

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

<b>Address:</b>	17201 Palomino Ct., Olney	<b>Meeting Date:</b>	2/21/18
<b>Resource:</b>	Individually Listed Master Plan Site <b>John D. Berry House</b>	<b>Report Date:</b>	1/14/18
<b>Applicant:</b>	John & Paula Kearney	<b>Public Notice:</b>	2/7/18
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	23/103-18A	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Swimming Pool, Hardscape, and Fencing		

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**RECOMMENDATION**

Staff recommends that the Historic Preservation Commission **approve with two (2) conditions** the HAWP application:

1. The proposed swimming pool, spa, fire pit, and fencing may not extend beyond the left wall plane of the house and must be relocated. Revised drawings must be submitted for review and approval with final approval delegated to staff or to the HPC for re-hearing.
2. The aluminum fence proposed is incompatible with the surrounding house and must be constructed out of wood. Revised design and material specifications must be submitted for review and approval with final approval authority delegated to Staff.

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Individually Listed Master Plan Site (John D. Berry House)  
**STYLE:** Vernacular/Eclectic  
**DATE:** c.1863

The John D. Berry House was constructed in several phases resulting in its current appearance. The entirety of the house has clapboard siding, two-over-two wood windows, and a standing seam metal roof. The left wing of the house has a side gable roof and is four bays wide with a door on in the right-most bay. The middle section is a front gable project that appears to have been a later L. The right wing of the house has a gambrel roof with a large covered front porch. The house sits in the middle of a 4.5-acre lot, which contains the foundations of several agricultural outbuildings. The house is well setback from the street with a stand of trees obscuring the view of the house from the public right-of-way.

From *Places from the Past*:

John D. Berry was the grandson of Richard Berry who first acquired property locally in the late 1700s, and by 1807 owned nearly 1,000 acres. The core of this frame farmhouse was built by John D. Berry in 1863. The present house has four distinct sections, one of which may be of log

construction. By 1884, John D. Berry built the bank barn and stone carriage house. According to insurance records, the farmstead was augmented by the smokehouse, built between 1884 and 1888.

**PROPOSAL**

The applicant proposes to install a swimming pool and patio in the rear of the house. County Code requires a fence be added around the pool.

**APPLICABLE GUIDELINES**

When reviewing alterations and additions to a *Master Plan* site, several documents are to be utilized and guides to assist the Commission in developing the decision. The documents include Montgomery County Code Chapter 24A (Chapter 24A) and the Secretary of the Interior’s Standards for Rehabilitation (*Standards*) and can be guided by the details in the Design Guidelines for Historic Sites and Districts in Montgomery County, Maryland (*Design Guidelines*). The pertinent information in this documents in outlined below.

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

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

- (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
- (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

**Secretary of the Interior’s Standards for Rehabilitation**

- 3. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 4. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 5. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**STAFF DISCUSSION**

The applicant proposes to construct a new pool and portable spa, with a patio, formal garden, and

surrounding fence.

The applicant proposes to construct a 40' x 18' (forty foot by eighteen foot) in-ground swimming pool behind the John D. Berry House. The pool will project approximately 4' (four feet) beyond the left wall plane of the historic house. A faux stone patio with formal plantings and a fire pit will surround the pool. Additionally, the applicant proposes to install a portable aboveground spa in the western corner of the patio. The pool area and a section of the lawn to the rear will be enclosed in a 5' (five foot) tall aluminum fence. Staff believes that some design revisions are necessary to bring this project into conformance with County requirements, but that the site can successfully accommodate a swimming pool while protecting the architectural integrity of the Berry House.

The proposed swimming pool and patio are a substantial alteration to the landscape and environmental setting of the Berry House. The majority of the landscape is open with some trees interspersed throughout the rear of the lot. Staff finds that this lot has lost much of its historic integrity as it no longer retains the openness associated with the historic agricultural character and lacks the formality of many large farmhouses of the era. Because of this, Staff believes that the house can accommodate a swimming pool and an associated patio on the property without detracting from the historic character of the historic house and its surrounding landscape. However, in order to minimize the impact on the appearance of the primary façade of the historic house, Staff believes that the placement of the proposed construction should be moved so that it does not extend beyond the left wall plane of the historic house.

Relocating the proposed construction will ensure conformance with Standard 3. Standard 3 of the Secretary of the Interior's Standards for Rehabilitation requires the historic character of the property be retained and preserved. Staff feels that the historic character of the house would be negatively impacted by introducing modern features (the pool, spa, fire pit and fence) in their proposed locations. Staff feels that the swimming pool, spa, fire pit, and fence should not project beyond the historic left wall plane. Staff's believes that accommodating this condition would require significant revision of the proposed design. Staff recommends that any approval of this HAWP be conditional on the relocation of these features. The revisions must be submitted for review and final approval and recommends either Staff-level approval or a requirement for re-submission to the HPC approval.

Staff finds that the design and materials for the proposed construction are generally appropriate. The faux stone pavers have the appearance of roughly dressed stone, which appears less formal and is generally in keeping with the appearance of the house and its environmental setting. The integrated grill and patio steps are all modern elements, but are located so that they are to the rear of the historic house and have a limited visual impact on the historic character of the front of the house (the drawings do not include a pergola over the proposed grill, though the representative image does, any approval would not extend to include a pergola). Staff feels that the proposed fire pit, constructed out of roughly dressed stone, is an acceptable design, but it should not be placed in a location that extends beyond the historic house wall planes.

The applicant proposes to surround the pool area and a portion of the rear lawn in a 5' (five foot) tall aluminum fence. The applicant believed that this fence design and material would allow for

maximum visibility through the fence to the rear of the property. Staff recognizes that a fence is required by code to enclose the pool, but feels that the metal is an incompatible material with the historic character and historic materials of the site. Staff believes that a wood fence with a historic agricultural character would be more appropriate for this property; and recommends that any approval be conditional on a fence following this guidance with final approval authority delegated to Staff.

