

EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	55 Elm Avenue, Takoma Park	Meeting Date:	3/14/2018
Resource:	Contributing Resource (Takoma Park Historic District)	Report Date:	3/7/2018
Applicant:	Jon Lipshultz and Susan Campbell (Holt Jordan, Agent)	Public Notice:	2/28/2018
Review:	HAWP	Tax Credit:	No
Case Number:	37/03-18Q	Staff:	Michael Kyne
PROPOSAL:	Tree removal		

STAFF RECOMMENDATION:

- ☐ Approve
☒ Approve with conditions

1. The applicants will adhere to the terms of the City's tree replacement agreement, as outlined on Circles 10-11.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Takoma Park Historic District
STYLE: Bungalow
DATE: c. 1910-20s

PROPOSAL:

The applicants are proposing to remove four trees (one four-trunk tree) from the rear/right side of the subject property. The City of Takoma Park's certified arborist identified the following trees to be removed: one 14" dbh Mulberry tree; one 12" dbh Mulberry tree; one 13" dbh Mulberry tree; and one 10" dbh Mulberry tree.

The arborist identified the trees to be removed as undesirable invasive species and requested that the HPC staff issue a tree removal waiver letter. It is the HPC staff's policy to issue tree removal waiver letters when trees have been identified as dead, dying, or an imminent threat by a certified arborist. In all other cases, proposals to remove trees at historic sites and within historic districts must be reviewed and approved by the HPC.

The subject property is moderately forested, and staff finds that the removal of these four trees from the rear of the property will have a negligible impact on the character of the surrounding streetscape. Staff recommends that the HPC approve the applicants' proposal, with the conditions specified above.

APPLICABLE GUIDELINES:

Policy On Use of Expedited Staff Reports for Simple HAWP Cases

IV. The Expedited Staff Report format may be used on the following type of cases:

15. Landscaping, or the removal or modification of existing planting, that is compatible with the visual character of the historic site or district.

Montgomery County Code; Chapter 24A-8

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (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
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
 - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve with the condition specified on Circle 1** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1), (2) & (d) having found that the proposal is consistent with the Takoma Park Historic District Guidelines, and therefore will not

substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the Secretary of the Interior's Standards for Rehabilitation;

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or michael.kyne@mncppc-mc.org to schedule a follow-up site visit.

**HISTORIC PRESERVATION COMMISSION**
301/563-3400**APPLICATION FOR
HISTORIC AREA WORK PERMIT**

Contact Email: holt@jordanhoneyman.com Contact Person: Holt Jordan
Tax Account No.: 01076323 Daytime Phone No.: 202 986 0711
Name of Property Owner: Jon Lipshultz, Susan Campbell Daytime Phone No.: 202 532 3136 Jon (Jack)
Address: 55 Elm Ave. Takoma Park, MD 20912
Street Number City Street Zip Code
Contractor: n/a Phone No.: n/a
Contractor Registration No.: n/a
Agent for Owner: Holt Jordan Daytime Phone No.: 202 439 4001 cell

LOCATION OF BUILDING/PREMISE

House Number: 55 Street: Elm Ave.
Town/City: Takoma Park, Nearest Cross Street: Westmoreland Ave
Lot: 82 Block: 16 Subdivision: BF Gilbert's addition to Takoma Park
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE**1A. CHECK ALL APPLICABLE:**

- ☐ Construct ☐ Extend ☐ Alter/Renovate
☐ Move ☐ Install ☐ Wreck/Raze
☐ Revision ☐ Repair ☐ Revocable

CHECK ALL APPLICABLE:

- ☐ A/C ☐ Slab ☐ Room Addition ☐ Porch ☐ Deck ☐ Shed
☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family
☐ Fence/Wall (complete Section 4) ☒ Other: Tree removal

1B. Construction cost estimate: \$ \$2,500

1C. If this is a revision of a previously approved active permit, see Permit # No

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 _____ foot _____ 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 of owner or authorized agent

Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

**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:

Contributing resource 1910s-1920s Era Bungalow in Takoma Park Historic District. It is a 2 story residence with a walkout finished basement in the rear. There are similar period homes adjacent to this property.

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

Multi-trunk Mulberry tree removal. This is listed as an invasive species and is allowed to be removed by the City of Takoma Park. This tree now competes with the screening trees and shrubs that were planted at the time of the 2007 deck and stone terrace construction. HAWP application #444286. This removal will allow the adjacent crytomeria tree and the neighbors newly installed trees a better growing environment. It will also allow more light for the existing garden. The TP tree removal permit is in process. A tree replacement fee paid into the city fund will be required and fee is yet to be determined.

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.

