life of about 10,000 hours. They often are used at sports stadiums because they imitate daylight conditions and colors look natural. Consequently, these lamps complement CCTV systems, but they are the most expensive light to install and maintain.
- High Pressure Sodium: lamps yield about 100 lumens per watt, and have a life of about 20,000 hours. These lamps are often used on street and parking lots. They cut through fog.
 - People find sodium lamps sometimes called anti-crime lights, to be harsh because of this yellow coloring.
 - The poor color rendition of sodium lamps sometimes makes it difficult for people to find their vehicles and/or for witnesses to accurately describe incidents.

Executive Summary

The overall physical security of East Village Community is fair.

This is a community that consists of 204 town homes, which is rather secluded and cutoff due to the design. The streets end in parking lot areas and require lighting and control to limit accessibility.

Lighting:

- **Remove clean and reinstall light fixtures.**
- **Consider upgrading to Metal Halide lights in areas that are especially concealed due to large trees.**

Landscaping:

- Trim up trees from the bottom at least 10 feet located throughout the community particularly surround parking lot areas and along the fence line.
- Use planting to project an image of caring, quality and identity, define edges and entrances, create continuity and scale, and provide shade.
- Arrange planting areas to delineate public areas such as parking lots and walkways while allowing for natural surveillance.
- Candle Ridge entrance sign is overgrown.
- Re-paint parking space lines.
- Planting should be arranged to allow surveillance of open area, roads, parking lots, walkways, residences, etc.
- Planting should be kept at a height that will not block surveillance, (2.5 feet or motorist, and 3.5 feet for pedestrians).
- Bushes, shrubs, and trees should be trimmed so visibility of the parking lots is not hindered.
- Landscaping should be coordinated with site lighting to avoid the creation of shadows or difficulty in viewing locations.
- Trim shrubs and trees that offer concealment.

Fence: The use of the wrought iron fence defines the boundaries of the East Village community from the Picton community and it discourages trespassing and cut-through from both communities onto private property. The wrought iron fencing is attractive, presents a positive image, and is durable and somewhat resistant to vandalism. However some of the post of the wrought iron fence have been vandalized and need to be replaced immediately.

Welbeck Way Opening: While convenient, the reopening of Welbeck Way from Snouffer School to East Village is not viewed as positive. This roadway has no sidewalks, and was not intended as a major thoroughfare such as Lewisberry Drive, 1/2 mile south. This is a privately maintained roadway and therefore not eligible for police enforcement of speeding or no parking violations. The roadway is less than 24 feet wide and not intended for anything but "local use".

However as mentioned previously, there is no way to enforce this action. While, we could consider returning it to the original condition of pedestrian traffic only, this would still contribute to the ongoing problem of cut through traffic for both communities.

North Village currently installed a stop sign at this location that needs to be replaced or removed if the roadway is closed. It is faded and barely visible but is cause for a liability implying someone must stop. Again, this is not enforceable on a private roadway.

The "No Parking Anytime" sign that was installed in the 8501 area of Welbeck Way is not enforceable and if the roadway is open, causes a hazard due to the width of the roadway, when vehicles do park there.

Finally, the concern of Police and Fire Rescue Emergency equipment reaching the 8500 Block of Welbeck Way, in East Village has already been addressed. Our computer system gives the Police and Fire Rescue personnel directions to this hundred block off of East Village rather than Snouffer School and specifically indicate that there is a chain across the roadway, between the 8500 and 8600 block. The Police Department endorses this roadway being closed.

*** As a side note, the Safeway shopping center and the 24/7 operation of the 7-Eleven add to the pedestrian foot traffic in both of these communities. When these communities were planned, this area was not developed.

Executive Summary

The overall physical security of Picton Community is **poor**.

The Picton community consists of 214 town homes, with a diverse community in many aspects. The following suggestions are to be implemented to improve the overall aging appearance of the community.

Lighting :

- Clean light domes. Illumination is limited due to the dirt and smudge on the fixtures.
- Additional lighting is needed to illuminate the entrance at Snouffer School Road.
- Additional lighting along the 8700 block of Welbeck Way that faces Snouffer School Road.
- The light poles are 12ft 6inches in height therefore they should be spaced approximately 50ft apart to provide sufficient lighting. The lighting safety requirements have changed significantly since originally installed in 1991. There are currently 20 large post lanterns.
- The dome light poles are approximately 6 feet tall therefore they should be spaced approximately 24 feet apart. The lighting safety requirements have significantly changed since originally installed in 1991. There are currently 17 globe post lamps.

Landscaping:

- Trim up trees at least 10 feet located throughout the community particularly surround parking lot areas and along the fence line.
- Significantly reduce the branches overshadowing the walkways to the rear residences, specifically along the rear side that back to the shopping center.

- Walkways should be well defined with smooth walking surfaces, adequate lighting and landscaping that allows visual access while providing shade.
- Use planting to project an image of caring, quality and identity, define edges and entrances, create continuity and scale, and provide shade.
- Arrange planting areas to delineate public areas such as playground, parking lots and walkways while allowing for natural surveillance.
- Clean up leaves, debris and trash. Parking lot area is filled with old leaves, trash and debris that need to be removed.
- Remove large trees if necessary around 8871 Welbeck Way to reduce the tree roots that have taken over the sidewalk area.
- Plant grass. There are several areas where dirt is simply a given.
- Move the entrance/opening to the Tot Lot away from the roadway and paint a crosswalk near the entrance.
- Remove tree near fence by the Tot Lot to enhance visibility.
- Remove tree stump near 8815 Welbeck
- Remove 60 foot dead tree at the corner by 20125 Welbeck Terrace.
- Remove pine tree limbs that were dumped by trash can near 8871 Welbeck Terrace.
- Re-paint yellow fire lane curbing and parking space lines.

Fence: The use of the wrought iron fence defines the boundaries of the Picton Community from the adjoining East Village Community. While the fence has created a controversy, it does discourage trespassing and cut-through to both communities. The wrought iron fencing is attractive, presents a positive image, and while durable is somewhat resistant to vandalism. However some of the posts of the wrought iron fence have been vandalized and East Village will be encouraged to make these repairs.

Welbeck Way Opening: While convenient, the reopening of Welbeck Way from Snouffer School to East Village is not viewed as positive. This roadway has no sidewalks, and was not intended as a major thoroughfare such as Lewisberry Drive, ½ mile south. This is a privately maintained roadway and therefore not eligible for police enforcement of speeding or no parking violations. The roadway is less than 24 feet wide and not intended for anything but "local use".

However as mentioned previously, there is no way to enforce this action. While, we could consider returning it to the original condition of pedestrian traffic only, this would still contribute to the ongoing problem of cut through traffic for both communities.

North Village currently installed a stop sign at this location that needs to be replaced or removed if the roadway is closed. It is faded and barely visible but is cause for a liability implying someone must stop. Again, this is not enforceable on a private roadway.

Finally, the concern of Police and Fire Rescue Emergency equipment reaching the 8600 Block of Welbeck Way, in North Village has already been addressed. Our computer system gives the Police and Fire Rescue personnel directions to this hundred block off of Snouffer School and specifically indicates that there is a chain across the roadway, between the 8500 and 8600 block. The Police Department endorses this roadway being closed.

*** As a side note, the Safeway shopping center and the 24/7 operation of the 7-Eleven add to the pedestrian foot traffic in both of these communities. When these communities were planned, this area was not developed.