### **STAFF RECOMMENDATIONS**

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

1. The proposed swimming pool, spa, fire pit, and fencing may not extend beyond the left wall plane of the house and must be relocated. Revised drawings must be submitted for review and approval with final approval delegated to staff or to the HPC for re-hearing.
2. The aluminum fence proposed is incompatible with the surrounding house and must be constructed out of wood. Revised design and material specifications must be submitted for review and approval with final approval authority delegated to Staff.

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



HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Email: SAM@GREATAMERICANLANDSCAPES.COM Contact Person: SAM McCOMBS  
Daytime Phone No.: (301) 972-5681  
Tax Account No.: 52-1409902  
Name of Property Owner: JOHN & PAULA KEARNEY Daytime Phone No.: (240) 832-0182  
Address: 17201 PALOMINO CT. OLNEY MD 20832  
Street Number City State Zip Code  
Contractor: GREAT AMERICAN LANDSCAPES Phone No.: (301) 972-5681  
Contractor Registration No.: 23629  
Agent for Owner: KEVIN O'NEILL Daytime Phone No.: (301) 972-5681

6576459  
582645

LOCATION OF BUILDING/PREMISE

House Number: 17201 Street: PALOMINO CT.  
Town/City: OLNEY Nearest Cross Street: COVERED WAGON WAY  
Lot: 28 Block: B Subdivision: 0062  
Liber: HT61 Folio: 0000 Parcel: 0000

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:  Construct  Extend  Alter/Renovate  A/C  Slab  Room Addition  Porch  Deck  Shed  
 Move  Install  Wreck/Raze  Solar  Fireplace  Woodburning Stove  Single Family  
 Revision  Repair  Revocable  Fence/Wall (complete Section 4)  Other: POOL  
1B. Construction cost estimate: \$ 135,000.  
1C. If this is a revision of a previously approved active permit, see Permit # \_\_\_\_\_

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

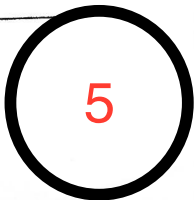
3A. Height 5 feet 0 inches  
3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:  
 On party line/property line  Entirely on land of owner  On public right of way/easement

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

[Signature] 1/26/15  
Signature of owner or authorized agent Date

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

SEE REVERSE SIDE FOR INSTRUCTIONS



**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE  
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. **WRITTEN DESCRIPTION OF PROJECT**

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

BEAUTIFUL OLD HOUSE IN GREAT CONDITION. LARGE PROPERTY WITH HISTORICAL FEEL. NO VISIBLE HOUSES IN SITE. YARD IS A MESS, BUT EASY TO SEE THE POTENTIAL OF WHAT IT COULD BE. OLD RUINS IN THE DISTANCE IN THE REAR OF THE PROPERTY. OUTER PERIMETER FULL WITH TREES, THE HOUSE SETS IN AN OPEN AREA WITH NO TREES, EXCEPT FOR A BEAUTIFUL OLD BASSWOOD IN THE FRONT CIRCLE.

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

WE HAVE DESIGNED A POOL + PATIO AT THE REAR OF THE HOUSE. THE POOL IS OVERLOOKING THE REAR PROPERTY, AND THE REFLECTIONS OFF OF THE WATER WILL BE OF TREES + SKY. THE PATIO IS LARGE FOR ENTERTAINING, YET BLENDS WITH THE LANDSCAPE. WE HAVE WORKED TOGETHER WITH THE HOMEOWNER TO ENSURE THAT THE HISTORIC FEEL IS PRESERVED. WE AGREED THAT A STONE PATIO

2. **SITE PLAN** WOULD SUIT THE PROJECT WELL. STONE IS EXTREMELY HOT AROUND A POOL, SO WE CHOOSE A SIMULATED STONE PRODUCT, WHICH IS MUCH LESS HOT. Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

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

3. **PLANS AND ELEVATIONS**

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

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

4. **MATERIALS SPECIFICATIONS**

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

PATIO  
FAUX FLAGSTONE - FLAGSTONE LOOK WITHOUT THE INTENSE HEAT.  
GRILL + FIRE PIT WESTERN MD STONE

5. **PHOTOGRAPHS**

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

6. **TREE SURVEY**

ATTACHED

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

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

BACK OF THIS SHEET

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



FRONT OF HOUSE



8



NORTH SIDE  
FACING SE.



9

FRONT 3/4 N. SIDE



10

REAR OF HOUSE



11

REAR OF HOUSE



OLD  
PIG PEN

PIG PEN

12



BACK OF HOUSE

13

BACK TO HOUSE  
FACING REAR PROPERTY

PIG  
PEN →

14





REAR YARD  
FACING NORTH

15

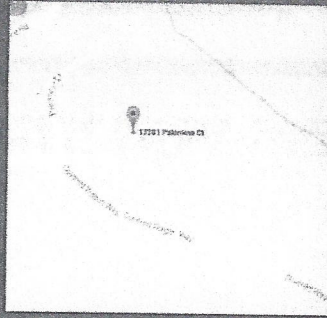
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PROPERTY ADDRESS: 17201 PALOMINO COURT OLNEY, MARYLAND 20832

SURVEY NUMBER: MD1606.2204

FIELD WORK DATE: 6/30/2016

REVISION HISTORY: (REV.1 6/30/2016)

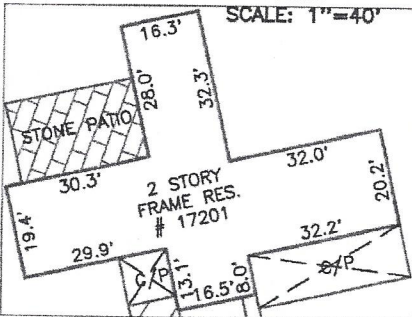
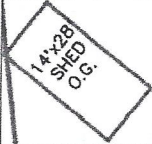
16062204  
LOCATION DRAWING  
LOT 28, BLOCK B  
NORBROOK VILLAGE,  
MONTGOMERY COUNTY, MARYLAND  
06-30-2016 SCALE 1"=120'



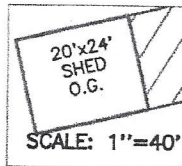
SCALE: 1"=40'

35'x40'  
CONC. DWELLING  
(REMAINS)

SCALE: 1"=40'



