



#10

Montgomery County Government

May 9, 2003

Derick Berlage, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Berlage:

On Wednesday, January 22, 2003, the Montgomery County Historic Preservation Commission (HPC) reviewed a preliminary plan (#1-03039) for the subdivision of the lot located at 10122 Capitol View Avenue. This lot is located within the boundaries of the *Master Plan Historic District* of Capitol View Park.

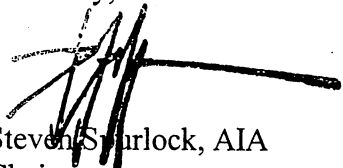
This proposed subdivision is to create two individual lots (Lots 46 and 47). The existing historic house and garage would be located on the proposed Lot 47 (7,235 sq. ft.). A proposed new house would be constructed on Lot 46 (6,264 sq. ft.).

The HPC is recommending that the Planning Board deny this proposed subdivision. The Commissioners felt that the proposed subdivision plan would negatively affect the historic character of the district by the reduction of the trees and open-space behind the resources fronting Capitol View Avenue.

The Commission additionally notes that the adjacent neighbors testified with concerns regarding construction debris, construction sediment and erosion control, and construction access on existing property. Additionally, neighbors along Capitol View Avenue located in historic resources expressed concerns with water drainage and landscape issues. Attached is written comments received by the HPC prior to and during the January 22, 2003 public hearing.

The members of the HPC who attended this meeting voted unanimously to recommend denial of this proposed subdivision. If you have any questions, please feel free to contact my staff at 301-563-3400.

Sincerely,



Steven Spurlock, AIA
Chairman

Historic Preservation Commission

Item #10

Steven R. Kramer and Jill S. Kramer
10109 Meadowneck Ct., Silver Spring, MD 20910
301.495.5794

By Certified Mail

February 4, 2003

Mr. Richard Weaver
Maryland-National Capital Park & Planning Commission
Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910

Subject: Subdivision Case No. 1-03039, Diane Smith – Proposed Subdivision at 10122 Capitol View Avenue, Silver Spring, MD (Capitol View Park Historic District)

Dear Mr. Weaver:

I am following-up our telephone conversation on January 28, 2003 in regard to the above-referenced subdivision. As you are aware, the Montgomery County Historic Preservation Commission unanimously rejected this proposed subdivision for several reasons. The purpose of this letter is to document our opposition to this proposed subdivision.

Impact to Public Health and Safety

Our home is the first home of the three existing homes on the common driveway that would potentially serve this additional residence. If the Planning Commission approves this subdivision, there would be four homes served by this common driveway. The county maps indicate that this common driveway is a paper street called Oak Street. However due to development on Capitol View Avenue, it is no longer possible for this street to be constructed. The only access to this common driveway is from Meadowneck Court. Emergency vehicles including fire and rescue could not easily reach this home and thereby jeopardize the safety of all of the surrounding homes.

Emergency Access

After recently experiencing the construction of other homes on Meadowneck Court, we have particular concerns in regard to maintaining access to our home. We have a three year old child with health problems who has been taken three times by ambulance for emergency medical care in the last 1.5 years.

During the prior construction that occurred before my child was born, it was a constant battle to prevent trucks and other vehicles from blocking Meadowneck Court and access to my driveway. The enclosed photographs illustrate how the street and the common driveway were blocked during previous construction. The inconvenience during the prior construction now has a much more serious impact which could be life threatening. We must plead with you on the importance of maintaining access to Meadowneck Court and our home at all times.

Page 2

Mr. Richard Weaver

February 4, 2003

Feasibility of Safe Construction

As a civil engineer and Professional Engineer in the State of Maryland, I do not see a way for construction to easily be accomplished on this lot. The common driveway is not suitable in width for the large construction vehicles that would be required to deliver the house frame/trusses to this lot. Also, there is inadequate space for machinery such as bulldozers or backhoes to easily enter this lot via the common driveway.

If this subdivision is approved, an alternative approach that may work is for the construction vehicles to enter the proposed lot via 10122 Capitol View Ave. However, this may require a garage on this property to be demolished (which may be required in any case since it does not meet the current setback requirements between properties after the subdivision).

Additionally, there are 10 children less than 12 years old (including mine who are 3 and 7 years old) who live on Meadowneck Court. Children frequently play on the hill adjacent to the common driveway and ride bikes in the cul-de-sac as the neighborhood has no sidewalks. The cul-de-sac is approached by a downhill slope with limited visibility.