ATTACHMENT 16

CORRESPONDENCE FROM EAST VILLAGE RESIDENTS
IN SUPPORT OF THE FENCE

Transcription of handwritten postcards supporting the fence

I support the fence between Essex Place/Candle Ridge and Picton because:

Littering and loitering has been reduced. My neighborhood feels safer. There is less trash being thrown around. I appreciate the quick response from the Village.

-- 4 Butterwick Court

The fence reduces the flow of foot traffic through the common areas. Often loud and late at night, this foot traffic drops a considerable amount of trash.

-- 8713 Ravenglass Way

I thought it would increase traffic and vandalism since it directs people in front of my house. However, it hasn't been an issue. I've seen the problems in other areas of the neighborhood. It seems to benefit everyone. If they (Picton) want to sue Village space and other people's property, then let them pay for fees and damages. I'm disappointed that the road through Essex has been opened and is used for parking, creating a dangerous situation, making a bottleneck for emergency vehicles a potential problem.

-- 8701 Ravenglass Way

Since the erection of the fence I have not had any of the prior troubles -- teens using foul language and hanging out on our street until all hours (up to 3:00 a.m.). Trash on the street and behind my home (the bus stop is behind my house), etc.

-- 15 Butterwick Court

Constant foot traffic in front of my home, garbage, too much loitering of teens and friends. Noise in the summer. Keep the fence!

-- 7 Butterwick Ct.

The foot traffic in Candle Ridge has dissipated tremendously. There is less trash in the common areas and I have not seen any teenagers congregating on the corner of Butterwick Way and Court. There are fewer unsupervised young children playing in the court. This was a HUGE concern for me, especially after one got hurt and the father was unavailable. I haven't personally experienced vandalism, but I know those who have. My neighbor's child was also harassed a few times. KEEP THE FENCE.

-- 8 Butterwick Ct.

I have noticed a significant change in the loitering, vandalism, and traffic! I don't want a war, but I feel better cause it has changed people parking in our lots late at night, hanging out in their cars, possible drug trafficking as well. My garage and 3 cars were broken into before the fence, things stolen, etc.

-- 20307 Butterwick Way

I have experienced:

--Constant trail of garbage in front of my home.

-- Broken tree limbs.

--Garbage (bag of garbage) thrown in my back yard.
--Bike riders using the sidewalk right outside my front door.
--8712 Ravenglass Way

Yes – I have had a great deal of trouble which I attribute to traffic from the Picton neighborhood. It has caused me both money and heartache! Children from the elementary school bus stop would come in to my backyard, try to knock down my play equipment and pull the roof off my shed. They tried to rip off the neighbor's hot tub cover. I had to fence in my yard to stop it. That cost me \$1500. I tried talking to the parents at the bus stop, but they just stared at me and didn't say a word. The other big problem has been loud groups of teens walking through Welbeck Way. They scream and shout obscenities – inappropriate for younger children in the neighborhood. Police have come to my door asking if I've seen anyone shooting out car windows with BB guns. They've come into my house to inspect our windows for holes. They've told us that Picton is the roughest neighborhood on their watch – with drugs and guns. That has scared my youngest child and she won't go outside or to the playground. Then, I have found condoms in my parking space, in the tunnel that goes underneath East Vlg Ave and even in my own fenced-in backyard. Now I've had to buy a lock to secure my own yard! Since the fence was installed, I haven't seen any of these problems.

However, I was very surprised to see the road open to traffic and I do not know why the chain was taken down. Before then, we seldom had loud cars zooming thru our neighborhood and now this is happening a lot. I believe the cars are from Picton because this wasn't a problem when the chain was up. They drive thru Welbeck so fast that I'm afraid someday a child will be hit.

PS... the children from the bus stop would come into our front yards, too, stomp on our plants and knock over our trash cans when they are out for collection. None of that happens any more. Moving a bus stop was a great idea!

--8503 Welbeck Way

Foot traffic, vandalism, trespassing, littering.
--8736 Ravenglass Way

It helps keep some traffic from unruly teenagers roaming my neighborhood. I am for closing the fence completely. I have witnessed children throwing stones at my cat and throwing dirt at dogs within their own yard. The moral issue that needs to be worked on is how to build a community within Picton and supervise their own children, not destroy ours. Unfortunately, Picton is an investor's paradise and it is destroying their community.
--8795 Ravenglass Way

In September 06 some kids threw rotten eggs on my window and ran. Being only 4 months new in the community I felt I should stop this immediately.
--8799 Ravenglass Way

1. Increase home values

2. Discourage criminal element from outside of Montgomery Village going around our area looking for victims.

--8738 Ravenglass Way

We strongly support the erection of the fence. There has been a reduction of the amount of garbage we would find in our parking lot where the foot traffic would be. Large crowds of people gathering near our home has stopped. Damage to our flowers and plants has stopped also. We don't want our property value to go down. Thank you.

--8700 Ravenglass Way

Less vandalism with fence.

--8726 Ravenglass Way

Many reasons and also we decided to sell our home because the neighborhood of Picton. Teens walking in my property, throwing cans and trash. Vehicle vandalized (window broken) stereo stolen, congregation of teens in parking lot drinking at night and smoking strong substances. Foul language. Before the fence, condoms were found in my back yard. Bike riders using the sidewalk right outside my front door. Playground – it's a mess, with adults doing business, trash, cigarettes everywhere.

--8793 Ravenglass

Garbage thrown on my yard and driveway

Bike riders, riding through my gardens.

Continuous foot traffic in front of my house and through my garden and lawn.

Loud noise and yelling after hours/late nights.

Cars/trucks driving up paved walkway as a shortcut to Picton

Damage to personal property and public property.

--20314 Butterwick Way

Letters from:

20301 Butterwick Way

8793 Ravenglass Way

8750 Ravenglass Way

5 Butterwick Court

9 Butterwick Court

15 Butterwick Court

20302 Butterwick Way

8736 Ravenglass Way

8505 Hawk Run Terrace

8647 Hawk Run Terrace

8643 Hawk Run Terrace

8504 Hawk Run Terrace

13 Hawk Run Court

8795 Ravenglass Way

8760 Ravenglass Way
8714 Ravenglass Way

Essex Place Neighborhood Watch coordinator, Scott Smith
East Village resident Catherine Luzkow

RECEIVED OCT 05 2006

Richard B. Ris
20301 Butterwick Way
Montgomery Village, MD 20886

October 6, 2006

Aimee Wineger
Community Manager,
East Village Homes Corporation
Montgomery Village, MD 20886

Re: East Village Fence

We like the fence and feel much more comfortable in our home since its installation. Prior to the fence there was heavy foot traffic through the neighborhood and considerable trash, usually small items such as cups, candy wrappers, cans, and bottles. This had almost stopped but there is an increasing amount of traffic lately since people have bent apart the fence bars enough to pass through and as of this writing have completely removed one vertical bar so access is no problem and hence there is more trash.