SCALE: 1"=40'

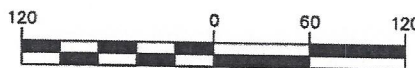
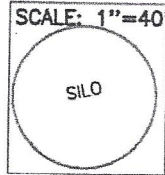
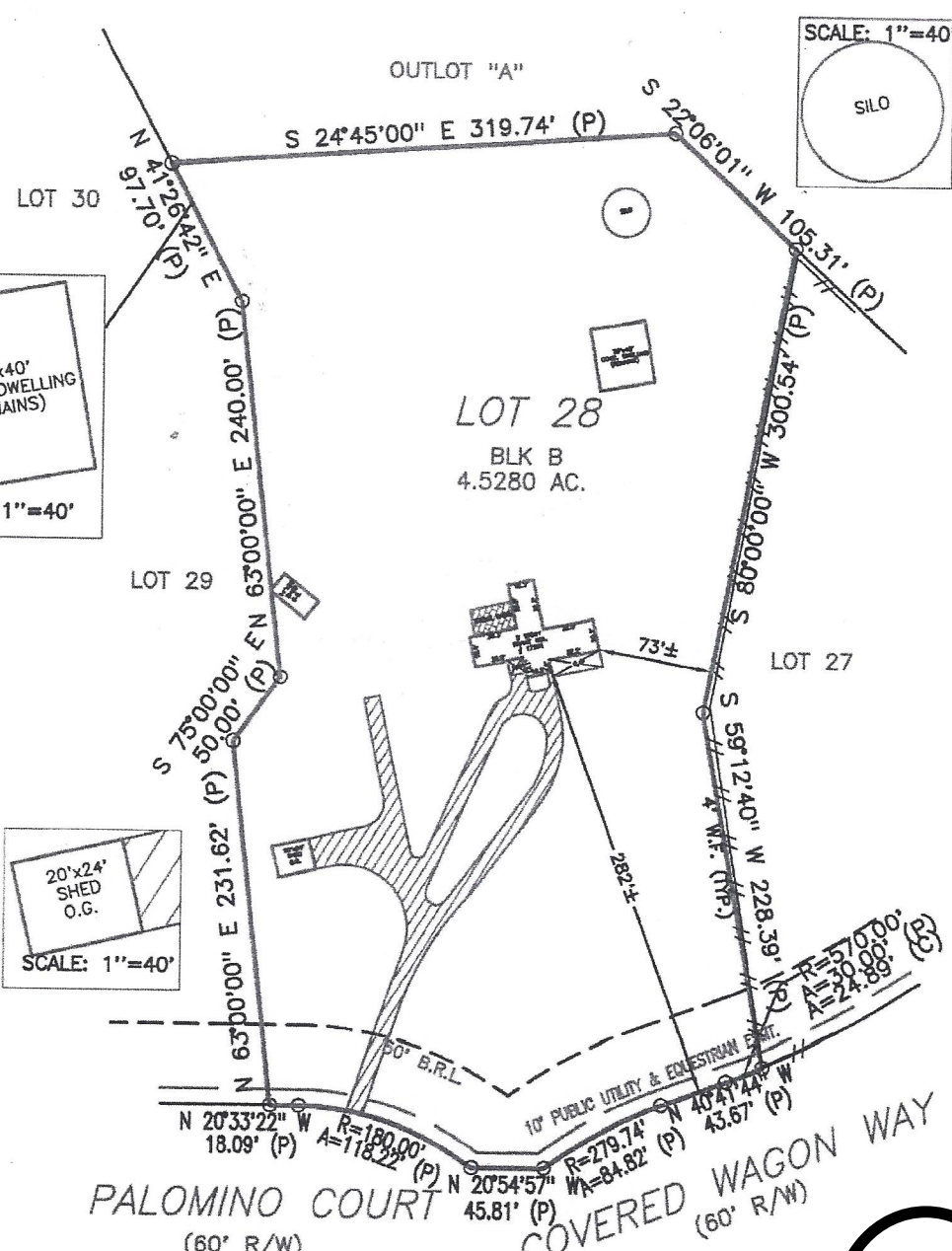


SCALE: 1"=40'

**PLEASE NOTE**  
This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



EXPIRES 1-15-2017



GRAPHIC SCALE (In Feet)  
1 inch = 120' ft.

ACCURACY=3±

16

EXISTING SITE



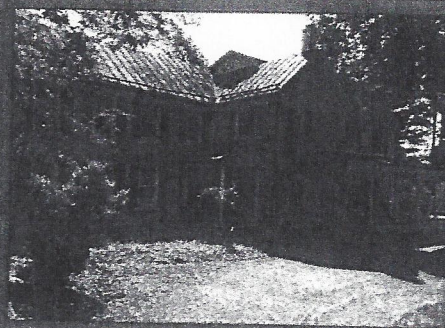
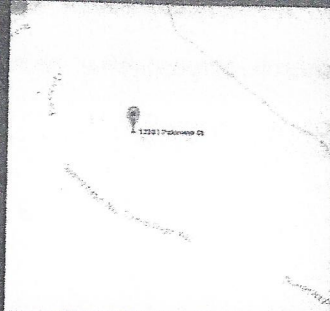
# SITE PLAN BEFORE + AFTER

ORDERED BY:



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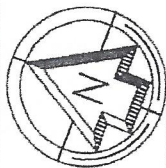
PROPERTY ADDRESS: 17201 PALOMINO COURT      OLNEY, MARYLAND 20832

SURVEY NUMBER: MD1606.2204

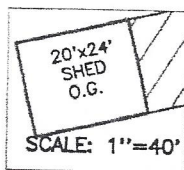
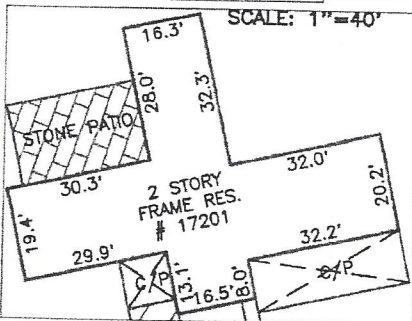
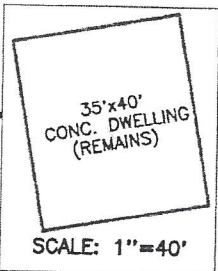
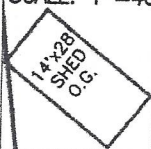
FIELD WORK DATE: 6/30/2016