I am very concerned about the safety of these children during construction in a tightly confined space such as the proposed subdivision with difficult access. How will this lot be protected to ensure that children can not enter unsafe areas during construction? Where will debris be deposited and stored during the project? Where would a construction dumpster be located? Where would construction vehicles and worker vehicles be parked? To allow emergency vehicle access, parking for residents is currently allowed on only one side of the street.

We appreciate the opportunity to comment on this matter and strongly oppose the proposed subdivision of 10122 Capitol View Ave.

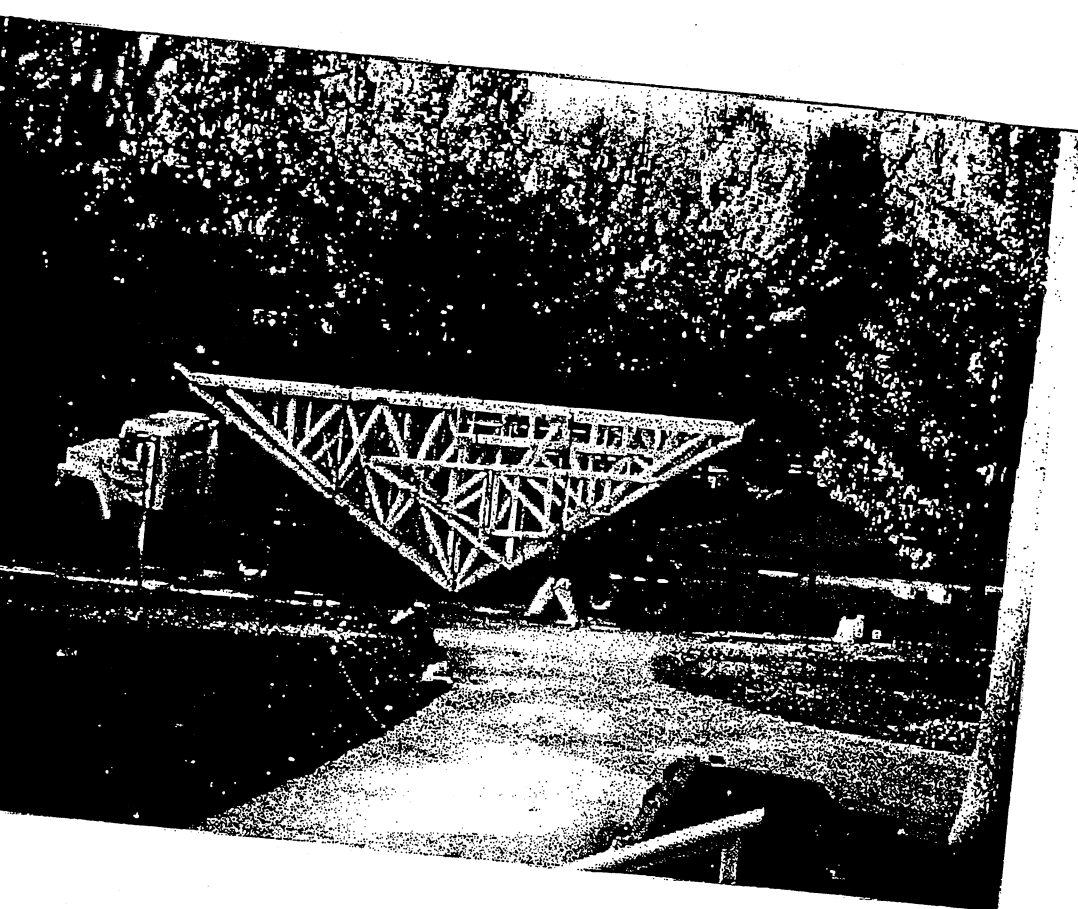
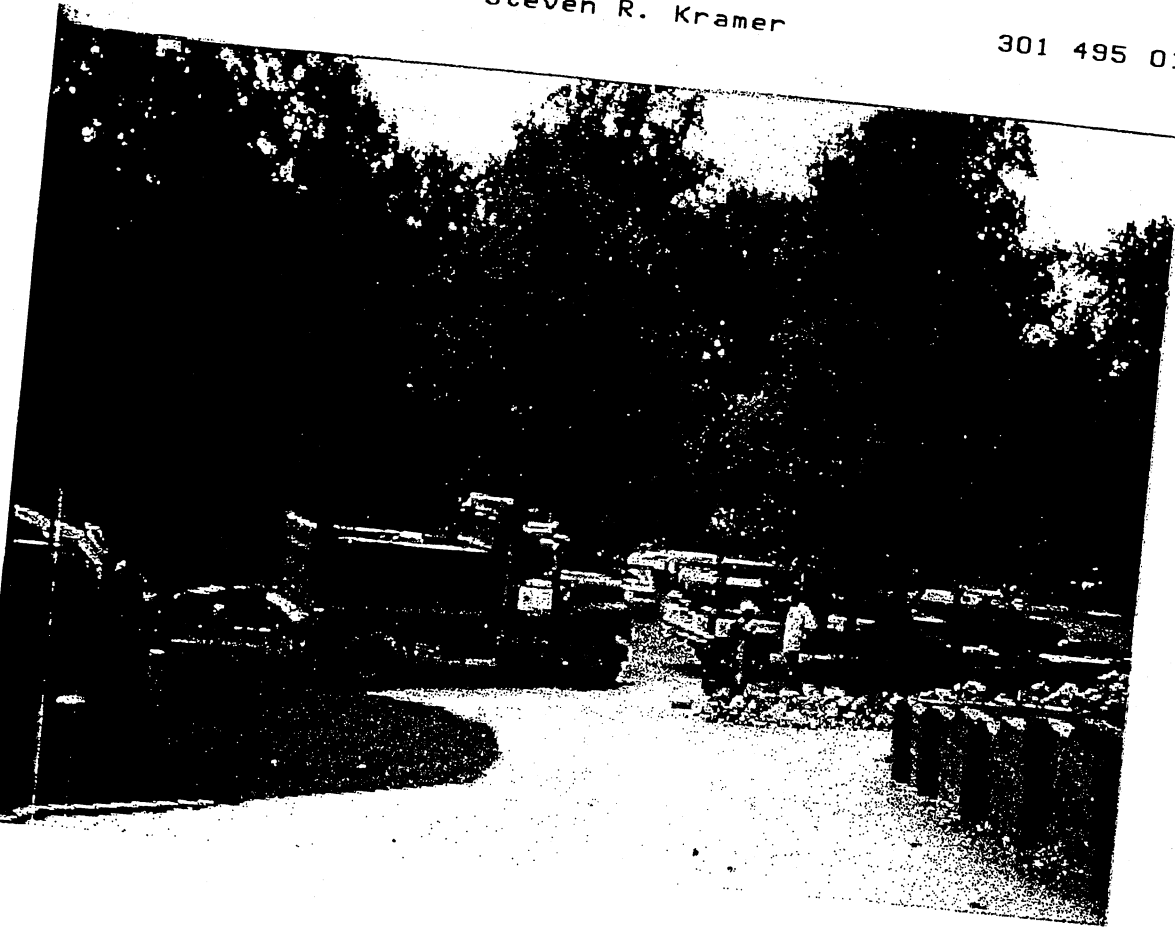
Please keep us informed of all activities related to this proposed subdivision.

