

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3928 Baltimore St., Kensington	Meeting Date:	8/15/18
Resource:	Outstanding (Primary One) Resource Kensington Historic District	Report Date:	8/8/18
Applicant:	Myles Perkins	Public Notice:	8/1/18
Review:	HAWP	Tax Credit:	n/a
Case Number:	31/06-18K Retroactive	Staff:	Dan Bruechert
Proposal:	Tree Removal		

RECOMMENDATION

Staff recommends that the Historic Preservation Commission **approve with one condition** the HAWP application.

1. A minimum of three replacement trees must be planted on site with species and location to be submitted for review and approval to the Staff; with final approval authority delegated to Staff.

PROPERTY DESCRIPTION

SIGNIFICANCE: Outstanding (Primary One) Resource to the Kensington Historic District
STYLE: Colonial Revival
DATE: c. 1880-1910



Figure 1: 3928 Baltimore St. is identified with a red dot.

BACKGROUND

The applicant removed two holly trees and a female Gingko tree without a HAWP in early 2018.

PROPOSAL

The applicant seeks approval of the removal of the three identified trees and will replace them with a minimum of 3 new trees at a location of their choosing.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment)*, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Kensington Amendment & Vision The *Vision* was approved by the Montgomery County Council and was formally adopted by the Historic Preservation Commission. The goal of the *Vision* “was to establish a sound database of information from which to produce a document that would serve the HPC, M-NCPPC, their staff, and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21st century.”

In addition, the *Vision* provides a specific physical description of the district as it was at the time of the study, an analysis of character-defining features of the district, a discussion of the challenges facing the district, and a discussion of proposed strategies for maintaining the character of the district, while allowing for appropriate growth and change.

The *Vision* identifies the following, as those features that help define the character of Kensington’s built environment:

- Building Setbacks: Residential and Commercial Patterns
- Rhythm of Spacing between Buildings
- Geographic and Landscape Features
- Scale and Building Height
- Directional Expression of Building
- Roof Forms and Material
- Porches
- Dominant Building Material
- Outbuildings
- Integrity of Form, Building Condition, and Threats
- Architectural Style

The *Amendment* notes that:

The district is architecturally significant as a collection of late 19th and early 20th century houses exhibit a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake, and Colonial Revival. The houses share a uniformity of scale, setbacks, and construction materials that contribute to the cohesiveness of the district’s streetscapes. This

uniformity, coupled with the dominant design inherent in Warner’s original plan of subdivision, conveys a strong sense of both time and place, that of a Victorian garden suburb.

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:

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.

STAFF DISCUSSION

The applicant seeks approval for three trees removed from the front of their property. In the review of retroactive work, the HPC is to evaluate the proposal as though the work has not been undertaken.

The applicant removed two 12” (twelve inch) d.b.h. Holly trees from either side of the front walk and a 16” (fourteen inch) d.b.h. Gingko tree, which the applicant identifies as dead at the time of its removal. The three trees can be seen in the Google Streetview image below, taken in July, 2017.



Figure 2: Streetview image from July 2017 before the trees were removed.

The Kensington Guidelines and the *Vision* characterized the Kensington Historic District as a Victorian garden suburb. However, the guiding documents do not specifically state how tree removal is to be evaluated. Staff has chosen to evaluate this proposal by looking at the impact to the character on the surrounding district. In looking at the site, both from Baltimore St. and in the accompanying site plan, Staff finds a wide variety of tree species and sizes. Staff further finds, that with the removal of the two Holly trees specifically, the house is more visible from the surrounding district. It is Staff's opinion that the visibility and expression of the built environment is more significant to the character of the historic district than the trees planted on site.

As a way of mitigating the loss of these three trees, the applicant proposes to plant a minimum of three (and up to five) new trees on the site. The species and location of these trees has not been included with this HAWP submission. Staff finds that this is likely an appropriate step toward maintaining the garden-like setting for the house and surrounding district. Staff recommends the HPC include, as a condition for approval, that the landscape plan include a minimum of three new trees on site, submitted to Staff for review and approval with final approval authority delegated to Staff.

STAFF RECOMMENDATIONS

Staff recommends that the Commission **approve with one condition** the HAWP application;

1. A minimum of three replacement trees must be planted on site with species and location to be submitted for review and approval to the Staff; with final approval authority delegated to Staff;

as being consistent with Chapter 24A-8 and the Secretary of the Interior's Standards for Rehabilitation; 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: myles.perkins@gmail.com Contact Person: Myles Perkins
 Tax Account No.: 13-01023360 Daytime Phone No.: 202-253-3388
 Name of Property Owner: Myles Perkins Daytime Phone No.: 11 11
 Address: 3928 Ballimore St Kensington MD 20875
Street Number City State Zip Code
 Contractor: _____ Phone No.: _____
 Contractor Registration No.: _____
 Agent for Owner: _____ Daytime Phone No.: _____

6827188

LOCATION OF BUILDING/PREMISE
 House Number: 3928 Street: Ballimore
 Town/City: Kensington Nearest Cross Street: Dutch Ave
 Lot: 21 Block: 11 Subdivision: Kensington Park
 Liber: B Folio: 4 Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

<input type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Stab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input type="checkbox"/> Fence/Wall (complete Section 4)		<input checked="" type="checkbox"/> Other: <u>TREES</u>			

1B. Construction cost estimate: \$ _____
 1C. If this is a revision of a previously approved active permit, see Permit # 782100 (attached)

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 _____ feet _____ 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.