REVISION HISTORY: (REV.1 6/30/2016)

16062204  
LOCATION DRAWING  
LOT 28, BLOCK B  
NORBROOK VILLAGE,  
MONTGOMERY COUNTY, MARYLAND  
06-30-2016 SCALE 1"=120'



SCALE: 1"=40'



**PLEASE NOTE**  
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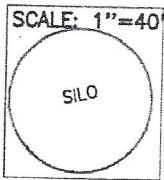
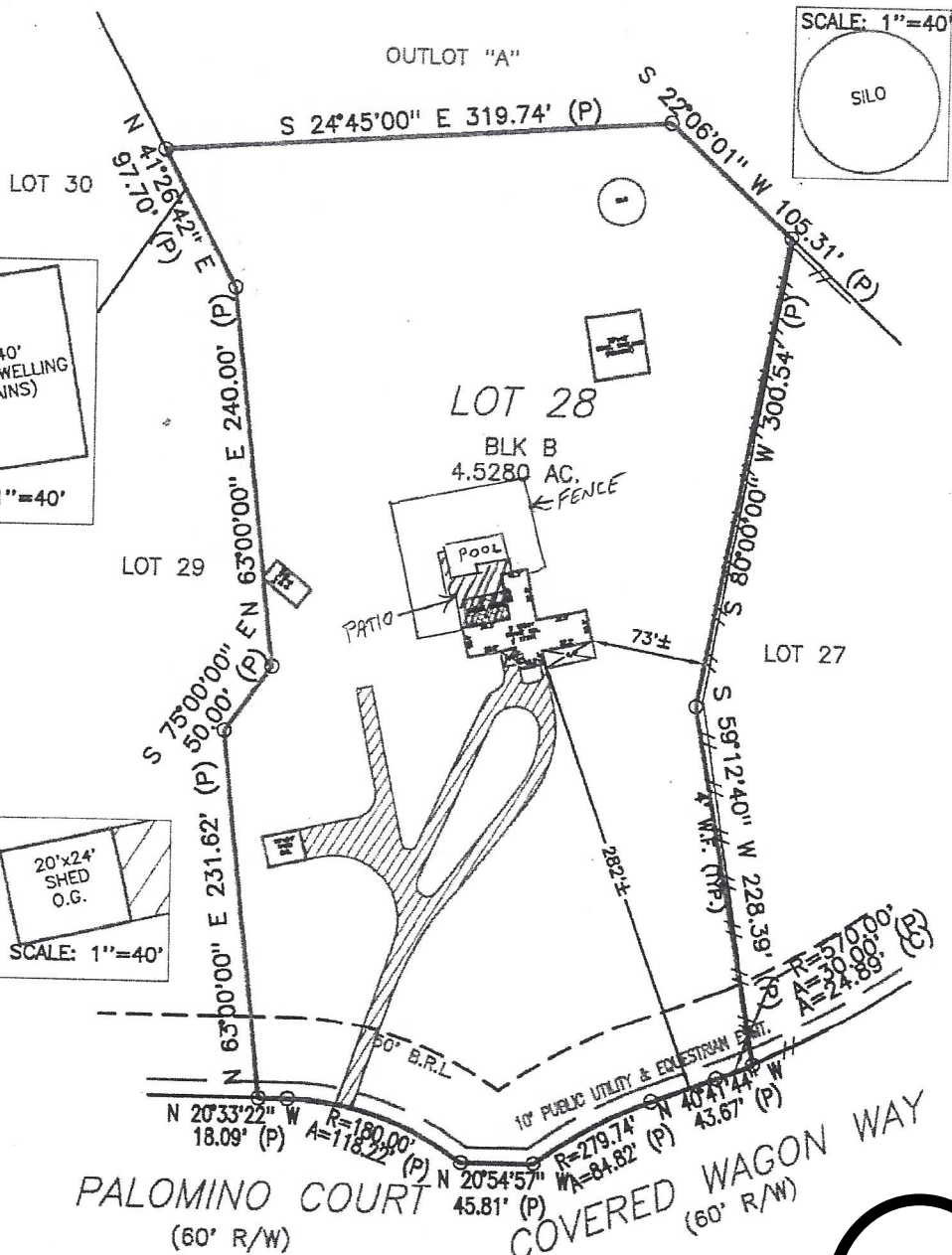


*William D. K...*  
EXPIRES 1-15-2017



GRAPHIC SCALE (In Feet)  
1 inch = 120' ft.

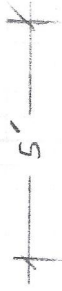
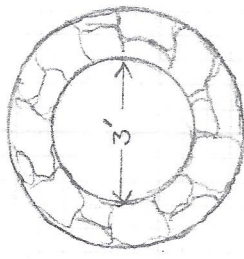
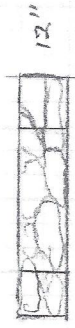
ACCURACY=3±



PALOMINO COURT (60' R/W)  
COVERED WAGON WAY (60' R/W)  
10' PUBLIC UTILITY & EQUESTRIAN EMB.  
R=180.00' A=118.22° (P)  
R=279.74' WA=84.82° (P)  
R=370.00' A=30.00° (P)  
A=24.88° (P)

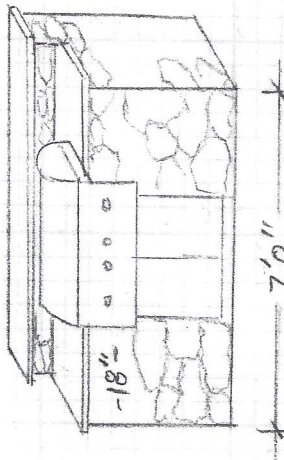
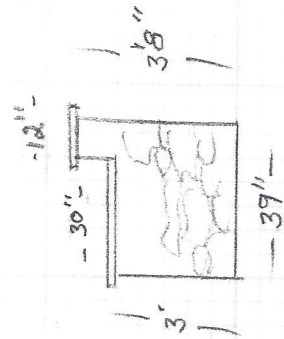
17