Sincerely,

Steven R. Kramer, PE and Jill S. Kramer

Enclosures – 3 photographs

c: Mr. Derick P. Berlage, Planning Board Chairman,
Montgomery County Planning Board





Richard Weaver
Montgomery County Development Review Division
8787 Georgia Ave
Silver Spring, MD 20910

RE: Subdivision case no: 1-03039 in reference to Diane Smith, 10122 Capital View proposed subdivision

After receipt of a letter from Oyster, Imus & Petzold, Inc. as well as a hearing announcement on January 22, 2003, and in consultation with Mr. Stan Abrams of Abrams, West & Storm law firm, we are writing to comment on the subdivision of the lot at 10122 Capitol View Avenue in Silver Spring, which is adjacent our property at 10113 Meadowneck ct.

We recommend that the Board rejects the proposal for the following reasons:

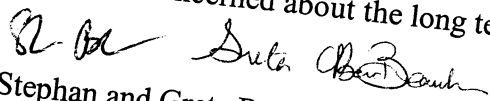
- The Historical Review commission has already rejected this proposal at a public hearing on January 22, 2003
- Access to this new lot is through a common driveway. It is bound by a maintenance agreement as referred to in Liber 13338 folio 524-534 as well as liber 13576 folio 506-516 (see attached). As the easement agreement(s) clearly show(s), the driveway must remain unobstructed at all times, and no vehicles shall be parked in or on the joint driveway at any time. This renders any major construction project virtually impossible, as it would mean that the driveway would have to be obstructed. Furthermore, as shown in the attached photographs, the driveway is very narrow, with only enough room for one car at a time. Obstruction is thus inevitable if construction occurs, rendering access to our house impossible. Being the last house at the end of the driveway, we are concerned that vehicles will need to use our private garage driveway to turn around. Please be advised that under no circumstance we will allow anyone to use our private garage entrance to maneuver their equipment.
- The lot location is unsafe because it is situated far from the main access road of Meadowneck ct. The driveway itself is not designed as a street. Because of the fact that it is very narrow especially pass lot 44, rescue vehicles would have great difficulty in reaching a house built on this lot.
- Any construction of this magnitude in our very small driveway would be putting my 2 young children in danger. There are 9 children living on Meadowneck ct, 4 of them living on the common driveway. Any construction would be extremely hazardous to them.
- The Board must also take into consideration that the lot itself is small by local standards. In fact, we would argue that this is not a lot, but merely a backyard. A house built there would be surrounded on three sides by other houses' backyard. This is not enhancing the quality of the neighborhood in anyway. Furthermore, It is in everyone's benefit that all regulations regarding minimum lot and house size and minimum distances from property lines be fully enforced. I strongly suggest that members of the board take the time and come to see for themselves where the lot is

