

Lindsey, Amy

From: Paul H. Wietsma <phwietsma@verizon.net>
Sent: Saturday, October 22, 2011 1:40 PM
To: Butler, Patrick
Cc: Lindsey, Amy
Subject: Re: Forest Conservation Plan #119980960-Chris Pirtle

Mr. Butler & Ms. Lindsey,

Thank you for responding. Mr. Joshua Kaye referred me to you as the Lead Reviewer on this case. Future correspondence will be through Ms. Lindsey.

Spring/Summer of 2008 I reported to MNCPPC the neighbor behind me was clearing the understory of I what believed to be a Forest Conservation Easement. Mr. Kaye was the MNCPPC representative who responded to my enquiry.

Subsequently Mr. Mark Pfefferle informed me of my right to testify at the March 10, 2011 Planning Board hearing on the Pirtle Enforcement case to voice my concerns/issues. I did testify and can forward the testimony to you. Montgomery County Planning Board copied me on August 1, 2011 the Resolution MCPB No.11-43 ORDER which defines the Resolution.

This week I received a copy of NOTICE OF APPLICATION Preliminary Plan for the Kaufman Property, Lot 11; Block A as prepared by B&A, Inc. Land Planning Consultants dated October 14, 2011. The description states I may participate in the review by either sending written comments to M-NCPPC or by contacting the M-NCPPC Lead Reviewer. The Plan depicts a portion of my property, it is Lot 9; Block D Springbrook Manor.

Thank you for your time.

Paul H. Wietsma AIA

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

From: [Butler, Patrick](#)
To: [Paul H. Wietsma](#)
Cc: [Lindsey, Amy](#)
Sent: Friday, October 21, 2011 3:43 PM
Subject: RE: Forest Conservation Plan #119980960-Chris Pirtle

Hello Sir.

The environmental review on this case is Amy Lindsey. Her email is attached and her phone number is 301-495-2189. Let us know how we can help.

Thanks

Patrick Butler
 Planner
 Mid-County, Team 2
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910
 301-495-4561
patrick.butler@mncppc-mc.org

From: Paul H. Wietsma [<mailto:phwietsma@verizon.net>]
Sent: Friday, October 21, 2011 3:25 PM
To: Butler, Patrick
Subject: Forest Conservation Plan #119980960-Chris Pirtle

Mr. Butler,

As the original complainant I wish to participate in the review of the Proposed Plan to Modify the Forest Conservation Plan.

My cell number is 301 633 7173.

Paul H. Wietsma AIA

Lindsey, Amy

From: Paul H. Wietsma <phwietsma@verizon.net>
Sent: Monday, October 24, 2011 12:36 PM
To: Lindsey, Amy
Subject: Re: Forest Conservation Plan #119980960-Chris Pirtle

Ms. Lindsey,

Thank you for your timely and informative response.

I'm somewhat familiar with the difference between a Category I and a Category II Forest Conservation Easement. Mr. Pfefferle previously had referred me to the MontgomeryPlanning.org web site Types of Conservation Easements.

The clearing of the understory has increased the amount of surface water coursing downhill. This water is causing erosion/silting on my property. I have photos showing the amount of water and damage to my property.

The concern is the amendment will establish a precedence for the other homeowners uphill from my property.

I'll review the plans as submitted on the link and call you.

Thank you,
Paul H. Wietsma AIA
301 633 7173

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

From: [Lindsey, Amy](#)
To: [Paul H. Wietsma](#) ; [Butler, Patrick](#)
Sent: Monday, October 24, 2011 10:02 AM
Subject: RE: Forest Conservation Plan #119980960-Chris Pirtle

Mr. Wietsma,

Here is a link to the plans as submitted -

<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=11998096B>

Essentially, the applicant is proposing to amend the forest conservation easement from a Category I to a Category II. A Category I Forest Conservation easement protects forest (tree cover and understory); a Category II Forest Conservation easement protects tree cover.