PROPOSED WORK



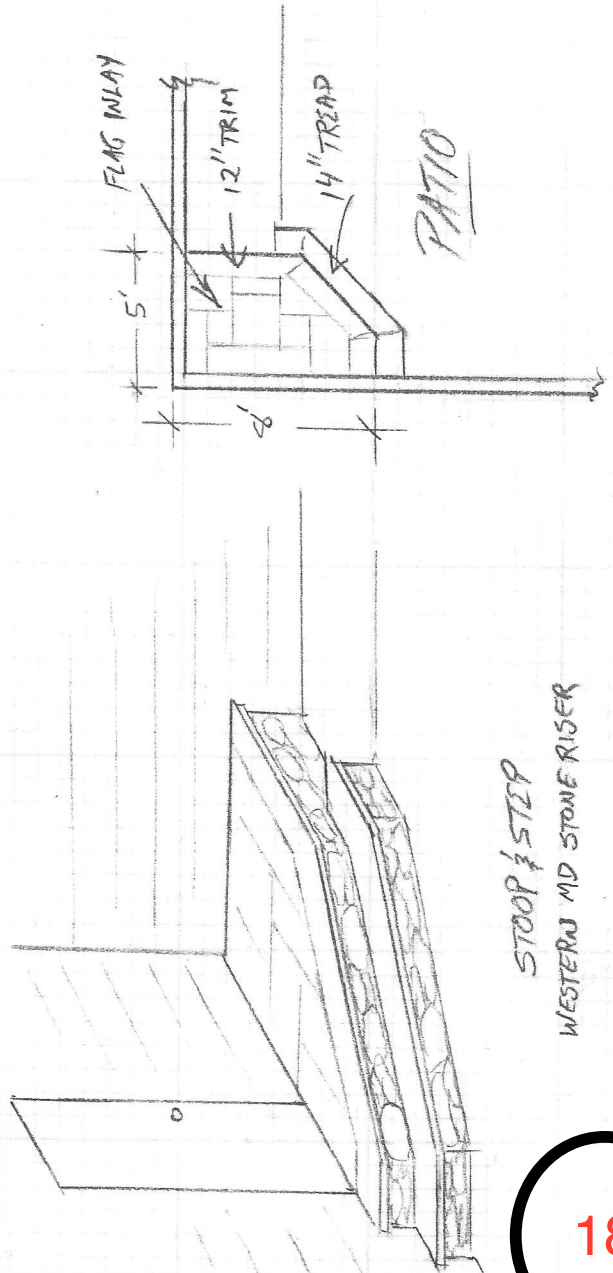
FIREPIT

WESTERN MD STONE  
SAME STONE CAP  
INTERIOR FIREBRICK



GRILL

WESTER MD STONE  
w/ 2" SILL TOP



KEARNEY RESIDENCE

17201 PALOMINO CT

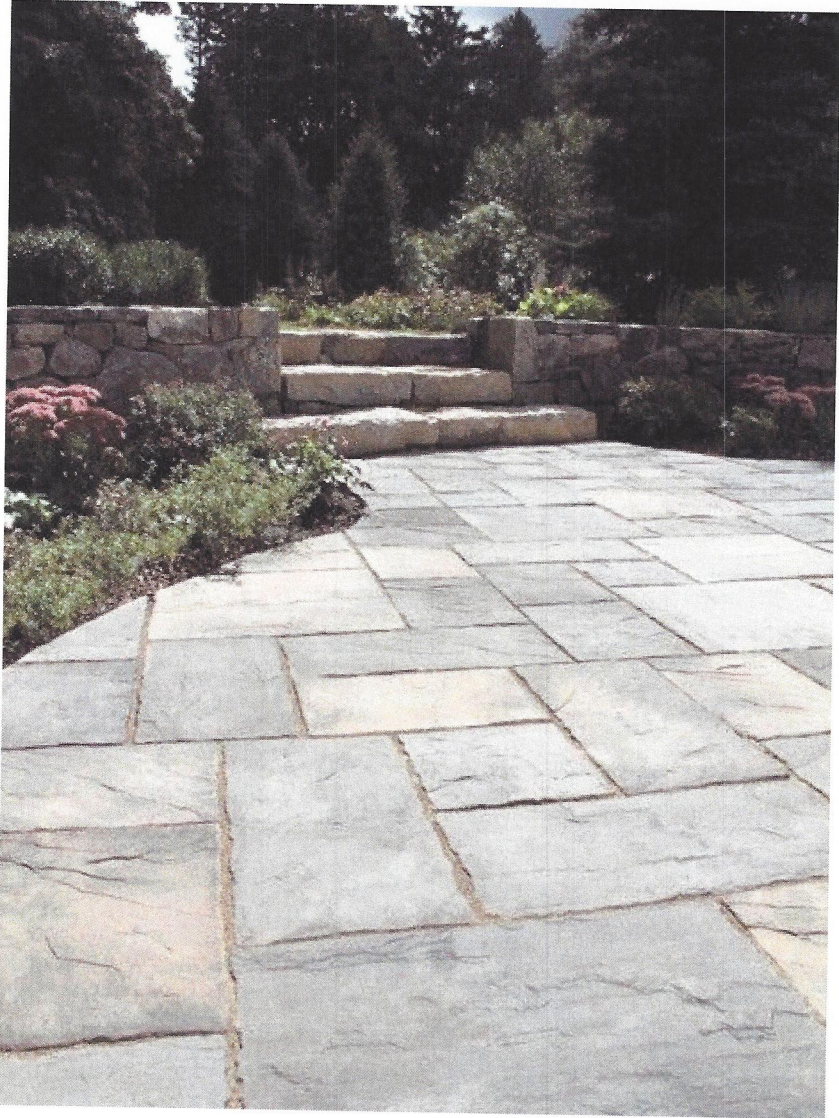
OLNEY MD 20832

GREAT AMERICAN LANDSCAPES

STOOP 3/4 STEP

WESTERN MD STONE RISER

*Nicolock Wetherdale Pavers* Faux Antiqued Flagstone



RECTANGLE POOL - OUR POOL WILL HAVE LOUNGE ON ONE SIDE AND PATIO ON THE OTHER. Page 1 of 1



20



PONDLESS WATER FEATURE  
'BUBBLING ROCK'