situated before making a decision. We are positive they will realize that this is not a lot suitable to build a house. Should the Board disagree with the many objections brought forward by concerned residents and approves the proposal anyway, we have many concerns and comments regarding this application. Specifically:

- As mentioned above, the existing common driveway - which this new subdivided lot will have to use - has a maintenance agreement as referred to in Liber 13338 folio 524-534 as well as liber 13576 folio 506-516 (see attached). The subdivided lot must be included as part of this maintenance agreement. The maintenance of the grassy area as shown in attached photographs, which has been maintained by owners of 10113 and 10111 Meadowneck ct must also be shared with the owner of the subdivided lot abutting Meadowneck ct.
- The new lot owner must be fully responsible for any and all damages caused to the common driveway during construction of any improvement of the new lot. We are also greatly concerned with damages incurred to our house, our private landscaping, and the trees along the driveway during construction. We request that the Board includes as a condition to the subdivision that the builder pays for the cost of pre and post construction assessment surveys of our house and land, and repair any damage reported in the post-construction inspection. We would retain the right to choose the survey company.
- If the lot does get subdivided, Montgomery county must take responsibility for the easement by converting it into Oak street, as the master plan clearly shows was the intention. Adding a fourth household, with probably 8 cars using this driveway daily, clearly makes this more of a street than a driveway.
- One way to resolve many of these concerns would be to have this lot be accessed via Capital view, and not Meadowneck ct. The Board should request the applicant to research this possibility before making any decision on the subdivision proposal.

The Board may also remember that the building of 10111 and 10113 Meadowneck ct has generated a lot of criticism, debates, and even court cases. We understand that many of the same concerns, and more, apply to the creation of this new subdivision. We strongly advise the Board to examine this case very carefully, and not ignore the many concerns that people living near the lot will bring forward. Please remember that this proposal was rejected already by the historical review commission.

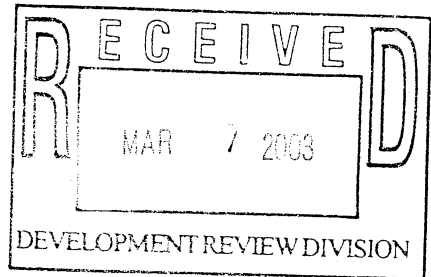
Finally, the Board needs to realize that the applicants have already moved out of the Capital View Historical District area. The subdivision is only a way for them to attempt to enhance the value of the sale of their house with total disregard to the well-being of the residents. They will not suffer any consequences this subdivision would create. However, **we** are all concerned about the long term effects of such a subdivision.



Stephan and Greta Beauchesne
10113 Meadowneck ct
Silver Spring, MD

March 5, 2003

10208 Capitol View Ave.
Silver Spring, MD
20910
301-588-5054 / 703-516-1758



Mr. Richard Weaver
Maryland Capitol Park and Planning Commission
8787 Georgia Ave.
Silver spring, Maryland
20910

Re: Capitol View Park Proposed lots 64 and 47, Block 1
MNCP&PC No. 1-03-39
Current Zoning: R-60
Affected Parcel: 10122 Capitol View Ave.
Geographical Location: West side of Capitol View Ave. opposite Virginia Ave.

Mr. Weaver:

I am an abutting property owner and am unalterably opposed to this subdivision.

It represents 1) poor planning policy, 2) puts my and other adjoining property into a dangerous flooding situation, 3) puts my property and other present neighbors and any proposed building on this subdivision into a dangerous fire and health hazard situation as access by fire trucks or ambulances is impossible, 4) continues a dangerous arrangement which has the driveway sloping down to my property and my neighbors although we were assured by MNCPPC that this would not happen given an earlier development, 5) assumes both that the existing driveway is really Oak Street and as such has no restrictions for single loading the units placed there-upon AND assumes at the same time that the sub-division access is not a public street and therefore qualifies as a 10 - 12 foot wide driveway, 6) robs the area of rain water runoff absorption and therefore continues to overload the down stream catchment basin area located at 10220 Capitol View Ave., and finally 7) it represents a disaster to my property value as I now will face a 60 foot wide by 36 foot high building wall of plastic siding with no architectural definition and/or ornamentation.