Our home has been burglarized twice in the 15 years we have lived here, both times in the daytime. In the first incident the front door was pried open. Jewelry and other personal items valued at \$3,000 were taken and a steamer trunk in our bedroom was badly damaged by the thief while searching for valuables. The front door was badly damaged but repairable. We installed an alarm system. A few years later someone broke in damaging the door beyond repair and with the alarm sounding, quickly looked for things of value and then left with very little. We had to replace the door and the framing around it costing us about \$2,000. The alarm company called the house in response to the break-in and getting no answer then called the police and our daughter-in-law who is a secondary listing at the alarm company if we are unavailable. My wife stopped at our daughter-in-laws house on her way home from shopping and learned of the break-in. She arrived home before the police arrived and apparently just after the burglar had left. If she had not made the unscheduled stop on her way home she would have caught the culprit in the act and might have suffered physical harm. While the fence cannot prevent such acts completely it does limit access to our home and limit escape routes from it.

Over the years we have had several incidents of vandalism. A large rock was thrown through a window destroying the entire sash and a venetian blind inside. One time a car back window was shattered by a rock. A young girl from Picton told me who did it and where he lived. When I went to the house and talked to the father he in turn questioned his son who after a time sheepishly admitted the act. The father insisted on paying for the window replacement something I know many from more affluent areas would try to avoid. Other incidents of vandalism were relatively minor mostly flowers, shrubs, and a small tree. Also one time several garage doors in our neighborhood were pelted with crabapples leaving them stained.

There is a grove of pines and a Pepco transformer next to our home which was a meeting place several times a week for teens and young adults who spent the late evenings socializing there. Although it was somewhat disconcerting to find people gathered practically on your front yard at night, the real problem was the mess they left. It was left to us to pick up the trash, cans, bottles, cigarette butts, food wrappers, condoms and several times portions of uneaten carryout food. Since the fence has been in place there have been no such gatherings.


Richard B Ris

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Aimee Winegar

From: Barbara DeFries

Sent: Friday, August 18, 2006 3:43 PM

To: Aimee Winegar

Subject: Essex Place Resident

Hi,
Nelida, a resident of Essex Place came in to ask several questions concerning the fence and her neighborhood. She wanted you to know that the Picton residents are getting worse, she is finding an increase trash debris being thrown on her street that she tires to pick up herself. She wanted to know if there are plans to close Welbeck and if and when a gate will be installed. She feels it is definitely needed. She also wanted to know what the residents should do to request it, if there are not such plans.
She also wanted information about the Neighborhood Watch in her area.
Her phone no. is 301-760-9457
Barbara

→ address ↓

8/21/2006

(98)

Owner Information: Update

Address: 10341
 Subdiv: EV-60 EV Ester Place II E
 Unit: 028 8793 RAVENGLASS WAY
 Resident: 10 ARIEL TOCCALINO and MELIDA C FER

Save Undo Print

Mail

1 General 2 Contacts 3 Phone Log 4 Rent Activity 5 Work Orders 6 Violations 7 Requests 8 Comm Mgmt 9 Reporting

CONTACT

Space: Post Lane: Home Phone: 301-330-4922
 Direct: Work Phone: 301-345-1700 273
 Purchase Date: 09/28/2002 Sold Date: E-Mail:
 Image #: 0 2nd E-Mail:
 Type-Description: 0 Billing Address: A TOCCALINO & N C FERNANDEZ
 Comments: 8793 RAVENGLASS WAY
 MONT VILL MD 20996-6345

Considered Associated

CONTACTS

Type	First Name	MI	Last Name	Doc-Sec Num	Work Phone	Bsch Date	Sex	Marital	Class
OCC	ARIEL		TOCCALINO	213-577719		06/05/1976	M		
OCC	MELIDA C		FERNANDEZ	216-437486		07/11/1978	F		Y
ADU	MELIDA E		FERNANDEZ	214-907148		06/22/1946	F		Y
CHI	SOFIA	V	TOCCALINO			03/31/2003	F		N

Enter data or press ESC to end

Aimee Winegar

From: Melissa D. Parks
Sent: Thursday, September 14, 2006 9:44 AM
To: Aimee Winegar
Subject: 8750 RAVENGLASS WAY

This morning I received a call from a resident of EVHC. His name is Bruce Crum and he lives at 8750 Ravenglass Way. The call consisted of a few complaints of overgrown grass, but then the resident added how pleased he was about the new fence erected between East Village and North Village. He said that he has definitely seen an improvement in his community. I asked if he was able to attend the meeting on 9/13/06, unfortunately he wasn't due to an ill mother. In conclusion, Mr. Crum repeated how glad he was to see less trash in the community. He wanted me to tell you thankyou on his behalf.

Melissa x 326

9/14/2006

100

Barbara A. Liess
15 Butterwick Court
Montgomery Village, MD 20886
301-330-9352

November 14, 2006

Aimme Winegar
Community Manager
10120 Apple Ridge Road
Montgomery Village, MD

Dear Ms. Winegar,

I am writing in response to your letter regarding the fence in East Village. As a resident of the Candle Ridge neighborhood, I was extremely pleased when the fence was constructed this summer, and am equally as upset to hear that it may be coming down.

My home backs to East Village Avenue, and the bus stop is directly behind my house. Prior to the fence, I regularly found garbage, such as bottles, food containers etc. in my back yard. Prior to the fence there was also a great deal of foot traffic, mostly teenagers, cutting through my street to the Wellbeck neighborhood. Often the teens would congregate on the street as well.

The fence has caused a dramatic change for the better in my neighborhood, and I will be happy to follow through with what ever would be necessary to ensure that the fence remains standing.

Sincerely,



Barbara Liess

Aimee Winegar

From: Richard Weller [rhweller@verizon.net]

Sent: Sunday, November 26, 2006 9:11 PM

To: Aimee Winegar

Subject: Fence-Candle Ridge

TO: Aimee Winegar, Community Manager
East Village Homes Corporation

The fence between Candle Ridge and Picton is necessary for the following reasons:

- 1) Prior to installation of the fence, Picton congregated at the end of the street waiting for the school bus causing extremely dangerous conditions.
- 2) Due to problems caused by the some Picton residents, we were fearful to leave our garage door open even for a few moments or walk to the mailbox after dark.
- 3) There was an incident where the police called us to advise us that they were outside to apprehend an individual who was causing problems with his estranged wife. He parked in our lot in order to facilitate a getaway.
- 4) There have been burglaries in our neighborhood and this is a constant fear of the residents.
- 5) Property values will be greater due to increased safety.
- 6) We have a neighbor who spends winter in Florida and has had his house burglarized twice.
- 7) The fence provides a degree of safety for women and children in the neighborhood who felt threatened without it.

When the fence is repaired, it should be repaired in such a manner that it will not be destroyed by vandals again. What has happened to the fence in a very short time is demonstrative of the problems we had faced in our homes prior to erection of the fence.

We hope that this is helpful and that the fence will be repaired as soon as possible. If you have any questions, you can reach us at 301-330-9781.

Richard & Phyllis Weller

11/27/2006

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Montgomery Village Foundation, Inc.
10120 Apple Ridge Road
Montgomery Village, MD 20886

September 19, 2006

RE: FENCE

Dear Aimee Winegar:

It is my understanding that the new fence that separates our property (Essex Place) from our neighboring community has come under some scrutiny. It appears that our neighbors are trying to make the erection of this fence a "moral" deposition. If their moral deposition is all that is under judgment here than I would like to make one of my own.