Please let me know if you have any questions.

Amy

Amy Lindsey, Senior Planner
Area 2 - East County Team
301.495.2189

From: Paul H. Wietsma [<mailto:phwietsma@verizon.net>]
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Thank you for your time.

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Lindsey, Amy

From: Barry Wides <barrywides@gmail.com>
Sent: Sunday, November 06, 2011 3:54 PM
To: MCP-Chair
Cc: Lindsey, Amy; Barron, Bill; Bunnag, Candy; Oconnor, Kristin; Carter, John
Subject: 1020 Heartfields Drive Application (11998096B)

Dear Ms. Carrier:

I am writing concerning the application by the owners of 1020 Heartfield Drive to convert their Category 1 conservation easement to a Category 2 easement. While I have served as President of the North White Oak Civic Association for the past 13 years, I am writing this letter in my personal capacity as this issue has not yet been brought before the members of our association for a vote and I was encouraged by Amy Lindsey to express my views to you as quickly as possible concerning this matter. I support keeping the type 1 conservation easement at 1020 Heartfields in order to mitigate the storm runoff from this property to adjacent property owners.

Prior to 1998, the land on which this and other homes in the Sherbrooke subdivision was a heavily forested area known as the Kaufman property. The Kaufman property backed up to homes along Kathryn Road, Eden Drive, and Caplinger Road. For the homes on Kathryn Road and Eden Drive, this forested area was elevated by about 10-30 feet from existing homes. The slopes along the back of the property lines in some cases was quite steep. When the Sherbrooke subdivision was proposed, our association testified at the public hearing in favor of a 100 foot forest conservation area between existing homes and the new homes. Our concern was that maintaining this forest conservation buffer would mitigate the impacts of runoff from this new subdivision on existing homes. Our concern about environmentally sensitive development of this property was the subject of the cover story in the Washington Post Sunday magazine section on July 2, 2000 entitled "Whose Back Yard: The Problem with the Solution to Suburban Sprawl."

The planning board approved the Sherbrooke development with a Type 1 forest conservation easement being placed in the back yards of the the properties that abutted many of the existing properties on Caplinger Road, Eden Drive, and Kathryn Road. 1020 Heartfields Drive is one of the properties with such a Type 1 easement.

I'm told that in 2008, much of the foliage in the conservation easement at 1020 Heartfields was removed and grass was planted in its place. Now only a small strip of foliage remains at the back of this property between this home and those immediately behind it. One of the neighbors immediately behind 1020 Heartfield (Mr. Wietsma at 1009 Kathryn Road) tells me that he has been experiencing significantly greater runoff since grass was planted in place of the foliage at 1020 Heartfields. Mr. Wiestma tells me he has incurred significant costs in his attempts to remediate the runoff.

I would ask that the Planning Board refrain from changing from a Type 1 to Type 2 easement at 1020 Heartfields.

Thank you for your consideration of my views on this matter.

Barry Wides
11803 Ithica Drive
Silver Spring, MD 20904

Lindsey, Amy

From: Wides, Barry <Barry.Wides@occ.treas.gov>
Sent: Monday, November 07, 2011 11:27 AM
To: MCP-Chair
Cc: Lindsey, Amy; phwietsma@verizon.net
Subject: Correction: 1020 Heartfields Drive Application (11998096B)

Dear Ms. Carrier,

There is a correction to my previous correspondence on this case. Mr. Wietsma's address is 1109 Kathryn Road.

Thank you.

Barry Wides
11803 Ithica Drive
Silver Spring, MD 20904

From: Barry Wides [<mailto:barrywides@gmail.com>]
Sent: Sunday, November 06, 2011 3:54 PM
To: MCP-Chair@mncppc-mc.org
Cc: amy.lindsey@montgomeryplanning.org; bill.barron@mncppc-mc.org; candy.bunnag@mncppc-mc.org; kristin.oconnor@mncppc-mc.org; john.carter@mncppc-mc.org
Subject: 1020 Heartfields Drive Application (11998096B)

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Thank you for your consideration of my views on this matter.