Myles Perkins Signature of owner or authorized agent 7/25/18 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:

SEE NEXT PAGE

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

SEE NEXT PAGE

2. **SITE PLAN**

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

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

3. **PLANS AND ELEVATIONS**

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

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

4. **MATERIALS SPECIFICATIONS**

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

5. **PHOTOGRAPHS**

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

6. **TREE SURVEY**

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

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

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

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

July 20, 2018

In November 2017, we had a landscaper remove three trees from the front of the yard at 3928 Baltimore Street. The trees are marked on the attached survey as 1, 2, and 3. Numbers 1 and 2 were Holly trees and number 3 was a female Ginkgo tree that had died. We removed the trees without realizing that we needed approval from the Historic Preservation Commission and are writing to apologize and to explain the situation. We are currently interviewing landscape architects to design a comprehensive plan for the entire property. Our goal is to add trees to replace those that were removed but we are not in a position to commit to the exact location and species of the additional trees at this time. However, we will submit the landscaping plan to the HPC before we take any steps to implement it. At that time, we will also ask to replace five Ginkgo trees that are on the property. The remaining Ginkgo trees labeled as A, B, C, D, and E are all female Ginkgos that produce a disgusting fruit for eight to nine months out of the year. The berries kill all of the grass beneath them, are incredibly numerous in volume, difficult to clean up and produce a horrible odor. At a minimum, we will add three new trees to replace the three that were taken down and our plans will include an additional five new trees to replace the ginkgo trees.



Copy

HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

William Kirwan
Chairman

Date: April 11, 2017

MEMORANDUM

TO: Diane Schwartz Jones
Department of Permitting Services

FROM: Michael Kyne *MK*
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #782100: Rear addition, garage, and other alterations

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was Approved with conditions at the December 21, 2016 Historic Preservation Commission (HPC) meeting.

1. Details will be submitted for the proposed storm door, with final review and approval delegated to staff.
2. The existing front door will not be replaced.

The HPC staff has reviewed and stamped the attached construction drawings.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Myles Perkins (Rita Kader, Agent)
Address: 3928 Baltimore Ave., Kensington

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made. Once work is complete the applicant will contact Michael Kyne at 301.563.3403 or michael.kyne@montgomeryplanning.org to schedule a follow-up site visit.





HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

William Kirwan
Chairman

Date: June 28, 2018

MEMORANDUM

TO: Diane Schwartz Jones
Department of Permitting Services

FROM: Dan Bruechert
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #840287: Front door replacement

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** at the June 27, 2018 Historic Preservation Commission meeting.

The HPC staff has reviewed and stamped the attached construction drawings.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Myles Perkins
Address: 3928 Baltimore St., Kensington

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made. Once work is complete the applicant will contact Dan Bruechert at 301.563.3408 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



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

<p>Owner's mailing address Myles Perkins 3928 Baltimore St Kensington, MD 20895</p>	<p>Owner's Agent's mailing address same</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>Mark + Maureen Shockey 3934 Baltimore St Kensington, MD 20895 (right side)</p>	<p>Glenn + Adeline Kunderver 3924 Baltimore St Kensington, MD 20895 (left side)</p>
<p>Marshall Prosser 3927 prospect st Kensington, MD 20895 (rear)</p>	<p>Laina Richardson 3927 Baltimore St Kensington, MD 20895 (front right)</p>
<p>Sarah + Nathan Lingle 3929 Baltimore St Kensington, MD 20895 (front left)</p>	

Existing Property Condition Photographs (duplicate as needed)