I have lived at 8736 Ravenglass Way for the past 4 years. In this time I have witnessed the following on numerous occasions:

1. Continuous daily foot traffic right in front of my home's door.
2. Small motorcycles speeding down the sidewalk right out side my front door.
3. Constant trail of garbage in front of my home.
4. Broken Tree limbs
5. Congregation of teens in our parking lot using foul language
6. Snowballs hurled at my front door
7. Garbage (bag of garbage) thrown in my back yard.
8. One of my automobiles was vandalized (window broken).
9. Bike riders using the sidewalk right out side my front door.
10. Teens walking on my property.

I have been after the MVF for 4 years to put in a fence to reduce this traffic. They have tried numerous things to reduce this traffic pattern, but every thing to date has just been vandalized. I, as a homeowner, feel I have the right to protect my property and my quality of life and in no way should this fence be an issue. The only issue that should be swirling around the fence is who has been vandalizing it.

The argument being made by our neighbors, that I have heard, have been about race, socio-economics, and inconvenience. The fence in reference had not been in place for 1 week prior to being vandalized. Need I write more? The community behind our property has many issues and that should be their main concern. We erected the fence, in part, to take care of some of our community issues and I suggest they figure out a way to curb their own internal issues.

As far as being an inconvenience for our neighbors I have estimated that the walking distance around the fence is roughly 100-200 feet. Is this an inconvenience?!?!? This argument is ridiculous and I hope any panel this issue falls in front of can see the transperance in this case.

Sincerely,

Rory DeShano

8504 Hawk Run Terrace
Montgomery Village, MD 20886
October 23, 2006

Aimee Winegar, EV Community Manager
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886

Dear Ms. Winegar,

I am writing to voice my support for the East Village Homes Corporation in their recent actions regarding the fence that was erected on East Village property. I have been a resident of the East Village since 1988 being the original owner of my property on Hawk Run Terrace. I believe the actions of the EV Board were both necessary and much needed. I am sure most of the residents of Essex Place II would agree that the protection of our property from vandalism is of the utmost importance. If the erection of a fence on our own land at least partly eliminates or reduces incidents of property destruction, then it is a small price to pay. It is my understanding that since the fence has gone up, complaints of vandalism and trespassing on private homeowners' property have indeed lessened. Personally, I have noticed less trash (particularly food wrappers) that I have had to pick up from the rear of my property since the fence was erected. My rear yard is not enclosed as many of my neighbor's yards are, and until recently, I have had to continually pick up trash, usually food wrappers and cans that have blown in from the common space behind my house from where they apparently had been dropped by persons walking through. My only complaint is that I wish the fence had been set a little further back on EV property.

In addition to voicing my support for the fence remaining, I am equally concerned about the recent removal of the chain on Welbeck Way that has always separated our East Village community from the North Village development that abuts our property and would like to see it returned. The majority of my concerns center on safety issues.

As a longtime resident, I have always stopped and looked in both directions at the stop signs at the corner of Hawk Run/Ravenglass when turning onto Welbeck Way. However, with the likelihood of no traffic being able to enter from the North Village portion of Welbeck, I have noticed that many residents aren't always as careful. Additionally, cars traveling on Welbeck Way from East Village Avenue and turning left onto Hawk Run have never had to be concerned with oncoming traffic and I am sure many of them concentrate on looking for traffic coming from either the left or right, not straight ahead (if they even look at all as they have the right of way as there is no stop sign when entering the development from that direction!). Since I am fairly certain many residents are not aware that the chain has been taken down, I fear that there will be a serious accident at this intersection very shortly. Also troubling is the extreme proximity of the East Village lot to Welbeck Way, which is now a through street. I also fear that the unthinkable will occur as there will surely be increased traffic on this road once word gets out that it is now a through street.

Aimee Winegar

To: DeShano, Rory
Subject: RE: Fence Vandalism

Dear Mr. DeShano:

Reinforcements are planned and should be installed within a few weeks. We are monitoring the fence to determine the places where reinforcement is most needed.

Aimee Winegar, CMCA, AMS
Community Manager
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886
Phone: 301-948-0110 X 312
Fax: 301-990-7071

-----Original Message-----
From: DeShano, Rory [mailto:DeShanoR@MedImmune.com]
Sent: Friday, August 25, 2006 8:22 AM
To: Aimee Winegar
Subject: Fence Vandalism

Aimee

Yesterday I noticed a young black man walking towards the fence in-between my home and the homes directly in front of my front door. I went to another window and I saw that he had past right through the fence. I went out side and the fence had been severely damaged. I phoned the police (301 279 8000) and reported the damage to the fence. I told them that the fence belongs to the MVF and gave them your address and phone number. They gave me the following case number:

Case # M06047293

This is simply ridicules and the fence needs to be reinforced. The need to weld a bar on an angle from one corner to the other in each section. If they do this than there is no way they can bend those bars. Just my 2 cents...

Please have someone repair the fence as soon as possible.

Regards,

Rory DeShano, M.A.
Senior Manager, SAS Validation and External Data Management Clinical Development
Phone: (301) 398-4094
Fax: (301) 398-9094
email: deshanor@medimmune.com
MedImmune, Inc.
One MedImmune Way
Gaithersburg, MD 20878

Aimee Winegar

To: DeShano, Rory
Subject: RE: Fence

Dear Mr. DeShano:

I am documenting the damage to the fence. Thank you for continuing to note it, as well, as this adds additional documentation for our case.

I will be sending a letter of concern to the recycling contractor. This is, unfortunately, a county matter and not something over which EVHC has any control. Your assistance in resolving the problem is appreciated.

Sincerely,

Aimee Winegar, CMCA, AMS
Community Manager
Montgomery Village Foundation
10120 Apple Ridge Road
Montgomery Village, MD 20886
Phone: 301-948-0110 X 312
Fax: 301-990-7071

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

From: DeShano, Rory [mailto:DeShanoR@MedImmune.com]
Sent: Friday, September 29, 2006 11:44 AM
To: Aimee Winegar
Subject: Fence

Aimee

Not sure if you have been by to view the fence lately, but now they are vandalizing it just because they can. You should be taking photos of all of this destruction of private property and present it as evidence.

On a side note the refuse bags were not picked up last Friday. Last night I went to move them so they would be more visible from the road and they had been sitting there so long the bottom of the bags had become part of the ground. I had to re-bag each one and I was not a happy camper seeing this was not my refuse to begin with.

Regards,

Rory DeShano, M.A.
Senior Manager, SAS Validation and External Data Management Clinical Development
Phone: (301) 398-4094
Fax: (301) 398-9094
email: deshano@medimmune.com
MedImmune, Inc.
One MedImmune Way
Gaithersburg, MD 20878

Aimee Winegar

From: Ly, Seydou [sly@executiveboard.com]
Sent: Friday, November 17, 2006 10:56 AM
To: Aimee Winegar
Subject: In favor for Fence between Candle Ridge and Picton

Aimee,

I am definitely for the fence and will be delighted to see Butterwick Court side also fenced as some traffic were diverted to that side. As you point it out, Candle Ridge community has been suffering from vandalism and loitering and the damage to the fence is a perfect illustration for it. We all thrive for clean, safe and secure neighborhood and the presence of the fence seems to reduce the number of incidents. It is no brainer to me that we need to do whatever legally possible and necessary to keep our neighborhood safe and clean. I am for the fence and please let me know if there is anything I can do to help you succeed in your endeavor to keep Candle Ridge safe and clean.