Barry Wides
11803 Ithica Drive
Silver Spring, MD 20904

Lindsey, Amy

From: Maria Germany <chica_germany@hotmail.com>
Sent: Saturday, November 12, 2011 5:30 PM
To: patrick.buttler@montgomeryplanning.org
Cc: Lindsey, Amy
Subject: Plan # 11998096B
Attachments: IMG_2064.JPG; IMG_2065.JPG

Dear Mr. Buttler,

Thanks again for taking my call regarding plan # 11998096B where applicant Chris Pirtle asks for converting his easement in the former Kaufman Property from category I to category II. I live right next to his development and intend to testify opposing this application. I therefore would appreciate it if you could notify me of the hearing date once it has been set.

In developing the Kaufman Property the easement was established after a long and intense process of participation between the community, the developer, and staff of Park and Planning and Permitting Services. Plans were revised and re calibrated until neighbors were satisfied, among other things, that water run off and water pressure from the new development would not cause damage to adjacent properties, as they are located down hill from it.

The plan can serve its intended purpose only if it is preserved as originally designed. Changes do have serious consequences and I am familiar with three instances: 1) When owners of the property behind my house literally razed the easement in their (lot 13) property, a cement retaining wall in front of my basement door bowed (see attached pictures). An engineer we consulted told us the below-the-surface water pressure was causing the bowing. The bowing stopped after the owners were forced to restore the easement. 2) The neighbor's yard below the applicant's easement (lot 11) has suffered enormous damage after the easement was converted into a lawn. The affected gentleman has spent \$8,000 and he still has water run off problems. 3) My next door neighbor bought his house 5 years ago after researching the area and being assured that his backyard abutted a category II easement, but he has battled water and privacy issues as the easement behind his house is now effectively a category II following underbrush removal and a lawn established instead.

Allowing one owner to convert the easement to category II pocks holes in the original plan and sets a precedent that invites other owners to apply for the same ruling. This not only makes water run offs and other ills worse and more wide spread but influences the market value of properties. As you may imagine, a house located below a property with a category I easement will command a different price than the house next to it located below a category II easement. By the same token, owners with category I easements will market value their properties differently than those with category II. Moreover, allowing individual conversions will only reinforce the widespread conviction that the county is not serious about easements and that by paying a modest fee you can legally change the character of your property. That will invite even more brazen violations like the one perpetuated behind my backyard where the owners erased the easement the very first weekend they moved in, despite fervent pleas from everybody to stop.

The applicant asking for conversion to category II states in his application that he has small children that need a bigger yard to play. I can sympathize with his desire for more playing space but he has other options available to him, namely a large community open space a stone throw away from his house, in addition to the development playground located quite close to his property.

Having an easement in one's property is an obligation that is acquired voluntarily after signing a document that clearly spells out the conditions and obligations involved. Yet some home buyers choose to buy the property even when they consider the easement to be an inconvenience because they figure that they can easily violate the terms of the contract and get away with it. Enforcement of compliance should be for everybody just as it is expected of any other legal obligation, namely property taxes, zoning, permits, HOA dues, condo fees, etc. Making exceptions and converting from Category I to Category II just because it is more convenient to the particular owner cheapens the environmental policy of the county and sends the wrong message to neighborhoods.

Our neighborhood has already had its share of exceptions granted by Park and Planning in the form of a police station to

be built next door (accompanied by a future tall building), and off-site reforestation of the Kaufman property. We think they are more than enough. We are urging you to keep the easements as originally agreed.

Thanks in advance for your attention to this matter.

