MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 17201 Palomino Ct., Olney
Meeting Date: 2/21/18

Resource: Individually Listed Master Plan Site
Report Date: 1/14/18

John D. Berry House

Applicant: John & Paula Kearney
Public Notice: 2/7/18

Review: HAWP
Tax Credit: n/a

Case Number: 23/103-18A
Staff: Dan Bruechert

Proposal: Swimming Pool, Hardscape, and Fencing

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.
APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Email: SAM@GREATAMERICANLANDSCAPES.COM
Contact Person: SAM M COMBS

Tax Account No.: 52-1409702
Daytime Phone No.: (301) 972-5681

Name of Property Owner: JOHN & PAULA KEARNEY
Daytime Phone No.: (240) 832-0182

Address: 17201 PALOMINO CT. OLNEY MD 20832

Contractor: GREAT AMERICAN LANDSCAPES
Contractor Registration No.: 23629

Agent for Owner: KEVIN O'NEILL
Daytime Phone No.: (301) 972-5681

LOCATION OF BUILDING/PREMISES

House Number: 17201
Street: PALOMINO CT.

Town/City: OLNEY
Nearest Cross Street: COVERED WAGON WAY

Lot: 28  Block: B  Subdivision: COOP
Liber: MT61  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/Remove  ☐ 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 EXT/ADD/ADJUST

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.

Signed: [Signature of owner or authorized agent]
Date: 1/26/05

Approved: [Signature: For Chairperson, Historic Preservation Commission
Disapproved: Signature: [Date: ]

Application/Permit No.: [Date Filed: ] [Date Issued: ]

SEE REVERSE SIDE FOR INSTRUCTIONS

Edit 6/21/99
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 FOLLOWS 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 AGREE THAT A STONE PATIO 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 plot. 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.

2. SITE PLAN

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

   a. the scale, north arrow, and date;
   b. dimensions of all existing and proposed structures;
   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.

   PHOTO ATTACHED

   PATIO: FAUX FLAGSTONE - FLAGSTONE LOOK WITHOUT THE INTENSIVE LABOR - GRILL + FIRE PIT: WESTERN MD STONE

5. PHOTOS

   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.

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 LABEL.

6
NORTH SIDE
FACING SE.
**GRILL**
WESTERN MD STONE
w/ 2" SSL TOP

**FIREPIT**
WESTERN MD STONE
SAME STONE CAP
INTERIOR FIREBRICK

**STOOP & STEP**
WESTERN MD STONE RISER

**PATIO**

**KEARNEY RESIDENCE**
17201 PALOMINO CT
OLNEY MD 20832
GREAT AMERICAN LANDSCAPES
RECTANGULAR POOL - OUR POOL WILL HAVE LAWN ON ONE SIDE AND PATIO ON THE OTHER.
PONDLESS WATER FEATURE
'BUBBLING ROCK'
WESTERN MD STONE FIRE PIT

ALUMINUM FENCE SUPPLY - BLACK ALUMINUM FENCE

5' high to meet MC pool code, yet open to not disrupt the view.