Thanks,
Seydou Ly
9 Butterwick Court
Candle Ridge

11/17/2006

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Aimee Winegar

From: Dee Rosenberg [dee@soldbydee.com]
Sent: Thursday, November 16, 2006 1:49 PM
To: Aimee Winegar
Subject: Fence between Candle Ridge and Picton

Amy,

I am 100% in favor of the fence that was installed (and now partially ruined by vandals) between Candle Ridge and Picton. That is just another example of crime. It is not fair, nor is it polite, for people to walk through other communities to get to a main road or wherever the people are going. In light of the vandalism, loitering and destruction of property that was going on before, it makes a lot of sense to be able to have the fence as a divider. Also I never understood why residents in Picton had to walk over into Candle Ridge to get to a school bus stop.

I would like it to be noted that it was NEVER ONCE mentioned in the newspapers that there is another exit from the back of their community, which has always been there to allow the Picton residents to exit (at least walking) out on to East Village Avenue right by the swimming pool at Lake Marion. They can walk out (and now drive) to get to East Village Avenue there. Of course, there is an entrance/exit from their community on to another main road, which in my opinion is the one which should always be used.

I'm not sure why Welbeck Way was chained off for driving through in the past. I have no preference about that aspect.

Marianne Rosenberg
5 Butterwick Court
Candle Ridge

11/16/2006

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In addition to the safety concerns of having Welbeck Way open to traffic between our two communities i an uneasy feeling that we are likely to see an additional problem in the future. Although I am unaware what the parking situation is like in Picton, with parking at a premium in Essex Place II, I fear that with easy access to our community both on foot, if there is no fence and by vehicular traffic, if there is no chain, our already serious parking situation will worsen. There are large sections of unreserved parking spaces at the start of Hawk Run Terrace that are in extremely close proximity to the North Village community. I envision that Picton residents who reside close to Essex Place II will now find it very convenient to park in those spaces. This will reduce the number of spaces reserved for overflow parking that will ripple down through the community to the end of Hawk Run Terrace where unreserved parking spaces are not as plentiful.

Thank you very much for taking the time to listen to my concerns. I do, however have one favor to ask. Should my letter/remarks be used in any way in the East Village's efforts to retain the fence or request th re-installation of the chain in their discussions with either the North Village community or the Montgomery County Planning Board, I respectfully request that my name and address be withheld and n made a part of any public record. I live alone and already am concerned for my safety as it is and don't wish to add the fear of retaliation/retribution from other residents.

Sincerely yours,

J. A. Iskovitz

Aimee Winegar

From: Cole, Nancy [Nancy.Cole@bfsaulco.com]
Sent: Friday, October 20, 2006 3:02 PM
To: Aimee Winegar
Subject: Welbeck Way Access

Hi Aimee,

I have a few questions regarding Welbeck Way. Do you have any idea how long it will be before the fence is closed across Welbeck.

I have been following articles in the news and it seems that progress has stalled while the situation is being debated. I just can't believe how many times the fence has been damaged (and repaired with assessment dollars no doubt) which should help to prove the point of its need. I am very much in favor of the fence and of its closure, which leads into my second question. I recently noticed the chain that blocks access to the North Village community via Welbeck has been removed. This concerns me tremendously and I have noticed unwanted vehicular traffic coming and going. Not to mention, just several feet from a child's playground. My third question involves the school bus stop at the intersection of Welbeck Way and East Village Ave. I thought this bus stop was moved to Snouffers School Road. I have seen children waiting at the old stop all week and more concerning, I saw the school bus make an attempt to turn right onto Welbeck Way and then correct himself and stay on East Village Ave. I must say I hated the bus stop when it was located there. Children would run into the street while playing ball everyday without fail. Parents and children are forced to walk in the street on Welbeck to return to the North Village as there are no sidewalks. Every morning you were forced to drive at a snails pace because you had children and parents walking in the middle of the road simply refusing to move to the side of the road!!! Parents would park along Welbeck waiting with their children, which blocked the right hand lane on Welbeck and forced you to be in the lane of oncoming traffic before you turned onto East Village Ave. What is going on?

Please help me to understand these issues.

Thank you,

Nancy Cole-Orwick
8505 Hawk Run Terrace

10/20/2006

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Aimee Winegar

From: Rebecca Erwin [reberwin@hotmail.com]
Sent: Tuesday, November 28, 2006 8:06 AM
To: Aimee Winegar
Subject: Essex Place Fence

November 28, 2006

Dear Ms. Winegar,

I am a resident of Essex Place. At the back of my yard, between large evergreen trees, are two large metal boxes: one an electrical box and the other a Comcast Cable box. Before the fence was built I was constantly cleaning up empty beer bottles that were discarded in that area. The metal boxes were a hangout for people to sit on and drink beer. This was right behind my yard! It is not the behavior I want to live with.

After the fence was installed I no longer saw figures in the yard drinking nor do I have to clean up empty beer bottles and fast food trash.

Also since Welbeck Way has been opened I have seen too many cars going too fast down the road. I consider it a traffic safety problem.

Sincerely,

Rebecca Erwin

13 Hawk Run Court

Montgomery Village, MD 20886

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[href=http://spaces.live.com/spacesapi.aspx?wx_action=create&wx_url=/friends.aspx&mk](http://spaces.live.com/spacesapi.aspx?wx_action=create&wx_url=/friends.aspx&mk)



RECEIVED AUG 21 2006

August 17, 2006

Randy Robertson
8643 Hawk Run Terrace
Montgomery Village, MD 20886

Dear East Village Home Owner Association,

I have living in the Village for 14 years. The new rod iron fence is wonderful. We have had our lawn mover stolen, a \$200.00 maple tree that had been in the ground for 1 year, graffiti written on the fence by our house to many times to count, I have watched people smoking dope in the tunnel, next day finding used condoms. Trash behind our home on Welbeck can, bottles, dirty dippers etc. Not to mention all the stuff that has gone on in Picton.

It took me a long time to choose our home. I would of not bought it knowing what I know now about the area. I know no area is perfect. We work very hard for our homes and to see the value go down is heart breaking.

I read the article in the Gazette yesterday about Picton residents feeling like they are in jail and the Channel 5 news report. They are not fenced in, we our everyone should have the right to keep up their neighborhood. The first day the fence went up I was very pleased how nice it looked. It blends into the landscape and looks very classy. I have felt in the past that the Village has forgotten our area.

I just needed to write this letter to let you know how much your efforts are appreciated.

Sincerely,

Randy Robertson

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Aimee Winegar

From: Sevenlockscar@aol.com
Sent: Wednesday, November 15, 2006 3:40 PM
To: Aimee Winegar
Subject: aimee/ fence

hi Aimee,

in july around 22nd of july, there was major drug/drinking party on hawk-run terrace several teens were pictured and given citations for underage drinking!! i heard the commotion went outside and heard several teens giggling in the background coming from the pitons!!

the next morning there were several transformers and other markings from previous nights activities!!

the tunnel that goes under east village ave to the pool is known to be used for sex and alcohol parties!! also on friday night and saturday night it is used for the same thing weed smells come from tunnels!!

also on neighborhood watch walks, around the pitons and essex subdivision is known to have dozens of kids there on friday and saturday night, or whenever it warms out!!!

the nearest building at the pitons there are numerous teens standing at that location!! they walk to and from the pool using the tunnel on east-village ave!!

in october 1994 the parking lot lights were smashed and once again kids were seen running back towards the pitons and parking lot was vandalized with all kinds of beer bottles smashed on parking lot teens were seen running towards pitons yet again!!

also in late september a neighbor of raven glass-way car was vandalized they throw part of a railing fence post through his windshield, tear into the upholstery in his car, and a tire was cut!! the gentleman corrected kids as to not play with the fence and he paid the price the very next night!! in 1994 there were several car break-ins and residents claim kids were seen running back toward the pitons!! to me the fence is a safety issue and should remain in place!!