WESTERN MD STONE FIRE PIT

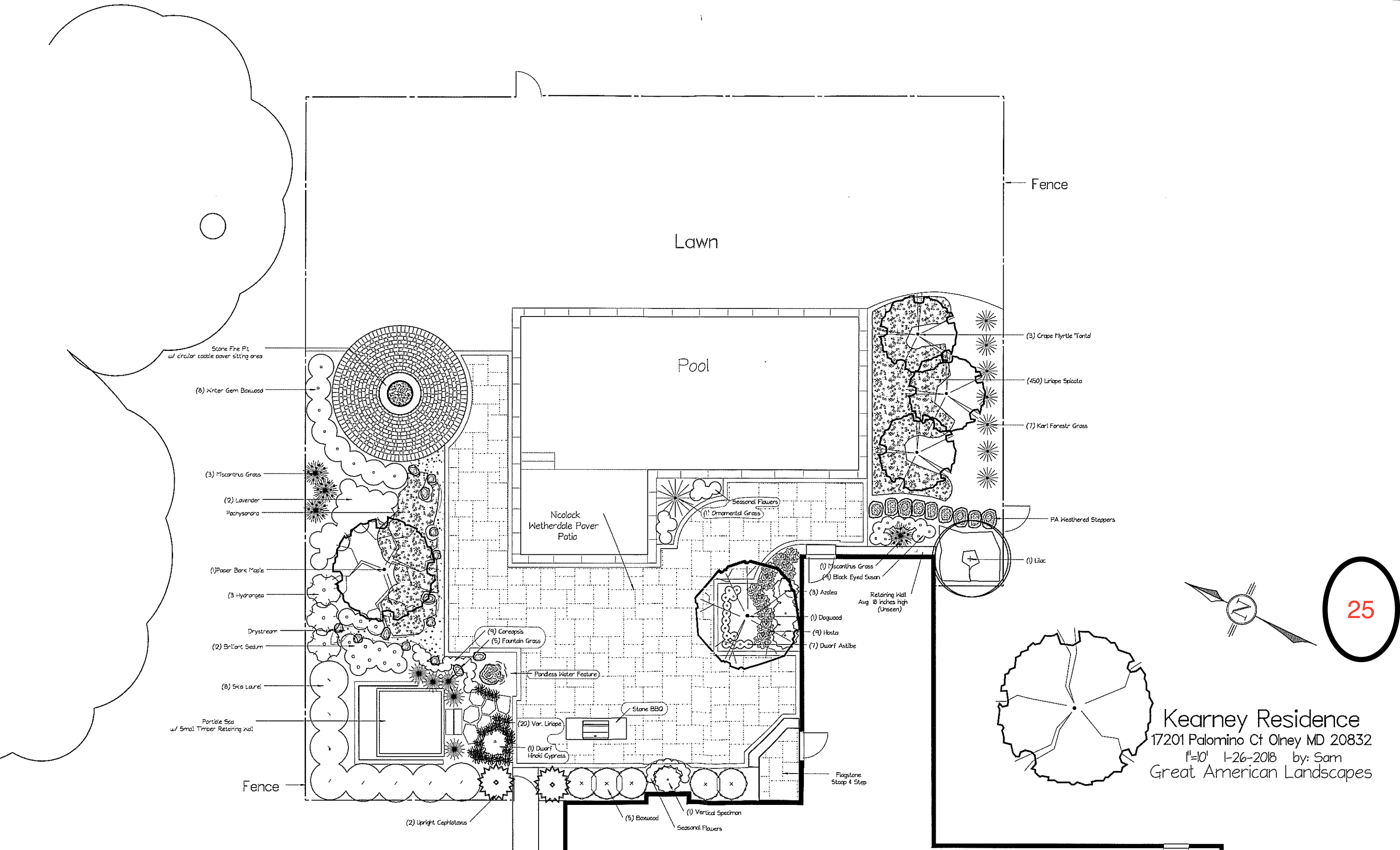
# WESTERN MD STONE GRILL





ALUMINUM FENCE SUPPLY - BLACK ALUMINUM FENCE  
5' HIGH TO MEET MC POOL CODE, YET OPEN TO NOT DISRUPT THE VIEW,





Stone Fire Pit  
w/ circular cobble paver sitting area

(6) Winter Gem Boxwood

(3) Miscanthus Grass

(2) Lavender

Pachysandra

(1) Paper Bark Maple

(3) Hydrangea

Drystream

(2) Brilliant Sedum

(8) Sixo Laurel

Portable Spa  
w/ Small Timber Retaining Wall

Fence

(2) Upright Cephalanthus

(4) Coreopsis  
(5) Fountain Grass

Pondless Water Feature

(20) Var. Liriodendron

(1) Dwarf  
Hindii Cypress

Stone BBQ

(5) Boxwood

(1) Vertical Specimen  
Seasonal Flowers

Lawn

Pool

Nicolock  
Wetherdale Paver  
Patio

Seasonal Flowers  
(1) Ornamental Grass

(1) Miscanthus Grass  
(4) Black Eyed Susan

(3) Azalea

(1) Dogwood

(9) Hosta

(7) Dwarf Astilbe

Retaining Wall  
Avg 18 inches high  
(Unseen)