Poor past planning – I should say stupid planning:

Three previous Lee Street subdivisions resulted in serious down stream flooding at 10220 Capitol View Ave.. The result of this flooding was the required construction of a new +/- \$ 250,000 catch basin than spans some 50' south of Capitol View, the 50' width of Capitol view and some 150 feet north of Capitol View onto the private property of 10223 Capitol View. The construction took 4 to 5 weeks and a construction crew of literally dozens of men , two giant back-hoes, and the flow of hundreds of dirt moving trucks. Some residents where denied direct access to their homes during this period while others parked a block or so away to avoid the stream of trucks. Understand that some 8600 autos travel this route each day.

Did the MCPPC know for sure about the down stream flooding hazard. Absolutely! Section drawings through the proposed subdivisions and proposed driveway were presented, down stream storm water run off paths through and over surrounding property were identified and presented, the actual existing flooding contour at Capitol View Ave. was determined and presented, the expected additional flooding for each subsequent sub-division was determined and presented. Did MNCPPC prepare these studies. NO! The community did!

What happened as a result of the flooding? The flooding under-cut and undermined Capitol View Ave. and the street simply caved in leaving a gapping hole of some 8' X 10' X 15 feet across the street. Neighbors leaped into cars and trucks and blocked this very busy street so no one would be injured. The street was closed and the hole was filled in 4 days and the street paved over. Of course, the MCPPC knew about the flooding and they knew about the cave-in. I told them. MNCPPC came close to being responsible for some serious injuries had it not been for the local community. What was the problem? The problem was that the Commission and the MCPPC staff were simply too stupid, too cowardly, and too political to act sensibly and protect the Capitol View Park neighborhood.

Did the MNCPPC know that each sub-division development would do damage to the natural environment. Absolutely! With each approval dozens of specimen trees were up-rooted and hauled away to some dump or another. Each MCPPC subdivision review would be loaded with photos illustrating the forthcoming loss. The last subdivision had an amazing 44-46 inch specimen Oak, vintage 1875, cut down and dragged away. Was the MNCPPC landscape staff aware of this beauty. Indeed! They said it's too bad to have to cut this tree down. Too bad? I recalling shaming the attending staff person as she hung her face down at the hearing.

Was the MNCPPC on the up and up with the neighbors? Absolutely not! I call them the Great Satan. Undersized lot width was grandfathered into acceptance. The staff and commission pledged to the community that all generated rain water run-off would be directed toward Meadowneck Court where storm water drains existed to take the run-off down stream. Indeed? MNCPPC has no control over building permits and the building process as the flow of the driveway now illustrates. How does the code requirement of 4 homes on a double loaded driveway become 3, and maybe 4, on a single loaded driveway? Why would the staff say they would allow a forth single family sub-division on Lee Street and not a two family structure. Too dangerous? What's the difference? When the existing culvert at Capitol View was clogged and useless, why did staff say they would direct the county to clean it out when they knew was no county budget to do so. Shall we go on? Clearly not necessary.

Did MNCPPC undermine years of neighborhood work in creating a very beautiful Meadow Neck Court? Yes, of course.

The first developer of Meadowneck Court over 20 years ago planned to replace the very beautiful and lush St, Josephs Woods with 22 housing units, then 19 units, then 17, 12, and finally 7. Behind all of this was the local community not the planning department. MNCPPC was simply kissing the developer. In fact, as the community was patting themselves on the back for reducing the development to 7 units, the planning staff was advising the owners of property abutting both Capitol View Ave and Lee St. to wait and later sub-divide their property to become part of Meadowneck Court. The sub-

division before you now was born out of this MNCPPC deception. Are you proud of yourselves?

At the time was the MNCPPC sub-division review legal? Absolutely not!
The review of one of the Lee Street subdivisions was taken to the Court of Special Appeals and remanded back to the commission for re-review by the Court of Special Appeals. An architect, mind you, took you and MNCPPC lawyers on as well as County lawyers and won on principle and procedure. To this day do you continue to short change the citizens that come before you for review? Yes, of course. Do you know why you deceive the people before you? I doubt it!

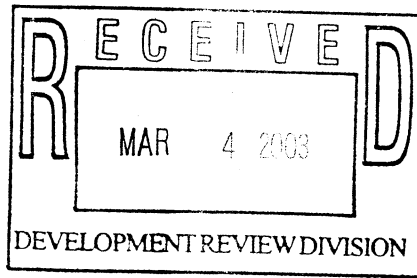
I will testify against this subdivision application on the appointed day.
Deny this subdivision.