Scott smith
neighborhood watch
coordinator

11/15/2006

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Aimee Winegar

From: navypat@comcast.net
Sent: Thursday, November 09, 2006 5:09 PM
To: Aimee Winegar
Subject: Essex Place Fence

Ms. Winegar:

Despite initial misgivings about the "The Fence", we have come to see that it seems to have had a positive effect. It is very unfortunate that there was not more public discussion before the fence was installed because only bad PR has resulted subsequent to its construction and the rift with the Pictonites is very wide. Positive notes are that noise levels are down on Welbeck Way near Hawk Run Terrace as well as litter.

Despite the \$70K cost, the quality of the material used for the fence appears inadequate as many of the individual rods have been severely bent in many areas. Notwithstanding the above, we support the continued existence of The Fence and also recommend that Welbeck Way be closed again to vehicles. In addition the path from Picton past Candle Ridge to East Village Avenue should be upgraded and lighted since it goes through the woods and is one of the very few accesses to East Village Avenue Ride-On bus stops.

Sincerely: Patrick and Susan Truman, 8647 Hawk Run Terrace (owner/residents since December 1987)

11/10/2006

(114)

RECEIVED NOV 27 2005

AMANDA J JACKSON-WILLS AND CHRISTOPHER A.
WILLS

8760 Ravenglass Way
Gaithersburg, MD 20886

November 27, 2006

East Village Homes Corporation
10120 Apple Ridge Rd
Montgomery Village, MD 20886-100

East Village Homes Corporation and To Whom It May Concern:

We have been residents of the East Village, specifically Essex Place II, for two and a half years. Prior to that, our grandmother lived here since the house was built in 1986. As residents here, we have experienced a sense of community from the Essex Place II neighborhood. It is nice to live in a place where there are standards maintained to ensure safety and security.

Unfortunately, we have had a few negative experiences in our current neighborhood. We have experienced firsthand vandalism, property damage, and have seen people loitering in front of our townhouse. Shortly after we moved in, the CD-car stereo was stolen from the Jeep that we owned. Not long after that, the windshield of that vehicle was cracked by someone randomly throwing rocks at cars. On another occurrence, the loose change was stolen out of the ashtray of our car. There have been countless times that we have awoken to find our front yard littered with beer bottles, cigarette butts, and trash from someone parking in the unmarked "Visitor" spaces. Groups of teenagers pass through our yard, loudly using profanity.

Due to another neighborhood's inconsiderateness there have been fights between the kids in our neighborhood provoked by kids from "the other side of the chain". The spectacle of the bus stop on Welbeck Way (East Village side) is one to behold. First off, there are about *forty* children waiting for the bus on any given school day. Accompanying them, are various parents who dote toddlers and infants, swearing and yelling the whole time. There have been occasions when the mothers of these children have gotten into the middle of East Village Ave and stopped traffic. Due to this daily circus of boarding a public school bus, many of the children in our neighborhood catch the bus at a completely different bus stop, in *another* neighborhood down the road. That is ridiculous because there is a bus stop on the Snouffer School side of Welbeck Way where all of the children from that neighborhood can catch the bus.

We know the people in our neighborhood, their kids, and the cars that they drive. We know that the people causing the trouble in our neighborhood aren't the people living there. The people that live on Ravenglass Way care about keeping a community that we feel safe to live in. The fence has enforced that feeling of safety. In retaliation of the fence, the neighborhood behind us has removed the chain from their side. Now, cars come whizzing by and thumping loud music through a once quiet street. We want the fence completed. We want it to cover Welbeck Way and restore the privacy that we are used to. Please, restore standards to Essex Place II.

Sincerely,


Amanda J. Jackson Wills and Christopher A. Wills
Montgomery Village Residents

Aimee Winegar

From: Catherine [REDACTED]
Sent: Thursday, August 24, 2006 12:10 PM
To: smontes@gazette.net
Subject: fence articles

Sebastian,

After reading your articles and opinion pieces, I decided to respond to something that is upsetting me. I hope you consider printing it in the paper.

Also, I feel that your articles have been biased towards the residents of Picton. Although I do not live near the fence and have not viewed it, my husband and I lived down the street from a government subsidized home when we lived in Denver. The fact that she sold meth out of that house was only the tip of the iceberg. She made our lives and everyone around her hell for months on end. If the residents of East Village living near the border to Picton are experiencing anything similar to what my husband and I experienced, then their frustrations, anger, and fear for the safety of their lives should be written about as well.

Some of the problems going on in East Village were touched upon in your articles, but I think more details and reasons behind the construction of the fence should be discussed as well. Clearly this is a contentious issue, and I think East Village residents should be given their opportunity to speak out as well.

Here's my response to people's comments. Also, please use my maiden name.
 Thanks.
 Catherine

Over the last two weeks, I have read articles and opinions concerning a newly constructed fence built between two communities in Montgomery Village. People in these communities have described their feelings of intense frustration and anger over this fence. Their feelings are genuine and understandable.

I take issue, however, with their use of the words nazis and concentration camp to describe this situation. When we hear these words, we remember how six million people died in concentration camps throughout Europe during WW II.

The situation here is nothing like the suffering people experienced either in ghettos or concentration camps. Our community leaders are not wearing uniforms barking orders at gunpoint. No one is being tortured or starved to death or forced to live in barracks.

To compare life in Montgomery Village to concentration camps desecrates and demeans the suffering and horrors experienced by six million people. To make such comparisons is ill-placed and inappropriate.

The next time you describe your feelings about the fence, find other words to describe them. There are, after all, thousands of other words in the English language to choose from.

Catherine Luzkow
 Montgomery Village resident

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8/25/2006

RECEIVED NOV 21 2008

I support the fence between Essex Place/Candle Ridge and Picton because:

Foot Traffic
Vandalism
Transporting
Littering

Signed:  Address 8736 Buxington

I support the fence between Essex Place/Candle Ridge and Pictou
because:

RECEIVED NOV 21 2006

It helps keep some traffic
from unruly teenagers roaming
my neighbor hood. I was for closing
the fence completely. I have
witnessed children throwing stones
at my cat and throwing dirt at
dogs within their own yard. The moral
issue that needs to be worked on is
how to build a community within a Pictou
and supervise their own children.
Signed: ~~Maryland~~ Address: 795 Ravenhill
not destroy ours, Unfortunately Pictou
is an investor's paradise and it is
destroying their community.

I support the fence between Essex Place/Candle Ridge and Picton
because: **RECEIVED NOV 21 2006**

In September 06. Some kids
threw rotten eggs on my window
and run. Being only 4 months
new in the community I felt I should
stop this immediately.

Signed: PMH Address 8799 Ravenshaw
wy

I support the fence between Essex Place/Candle Ridge and Picton
because: **RECEIVED** NOV 21 2002

1. INCREASE HOME VALUES
2. DISCOURAGE CRIMINAL ELEMENT
FROM OUTSIDE OF MONTGOMERY
VILLAGE FROM GOING AROUND
OUR AREA LOOKING FOR VICTIMS.