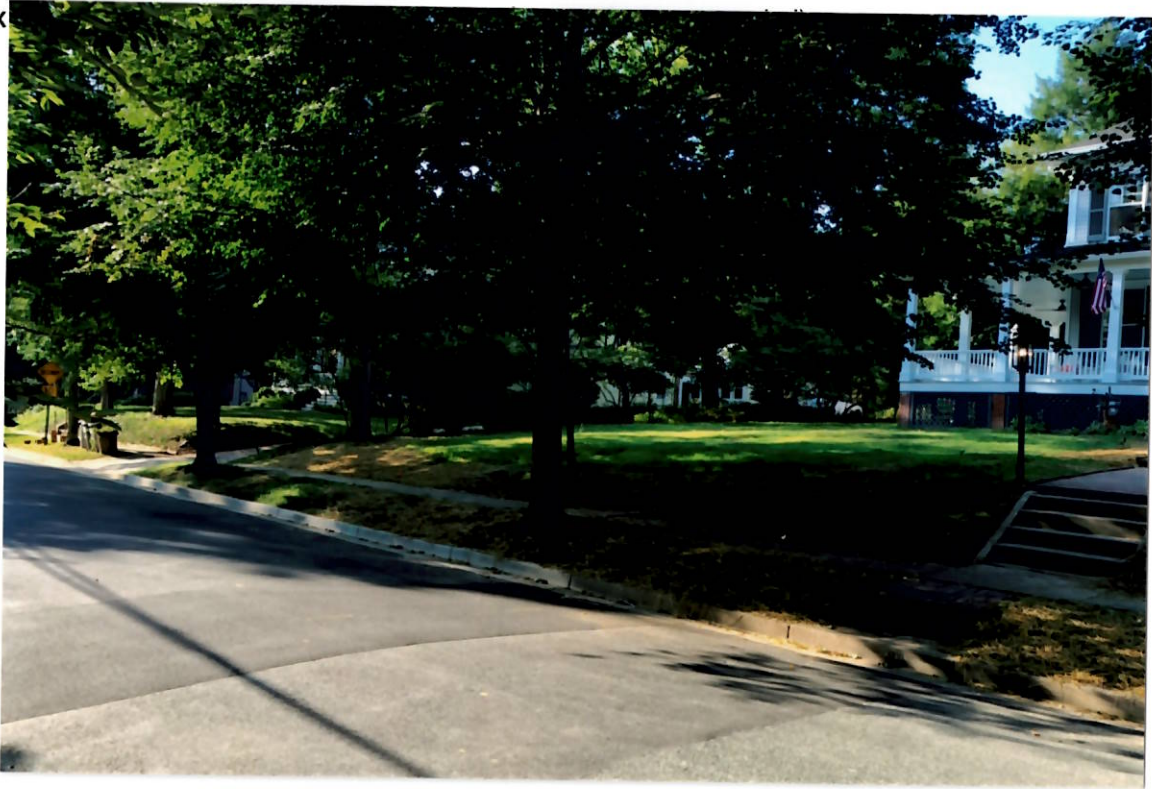
Applicant: _____

Existing Property Condition Photographs (duplicate as needed)

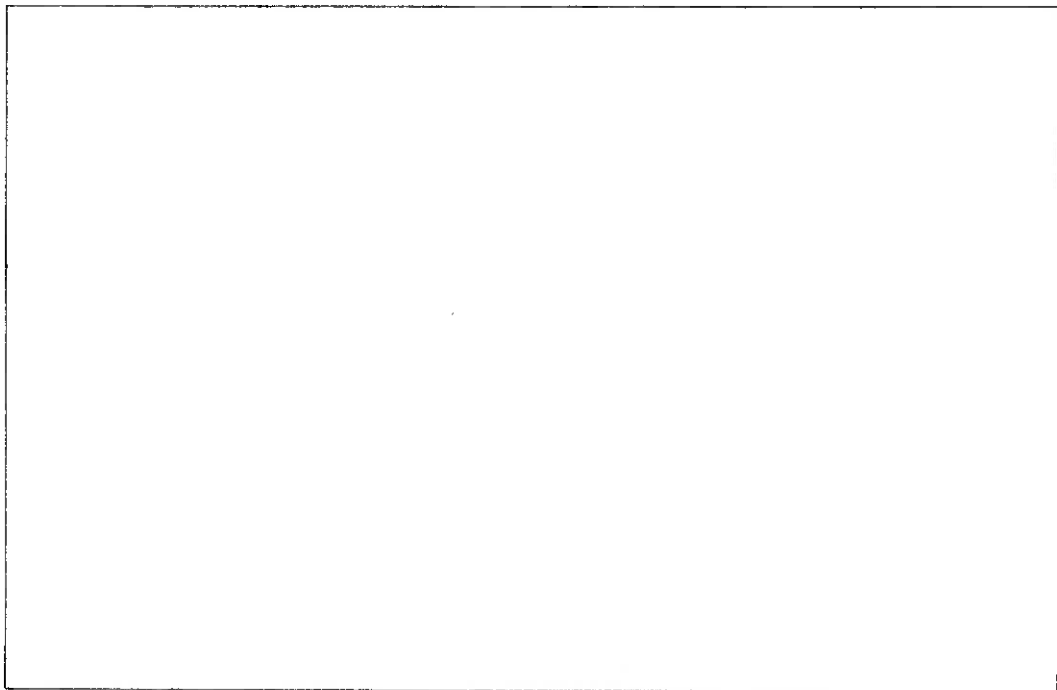


Applicant: _____

Ex



Detail: _____



Detail: _____

Applicant: _____

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