Barrett Glen Malko,
Architect and Planner

MNCPPC#13

Item #10



James and Valerie Secker
10107 Meadowneck Court
Silver Spring, MD 20910
(301) 589-9562

February 26, 2003

Mr. Richard Weaver
Maryland-National Capital Park and Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Subdivision Case No. 1-03039, Diane Smith – Proposed Subdivision at
10122 Capitol View Avenue, Silver Spring, MD (Capitol View Park Historic
District)

Dear Mr. Weaver:

We are writing in strong opposition to the proposed subdivision at 10122 Capitol View Avenue, Silver Spring, MD.

Safe construction on this lot is not feasible. The lot is only accessible via a common driveway, which is simply too narrow for large construction vehicles, equipment, and materials, such as construction dumpsters. In addition, Meadowneck Court, which leads to the driveway, is narrow and parking is only allowed on one side of the road. During previous construction on the court, it was continuously difficult to keep construction vehicles from blocking the street and driveways. These vehicles simply ignored the no parking signs, which made it impossible for cars to enter or depart Meadowneck Court. In addition, there is very little available legal parking for construction workers' trucks and cars.

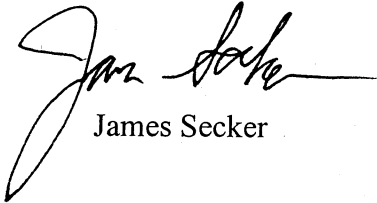
We are very concerned about access for emergency vehicles. Our neighbors, Jill and Steve Kramer, have a young son with serious health conditions. Ambulances and fire trucks have literally rushed to save his life on three occasions in the last 18 months. For that reason, our neighbors and we are scrupulously careful when parking to leave enough passage on the street for emergency vehicles. Knowing how small our court is, and how very small the common driveway is, there is simply no room for large construction vehicles, equipment, and machinery. They would absolutely block the road and, therefore, access by ambulances, fire trucks, and so forth.

In addition, our court has no sidewalks. Most of the families have small children who play in the middle of the court and on the embankment that borders the common driveway. How would these children be protected from the dangers of a construction site?

The Montgomery County Preservation Commission unanimously rejected this proposed subdivision for several reasons and we hope that the Maryland-National Capital Park and Planning Commission will do the same.

Thank you for the opportunity to express our strong opposition to the proposed subdivision.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Secker".

James Secker

A handwritten signature in cursive script, appearing to read "Valerie Secker".

Valerie Secker

9811 Capitol View Avenue
Silver Spring, MD 20910

Derick Berlage, Chairman
MNCPPC Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

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FEB 04 2003

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

January 30, 2003

RE: Preliminary Plan Review #1-03039

Dear Mr. Berlage:

I am writing at the request of friends and former neighbors Diane and Raymond Smith. They recently had their application for a one lot subdivision at the rear of their property at 10122 Capitol View Avenue disapproved by the Montgomery County Historic Preservation Commission.

I am frankly bewildered by the actions of the commissioners in this case. I have served for more than twenty years on the local advisory group to the HPC for the Capitol View Historic District and in that time I thought I had gained some knowledge of the charge to the HPC and its attendant responsibilities. It is clear that the HPC serves in an advisory capacity to the Planning Board in all matters relating to Historic Districts but what isn't clear is what basis within their charter the commissioners thought they had to make a negative recommendation in this case. This is particularly bewildering since in acting as it did the Commission went against not only the recommendation of the Capitol View Local Advisory Panel but also its own staff.

I realize that there are a number of neighbors whose properties are in close proximity to the proposed new subdivided lot who are not pleased that yet another bit of in-fill may take place next to them. I understand that some of them were quite vocal in the last HPC meeting. I can sympathize with their misgivings and even understand their opposition. What I don't understand is how the HPC could construe its ability to comment on historic matters as germane to these neighbors complaints.

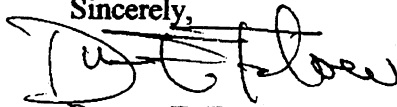
I know the property in question and can assure you that it is virtually invisible when looked at simultaneous to the front facade of the contributing historic resource that is the Smith's house. There are no trees of any consequence on the lot. Certainly no known historical events took place there. Were the lot to be approved and developed it would add, what appears to me to be, the last house in the row to the east side of the relatively new cul-de-sac that is Meadowneck Court. I can't see anything that the commission is charged with guarding that is at issue in this case. I wonder what they saw ..besides a room full of exorcised neighbors.