Flagstone  
Stoop 4 Step

Fence

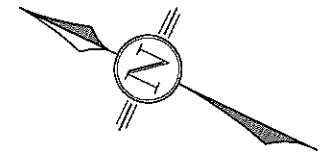
(3) Grape Myrtle Tonal

(450) Liriodendron

(7) Karl Forestr Grass

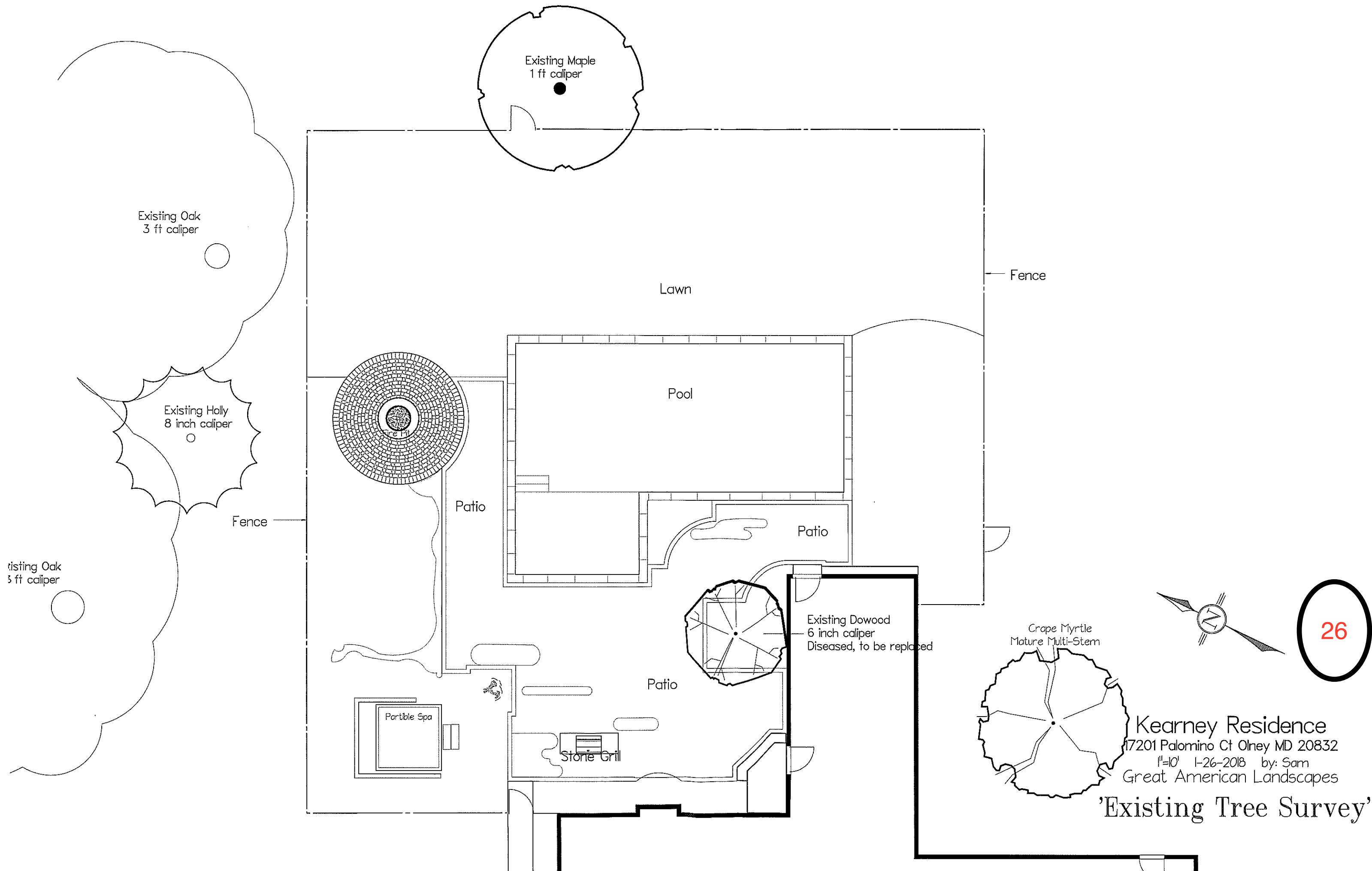
PA Weathered Steppers

(1) Lilac

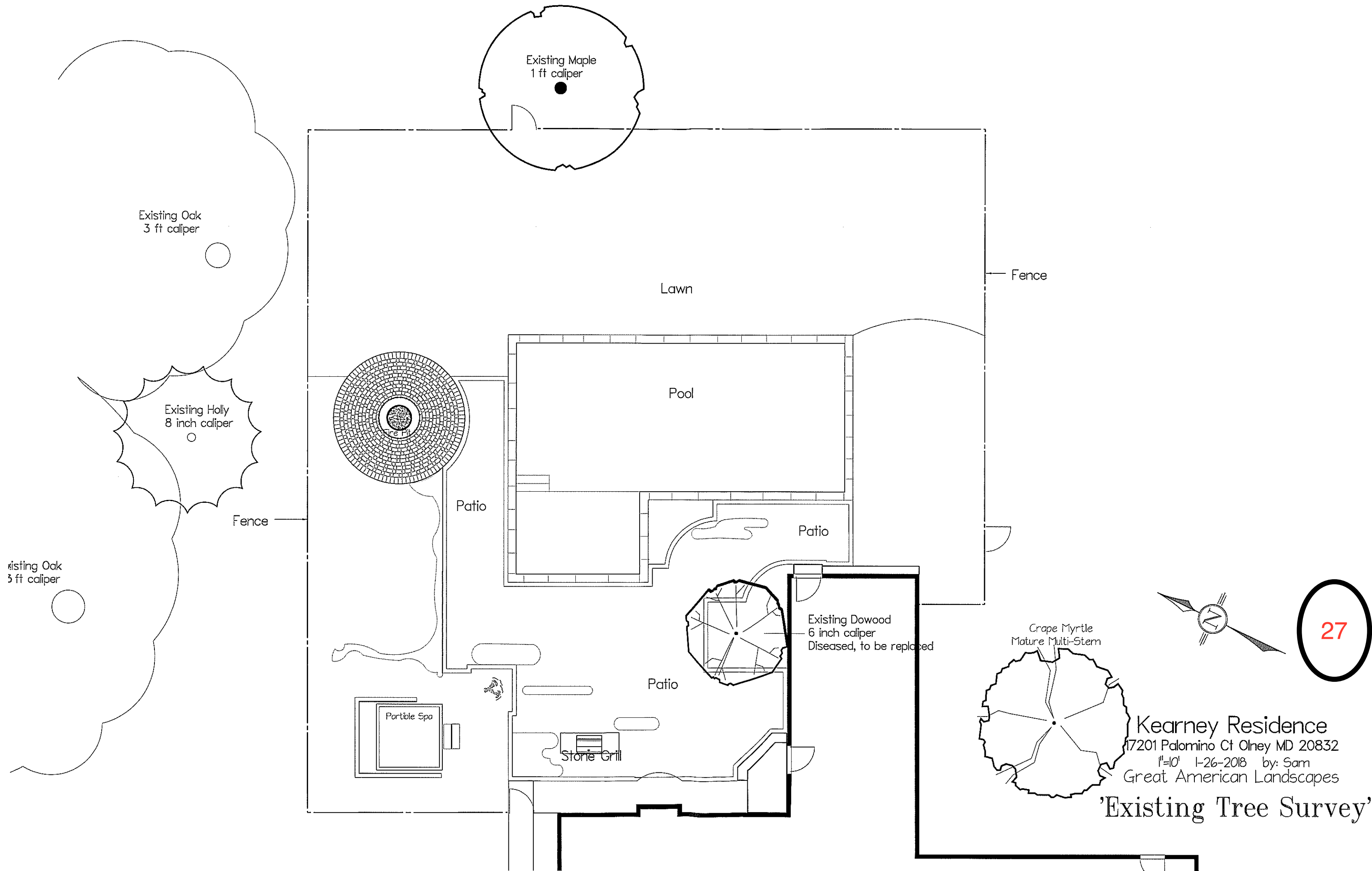


25

Kearney Residence  
17201 Palomino Ct Olney MD 20832  
1"=10' 1-26-2018 by: Sam  
Great American Landscapes

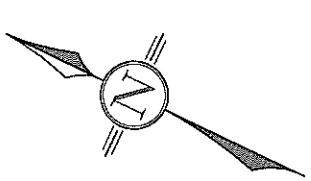