Signed: Marvin Weissblatt Address 8738 RAVENGLASS WAY
MARVIN WEISBLATT

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I support the fence between Essex Place/Candle Ridge and Picton because:

We strongly support the erection of the fence. There has been a reduction of the amount of garbage we would find in our parking lot where the foot traffic would be. Large crowds of people gathering near our home has stopped. Damage to our flowers and plants has stopped also. We don't want our property value to go down.

Signed: [Signature] Address 8700 Ravenspass

THINFA

RECEIVED NOV 21 2006

(12)

I support the fence between Essex Place/Candle Ridge and Picton because:

Less vandalism with fence

Signed: Diane Gary Address 8726
Ravenglass
Way

122

I support the fence between Essex Place/Candle Ridge and Picton because:

I thought it would increase traffic & vandalism since it directs people in front of my house however it hasn't been an issue. I've seen the problems in other areas of the neighborhood. It seems to benefit everyone. If they want to use Village Space & other people's property then let them pay Fender fees and damages. I'm disappointed that the road through Essex has been opened and is used for parking creating a dangerous situation making a bottleneck for emergency vehicles a potential problem.

Signed: Mark B Address 8701 Ramsey Lane

Mont Vista MO 26886

I support the issue between Essex Place/Carnegie Ridge and Picton because:

Since the erection of the fence, I have not had any of the prior troubles. I - years using that language hanging out on our street with yard hours (up to 3:00 am) Trash on the street - behind my house (the bus stop is behind my house) etc

Signed:  Address 15 Buttrick St.

I support the fence between Essex Place/Candle Ridge and Picton because:

I have noticed a significant change in the lowering vandalism and traffic. I don't want a war but, I feel better cause it has changed people parking in our lots late at night ~~handing~~ out in their cars possible drug trafficking as well. My garage and 3 cars were broken in ~~to~~ before the fence things stolen etc...

Signed: Melissa Cannon Address 20307

Butterwick Way

RECEIVED NOV 27 2008

I support the fence between Essex Place/Candle Ridge and Picton because: Yes.

I have had a great deal of trouble which I attribute to traffic from the Picton neighborhood. It has caused me both money and heartache. Children from the elem. school bus stop would come into my back yard, try to knock down my play equipment and pull the roof off my shed. They tried to rip off the neighbors hot-tub cover. I had to fence in my yard to stop it. That cost me \$1500. I tried talking to the

Signed: Miranda S. French Address 8503 Welbeck way.
parents at the bus-stop but they just stared at me & didn't say a word. (continued →)

(26)

The other big problem has been loud groups of teens walking thru Welbeck way. They scream and ~~se~~ shout obscenities -- inappropriate for younger children in the neighborhood. Police have come to my door, asking if I've seen anyone shooting out car windows with S-B guns. They've come into my house to inspect our windows for holes. They've told us that Picton is the roughest neighborhood on their watch -- with drugs and guns. That has scared my youngest child and she won't go →

Ms Minda Lynch

8503 Welbeck Way

Montgomery Village MD 20886

outside or to the playground.

Then, I have found
condoms in my parking
space, in the tunnel that
goes underneath East Ng.
Ave and even in my own
fenced-in back yard. Now
I've had to buy a lock
to secure my own yard!

Since the fence was
installed, I haven't
seen any of these problems.

However, I was very
surprised to see the
road open to traffic and
I do not know why the
chain was taken down.
Before then, we ~~we~~ seldom

had loud cars 2.
Zooming thru our
neighborhood and now
this is happening a lot.
I believe the cars
are from Pictou because
this wasn't a problem
when the chain was up.
They drive thru Welbeck
so fast that I'm
afraid some day a
child will be hit.

Oh, p.s... the children
from the bus-stop would
→

Ms Minda Lynch
8503 Welbeck Way
Montgomery Village MD 20886

come into our front yards
too; stamp on our plants
and knock over our
trash cans when they
are out for collection.
None of that happens
anymore. Moving a
bus-stop was a great
idea!



EAST VILLAGE HOMES CORPORATION

10120 APPLE RIDGE ROAD
MONTGOMERY VILLAGE, MARYLAND 20886-1000
(301) 948-0110 FAX (301) 990-7071 www.mvf.org

November 6, 2006

Dear Essex Place and Candle Ridge Neighbors:

As you may be aware, in the late summer, the East Village Homes Corporation installed a fence between Essex Place II/Candle Ridge and the adjacent community, on the greenspace. The intent of the fence was to direct pedestrian traffic around the greenspace toward a path leading behind Candle Ridge to East Village Avenue. The fence was installed in response to numerous resident concerns about vandalism, loitering, destruction to property and other incidents that had caused serious concern about security in East Village. We have observed a sharp reduction in these concerns since the fence was installed. Additionally, the chain at Welbeck Way has been removed and that road is now open to all vehicles.

To bring you up to date, the fence may be considered a violation of the site plan by the county, and the East Village Homes Corporation is applying for a site plan amendment as required under the law. In the meantime, we will be monitoring but not repairing the fence.

The site plan amendment process may take several more months, and it begins with a hearing at which county officials will review resident testimony regarding the fence.

Please note that the outcome of the site plan amendment application will depend significantly on resident support for the fence in East Village. If you believe the fence is a benefit to you and your household, or if you experienced crime and unwanted traffic near your home before the fence was installed, please send me a letter as soon as possible so that I may include it in our records and testimony explaining why the East Village Homes Corporation felt the fence was necessary. If residents wish it, East Village may request that Welbeck Way be closed off to vehicles. Your thoughts on that issue would be helpful. Please send me your views by mail or email as soon as possible, preferably by November 27, 2006.

Thank you for your assistance with this. I look forward to hearing from you soon. If you have any other questions or comments, please contact me by phone at 301-948-0110 X312 or by email at awinegar@mvf.org.

Sincerely,

Aimee Winegar
Community Manager

Yes - please!

(See my

note (enclosed)

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I support the fence between Essex Place/Candle Ridge and Picton because:

1. Continuous daily foot traffic right in front of my home's door.
2. Small motorcycles speeding down the sidewalk right out side my front door
3. Constant trail of garbage in front of my home.
4. Broken Tree limbs
5. Congregation of teens in our parking lot using foul language
6. Snowballs hurled at my front door
7. Garbage (bag of garbage) thrown in my back yard.
8. One of my automobiles was vandalized (window broken).
9. Bike riders using the sidewalk right out side my front door.
10. Teens walking on my property.

Signed: Dr. Weiss Address 8712 RAVENGLASS

I have experienced the circled items above.

I support the fence between Essex Place/Candle Ridge and Picton because:

constant foot traffic in front of my home -

garbage

too much bickering of teens & friends

noise in the summer.

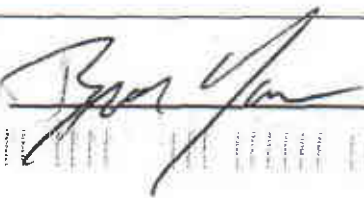
Signed: Wendy Jones Address 7 Birtwick Ct

Keep the Fence!
MV md
20886

I support the fence between Essex Place/Candle Ridge and Picton because:

LITTERING & COTTAGE HAS BEEN
REDUCED MY NEIGHBOURS FEELS SAFER
THERE IS LESS TRASH BEING THROWN
AROUND. I APPRECIATE THE QUICK
RESPONSE FROM THE VILLAGE.