That being said I must admit that I am not entirely unconflicted in this case. On the one hand I think that one of the things that made Capitol View Park suitable for historic District status at the

time of its designation was, not only the fact that it contained a microcosm of Montgomery County Development, but that it did so in an arboreal environment with a surprisingly rural feel. Consequently over the intervening years I have sought to recommend to the HPC at every opportunity that they act against in-fill that detracts from that feel. On the other hand I cannot claim to have been very successful in this and there is the matter of trying to protect property owners rights. As recently as 1983 what we now call Meadowneck Court was the last open space at the north end of the community. In the 90's the lots at its west edge were all subdivided from properties that front on Capitol View Avenue or Lee Street. Looking at this chronology the Smith's backyard would just be the last bit to go. As a member of the Local Advisory Panel it seemed to me that the battle for open space in this part of the community was lost when the lots upon which some of the same concerned neighbors now live were subdivided. In fact, when viewed from Meadowneck Court, given the massing of these tall homes on the slope, the Smith's backyard and the right of way of the unbuilt Oak Street that it abuts look more like a vacant lot than any sort of pleasant open space. At this point, as an LAP member, I need to save my energies for much more significant open space properties at the other end of the community. It seems to me that Meadowneck Court would probably look better if the right sort of house was allowed to go in at that end.

Let's give the Smiths their second lot and let them move on into a peaceful retirement. The HPC, the LAP (and the neighbors) will get a chance to shoot at this lot again when it actually comes up for development. Maybe we can all work together to make something we can be proud of.

Sincerely,

A handwritten signature in black ink, appearing to read 'Duncan E. Tebow', written over a horizontal line.

Duncan E. Tebow

cc: Diane and Ray Smith

Item #10

Mr. Derick Berlage
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

1-31-03 ✓
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FEB 03 2003

Dear Mr. Berlage:

Reference Case No. 1-03039, Raymond and Dianne Smith, 10122 Capitol View Avenue, Silver Spring, MD 20910.

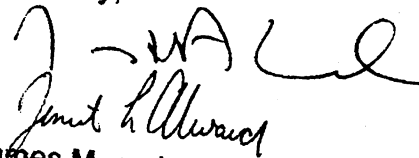
OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

We're writing in support of the Smith's request for the subdivision of their property. There is simply no valid reason for denying their request. The lot in question is virtually bare land with no trees or other landscape enhancements. Its subdivision would not diminish, in any way, the value of our surrounding neighborhood.

We understand that similar requests for subdivision have been routinely approved by the Board and would expect the same in this instance.

Thank you for your attention in this matter.

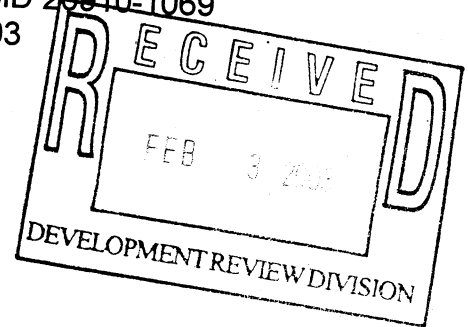
Sincerely,



James M. and Janet L. Alward
10109 Capitol View Avenue
Silver Spring, MD 20910

Item # 10

10105 Meadowneck Court
Silver Spring, MD 20910-1069
28 January 2003



Richard Weaver
Montgomery County Development Review Division
8787 Georgia Avenue
Silver Spring, Maryland 20910

SUBJECT: Subdivision Case # 1-03039; Diane Smith Subdivision
10122 Capital View Avenue, Capital View Park Historic District

Dear Mr. Weaver:

I am writing this letter to voice my concerns over the proposed subdivision of the property located at 10122 Capital View Avenue. This issue recently came before the HPC and I have been informed that they agree unanimously to recommend that the property not be subdivided. However, I wanted to write to you to let you know my objections about this case. The issue is a lot subdivision for a home with land behind it to be subdivided with the sole purpose of construction of a new home. As a homeowner on the street in which the new (proposed) home will be constructed, my concerns involve the immediate, short-term and long-term.

My immediate concerns include whether this lot can be subdivided at all, based on side and rear set-backs for property in Montgomery County. There is an existing garage on the property which is clearly in the "proposed" area of this 'new' lot and must be torn down to allow for the lot to be sold and built upon. I am unaware as to how the homeowner plans to subdivide without removal of said garage, or whether there is a proposition to tear it down.