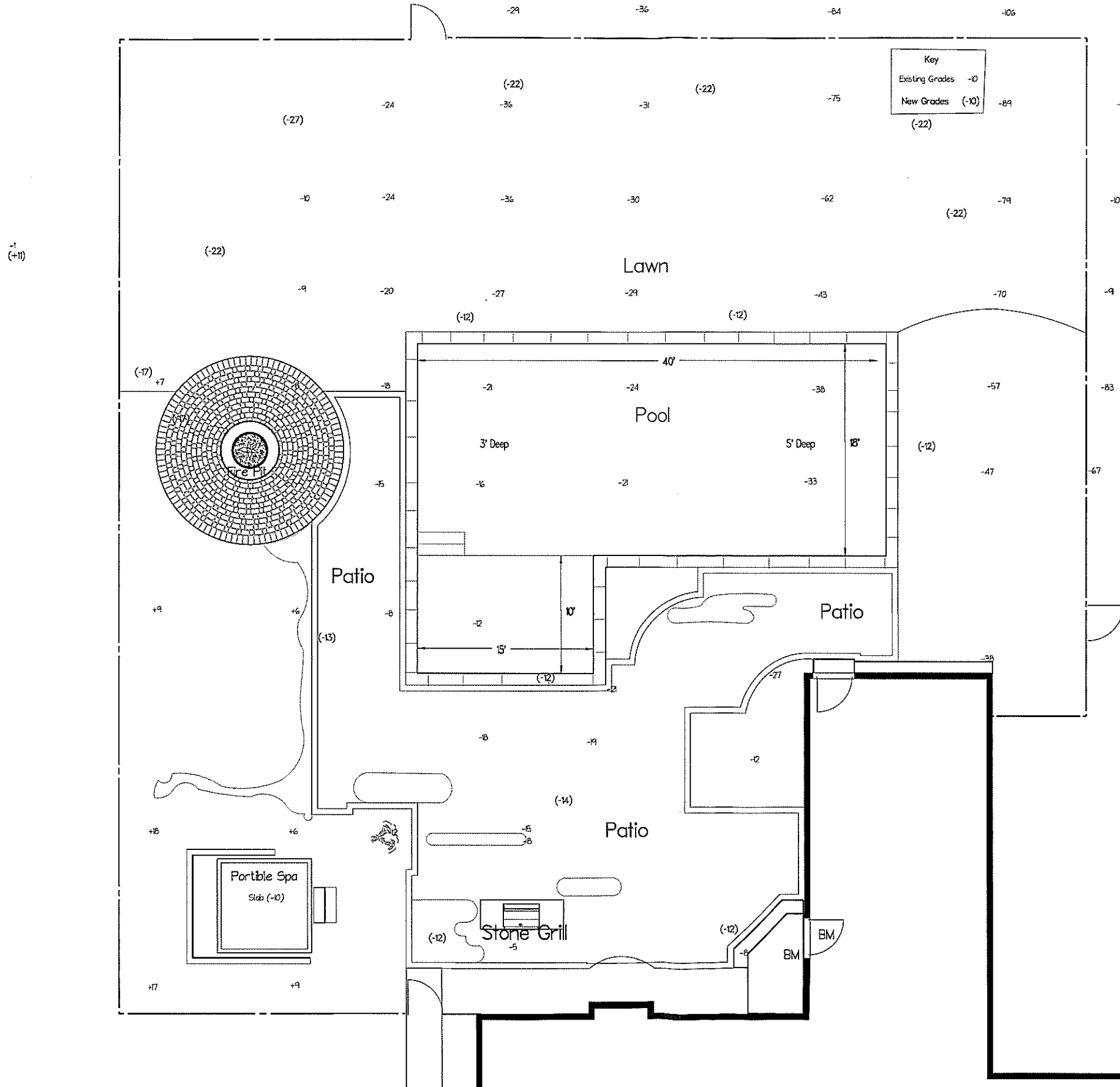


Kearney Residence  
 17201 Palomino Ct Olney MD 20832  
 1"=10' 1-26-2018 by: Sam  
 Great American Landscapes  
 'Existing Tree Survey'



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'Existing Tree Survey'



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Kearney Residence  
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'Grades & Layout'