Signed:



Address

4 BUTTERWORTH

I support the fence between Essex Place/Candle Ridge and Picton because:

The foot traffic in Candle Ridge has dissipated tremendously. There is less trash in the common areas and I have not seen any teenagers congregating on the corner of Butterwick Way & Court. There are fewer unsupervised young children playing in the court. This was a huge concern for me, especially after the opt out and the park was unavailable.

Signed: Sheila Fillmore Address 8 Butterwick Ct.

I haven't personally experienced vandalism, but I know those who have. My neighbor's child was also harassed a few times. KEEP THE FENCE

I support the fence between Essex Place/Candle Ridge and Picton because:

THE FENCE REDUCES THE FLOW OF FOOT TRAFFIC THROUGH THE COMMON AREAS. OFTEN LOW AND LATE AT NIGHT, THIS FOOT TRAFFIC DROPS A CONSIDERABLE AMOUNT OF TRASH.

Signed: Paul A. Seale Address 8713 RAVENGLASS
MONTGOMERY VILLAGE, MD

I support the fence between Essex Place/Candle Ridge and Picton because: Many reasons and also we decide to sell our home because the neighborhood of Picton.

Teens walking in my Property throwing cans and trash.

Vehicle vandalized (window broken) skater stobn
Congregation of teens in parking lot drinking
@ night and smoking strong substances.
Foul Language. Before we fence, condoms ^{were} found
it in my back yard.

Signed: Unlinda Fernandez Address 8193 Ravensglass
way

Bike riders using the sidewalk right outside
my front door
Playground it's a mess with Adults doing
business. Trash. cigarettes everywhere

I support the fence between Essex Place/Candle Ridge and Picton because:

- GARBAGE Thrown on my yard & driveway
- BIKE RIDERS, RIDING through my gardens.
- Continuous Foot Traffic in front of my house & through my garden & lawn
- Loud NOISE & yelling after hours / late nights
- CARS / TRUCK DRIVING UP PAVED WALKWAY as a short cut to Picton
- OBSEAN language by KIDS & ADULTS.
- DAMAGE to Personal Property & Public Prop.

Signed:



Address

20314 Butterwick Way

ATTACHMENT 17

LETTERS PRINTED IN THE GAZETTE FROM EAST
VILLAGE RESIDENTS OPPOSED TO THE FENCE

East Village residents not happy with fence

Wednesday, Sept. 13, 2006

For more of your opinions, go to www.gazette.net/letters.

Three letters

I have read articles and opinions concerning a newly constructed fence built between two communities in Montgomery Village. People in these communities have described their feelings of intense frustration and anger over this fence. Their feelings are genuine and understandable.

I take issue, however, with their use of the words Nazis and concentration camp to describe this situation. When we hear these words, we remember how six million people died in concentration camps throughout Europe during World War II.

The situation here is nothing like the suffering people experienced either in ghettos or concentration camps. Our community leaders are not wearing uniforms barking orders at gunpoint. No one is being tortured or starved to death or forced to live in barracks.

To compare life in Montgomery Village to concentration camps desecrates and demeans the suffering and horrors experienced by six million people. To make such comparisons is ill-placed and inappropriate.

The next time you describe your feelings about the fence, find other words to describe them. There are, after all, thousands of other words in the English language to choose from.

Catherine Luzkow, Montgomery Village

Even though I live in the East Village, I didn't know about the block fence until I read about it in The Gazette. I don't always keep up with what is happening in the village.

I can't speak to the rightness or wrongness of people keeping other people from walking through their yards, but I do think not to provide a safe, well-lit, short, wheelchair friendly path to Lake Marion Community Center after the gate goes up is unconscionable.

Children should not be walking where they can't be seen or might be harmed.

Margaret Anderson, Montgomery Village

The infamous security fence surrounds the row of modest townhouses that my home is in on, and I want to let both the East Village Homes Corp. and North Village Homes Corp. know that the residents of these two rows in East Village are as upset about the fence as the folks in Picton are.

I read in The Gazette and saw on Fox News that residents of Picton are upset. Too bad the reporters didn't talk to any of the East Village residents who now have to live with an eyesore just a few yards away from our back doors.

This security fence looks like something surrounding a cemetery, a prison camp or a housing project. Now our toddlers can't play in the open space behind our homes that they've always enjoyed unless we send them off around the fence along the road, which, by the way, doesn't have a sidewalk. Now our teenagers who work at the

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nearby Safeway and Giant can't easily walk there any more and instead have to walk on roads without sidewalks. And less critical, but no less inconvenient is the fact that now we can't take our dogs for walks like we used to without going clear around the fence, again along a road with no sidewalks or through our neighbors' backyards.

And when the gate is built across Welbeck Way, even that access will be closed to our teenagers. EVHC did not notify us of that plan; I read it in the Gazette article.

None of us in my area has the faintest idea what EVHC is talking about when it describes crime stemming from Picton. We've lived here for 16 years without incident, and we're right next door to the Picton community. In fact, some of us have neighborly relationships, so this is very heartbreaking that the people in Picton think we look down on them. In fact, one of the public assistance families found my 18-year-old blind and deaf dog who got lost. They took him in, fed him and brought him back to me after they saw the signs I had put up in Picton. These are good people.

I should add that the fence went up in the backyards of East Village residents who live in very modest townhouses, not affluent homes, and not anywhere near the single-family homes where the crime is allegedly occurring.

The Gazette reported that the police did not recommend the fence, although the letter we received from EVHC two weeks before the fence went up stated that the police had recommended it.

We would like to tell the people of Picton that we hate the fence and would like to work together with them to get the fence taken down. It's quite bizarre and absurd to think that this small fenced-in area is going to have any affect on crime, and honestly we can't think of any real reason why this fence was erected at all. It's insulting to all of us, hurtful for the people in Picton, and embarrassing for those of us who have lived next door to the Picton community for so many years without any problems.

The manner in which this decision was made is totally unacceptable, and getting a letter about it two weeks prior to the fence being erected is outrageous. We pay our fees and follow the rules just like every resident of East Village, yet we have been misrepresented by EVHC.

To read in The Gazette that a gate is going to be installed on Welbeck Way is infuriating.

The Gazette article also mentioned that a wooden fence had been tried previously to cut down on the crimes, but it was vandalized. I wonder where that fence was? It certainly wasn't in my backyard where this new fence is. So why build the security fence in a new location instead of where the wooden fence was originally placed?

We will be talking with our neighbors in Picton to assure them that we never had an opportunity to provide input about the security fence and would never have agreed with the decision to erect it. Hopefully we can all discuss this in an honest and cooperative manner, to understand what the real problems are, and to come to a mutually agreeable solution that will actually solve the problems..

Carol Williams, Montgomery Village

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Fence not reflective of village

Wednesday, Oct. 11, 2006

For more of your opinions, go to www.gazette.net/letters.

Bonnie Wahiba, Montgomery Village

Where is the outrage over the debacle created by the erection of a \$70,000 wrought iron fence between two East Village communities and Picton in North Village?

I, for one, never wanted to live in a gated community, never mind the costs involved: putting it up, legal costs, quite likely the cost of taking it down, and the ill will created. Most importantly, I think this fence goes against everything that Montgomery Village stands for.

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