My short-term concerns are centered on the potential construction of this lot, if it is indeed subdivided. As a homeowner of Meadowneck Court, I have seen first-hand how other builders have come onto my street and **blocked access for emergency vehicles**, such as Ambulances and Fire/Rescue vehicles. Also, with limited space, most neighbors park their cars on the street and will lose their ability to do so when construction vehicles arrive on the scene. If subdivision is granted, and subsequent home construction ensues, there **must** be some assurances to the residents that parking and access to the street (and their homes) will be available at **ALL** times.

We have already had access issues on our street. There is a little boy who lives on Meadowneck Court who has needed emergency vehicles to assist with life-saving incidents over the past 2 years. One time an ambulance was impeded from entering our street from Lee Street, as the cars on Lee Street were parked to far into the street blocking vehicular access. Luckily a neighbor performed CPR and preserved his life

until the cars were moved and the ambulance could arrive. Incidents like this would be the norm if construction vehicles clogged our tiny street. Maintaining emergency access to our homes, must be guaranteed. If not, I'm afraid the next incident may be his, or my last.

Currently no parking is allowed on once side of our narrow street to allow for such access. With numerous residents parking their cars on the allowed side, there is no room for any construction vehicular traffic/parking. I strongly feel that this issue alone should prohibit the subdivision and subsequent construction of a home on Meadowneck Court.

My long-term concerns are for the neighbors whose **homes will be flooded** by the direct run-off from the future home that will be constructed on this lot, if it is subdivided. As such, no containment system, nor swale or berm can built to hold or divert the water, since there is no place to put it. As a result, many backyards as well as **the street will be flooded during EVERY storm event.**

The Commission must assure the residents of Meadowneck Court that these issues are completely resolved, before I would bless this lot subdivision. Clearly I feel that there is no way to prevent these instances based on the past, therefore **I am against subdivision of this lot.**

Thank you for your consideration. If you need to discuss my letter with me, I can be reached at work on 703-308-8523 from 8 to 4, M-F and at home on 301-588-6457.
Thank you again,

Sincerely,

Bonnie Adler
Bonnie Adler

Item #10

DeSouza, Karlna

From: Ruta Kadonoff [Rkadonoff@aahsa.org]
Sent: Monday, January 27, 2003 8:16 AM
To: MCP-Chairman
Subject: support for proposed subdivision - Case #1-03039

RECEIVED
0115
JAN 27 2003

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
AND PLANNING COMMISSION

Date: January 27, 2003
To: Chairman, Park and Planning
From: Ruta and David Kadonoff
Re: Case # 1-03039, 10122 Capitol View Ave., Silver Spring, MD 20910

As the contract buyers of the property at 10122 Capitol View Avenue, we would like to express our support for the request made to subdivide this property into two individual lots per the above-referenced case number. We hope that the Planning Board will approve this request, as we believe that it is consistent with other adjacent properties and see no reason why it should not be allowed to proceed. We look forward to your decision.

Ruta and David Kadonoff
4444 Connecticut Ave. NW #201
Washington, DC 20008
(202) 966-7959

Copy of this message also submitted via first-class mail.

Item #10

January 10, 2003

10208 Capitol View Ave.
Silver Spring, MD
20910

Subdivision Office
Development Review Division
Maryland Capitol Park and Planning Commission
8787 Georgia Ave.
Silver spring, Maryland
20910

Re: Capitol View Park Proposed lots 64 and 47, Block 1
MNCP&PC No. 1-03-39
Current Zoning: R-60
Affected Parcel: 10122 Capitol View Ave.
Geographical Location: West side of Capitol View Ave. opposite Virginia Ave.

TWIMC:

I am an abutting property owner and am unalterably opposed to this subdivision.

It represents **1)** poor planning policy, **2)** puts my and other adjoining property into a dangerous flooding situation, **3)** puts my property and any proposed building on this subdivision into a dangerous fire and health hazard situation as access by fire trucks or ambulances is impossible, **4)** continues a dangerous arrangement which has the driveway sloping down to my property and my neighbors although we were assured by MNCP&PC that this would not happen given an earlier development, **5)** assumes both that the existing driveway is really Oak Street and as such has no restrictions for single loading the units placed there-upon AND assumes **at the same time** that the subdivision access is not a public street and therefore qualifies as a 10 - 12 foot wide driveway, **6)** robs the area of rain water runoff absorption and therefore continues to overload the down stream catchment basin area located at 10220 Capitol View Ave., and finally **7)** it represents a disaster to my property value as I now will face a 60 foot wide by 36 foot high building wall of plastic "ship-lap" siding with no architectural definition and ornamentation.

I will testify against this subdivision application on January 22, 2003

Deny this subdivision.

Barrett Glen Malko,
Architect and Planner

MNCPPC#13