Maria C. Germany
11604 Caplinger Rd.
Silver Spring, MD 20904
(301) 622-3560





Documents and Photos from Mr. Wietsma

KART Landscape

13711 Travilah Road
Rockville, MD 20850
Phone: (301) 424-0238
Fax: (301) 424-4453

KARTLANDSCAPE@COMCAST.NET

PROPOSAL

May 4, 2011

Customer: Mr. Paul Wietsma
Address: 1109 Kathryn Road
Silver Spring MD 20904

Company:
Property Address (if different):

CC:

Home Phone: 301-633-7173

Work Phone:

Email:

We hereby submit specifications and estimates for: LANDSCAPE WORK TO ELIMINATE DRAINAGE AND EROSION DEFICIENCIES AT THE BACK SLOPE OF THIS HOME

1. At a number of places in the back of your home near your property line, water is flowing through from your neighbor's property and eroding the slope at the back of your house. This is particularly notable on the right corner near the property line and on the left portion of your backyard from the middle of the yard over to the timber retaining steps. At several places behind a stone retaining wall, the hillside has washed out, including washing out some of your boxwoods. To correct this deficiency, we would fill in the existing washed out areas with a soil mixture including a clay-base to help hold the soil in place and then topdress it with composted topsoil.
2. We would install 1 x 4 wood bed edgers at several places on the slope to help hold the groundcover plantings discussed below.
3. We would then provide and install a combination of Ivy and Periwinkle plants in 2 ¼" peat pots. We estimate approximately 1,800 plants to be installed 6" on center to cover all of the eroded areas.
4. Once the planting has been completed, we would mulch all of these areas with a hardwood shredded mulch.
5. We would also use Periwinkle plants in the stone retaining wall so that would grow out and drape over this wall. These plants are included in the total figure mentioned above.

KART Landscape

13711 Travilah Road

Rockville, MD 20850

Phone: (301) 424-0238

Fax: (301) 424-4453

KARTLANDSCAPE@COMCAST.NET

PROPOSAL

May 4, 2011

Customer: Mr. Paul Wiestma

Address: 1109 Kathryn Road

Silver Spring MD 20904

Company:

Property Address (if different):

NOTES: The above described work should help to eliminate the erosion caused by the water draining from the neighboring property. However, we cannot guarantee there will be no future erosion. This work can be done approximately 5-6 weeks from acceptance of this proposal and receipt of deposit. The work will take 2-3 days for completion. Our Home Improvement License is #18642. We will use top quality groundcover plantings. However, because of the erosion nature of the area, we cannot guarantee these plants.

WE HEREBY PROPOSE to furnish material and labor – complete in accordance with the above specifications, for the sum of :

Four Thousand Seven Hundred Sixty Dollars

\$4,760.00

Payment to be made as follows: A deposit of \$1,585.00 will be made with the acceptance of this proposal. The balance will be paid upon completion of the job.

All work is to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Note: This proposal may be withdrawn by us if not accepted within 15 days.

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized
Signature: _____

Robert B. Ramsburg

Client Signature _____

Date _____



MHIC #42490 MEMBER BBB
 VHIC #2705 MEMBER LCA
 ICPI Certified NCMA CERTIFIED

PROPOSAL

Paul Wietsma
 1109 Kathryn Rd.
 Silver Spring, MD 20904
 Client's email address
 (301) 633-7173

Date: 5/28/2011

Estimate #W006

QTY	WORK DESCRIPTION
	<p><u>BACKYARD EROSION SOLUTION</u></p> <p>Construct two sets of mini retaining walls using existing and new 6x6" pressure treated ties.</p> <p>3 Yards of top soil to fill in low spots, holes and eroded areas.</p> <p>30 Flats of Pachysandra on top of section approximately 6-8" apart. Add mulch. Middle section will remain as a grassy area for now.</p>
<p>We PROPOSE hereby to furnish material and labor complete in accordance with above specifications: 1/3 down, 1/3 mid way through, and the balance due upon completion.</p>	
<p>Office: (301) 421-4141 *2000 Spencerville Road* Spencerville, Maryland 20868</p>	<p>Total: \$4,482.00</p>