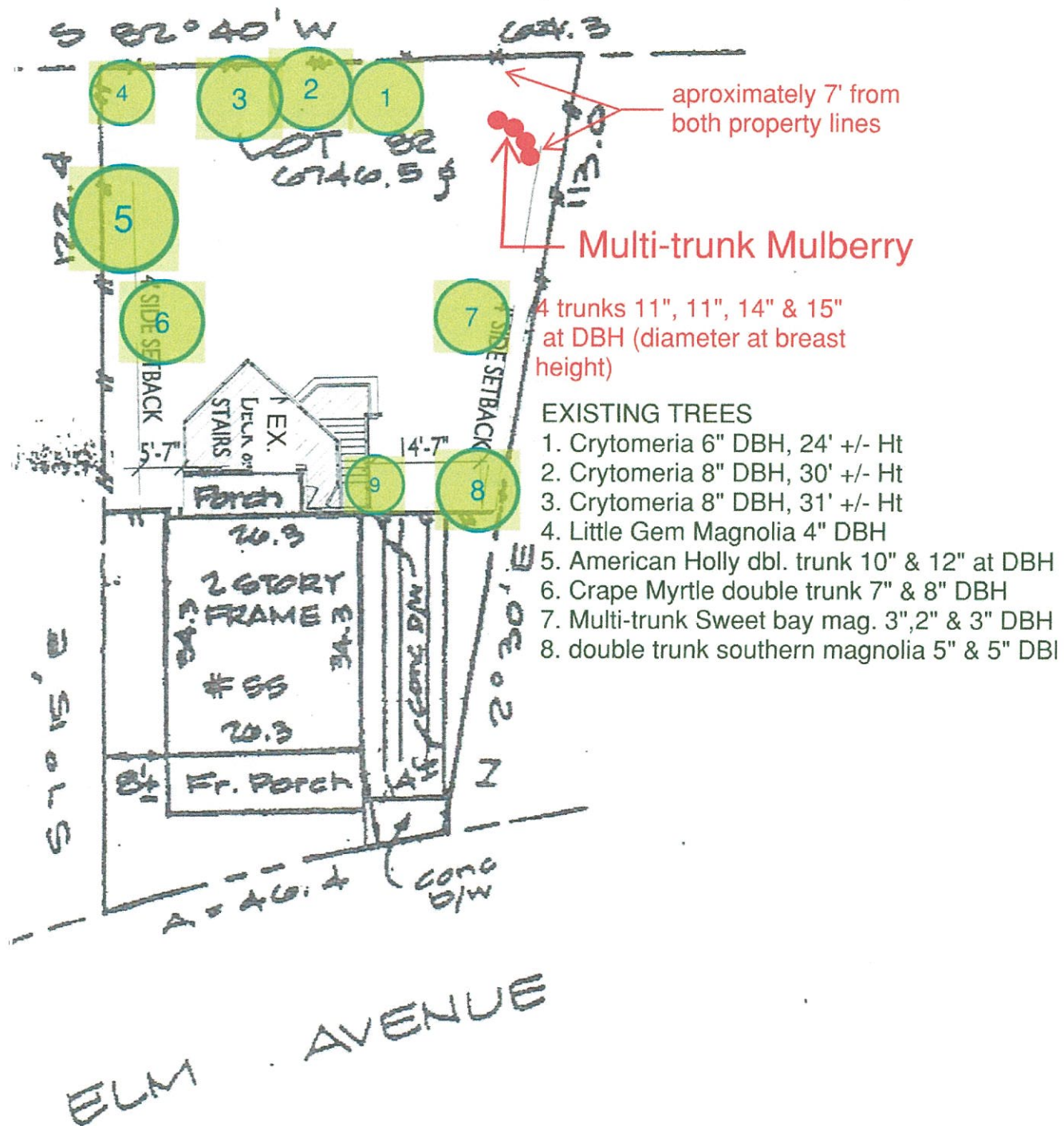
6. **TREE SURVEY**

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.

Site Plan



Shade portion to indicate North

Existing Property Condition Photographs (duplicate as needed)



Detail: Front Elevation 55 Elm Ave.



Detail: Rear Image showing 2007 deck and terrace

Existing Property Condition Photographs (duplicate as needed)



Detail: Multi-trunk Mulberry tree to be removed



Detail: Multi-trunk Mulberry tree branches shading and stunting adjacent crytomeria tree

Existing Property Condition Photographs (duplicate as needed)



Multi-trunk Mulberry tree branches shading and stunting adjacent
Detail cryptomeria trees



Detail Image taken behind 49 Elm from driveway adjacent to 6811
Westmoreland Ave. Multi-trunk Mulberry tree

City Of Takoma Park Public Works Department



31 Oswego Avenue, Silver Spring, Maryland 20910

Office: 301-891-7633

Fax: 301-585-2405

www.takomaparkmd.gov

March 02, 2018

Jack Lipshultz and Susan Campbell
55 Elm Avenue
Takoma Park, MD 20912

Re: Same

Dear Jack Lipshultz and Susan Campbell:

The City of Takoma Park has granted preliminary permit approval for you to remove the 14" d.b.h. Mulberry tree (1 replant) from the right rear, the 12" d.b.h. Mulberry tree (1 replant) from the right rear, the 13" d.b.h. Mulberry tree (1 replant) from the right rear and the 10" d.b.h. Mulberry tree (1 replant) from the right rear of your property.

Because your tree is considered an undesirable species, the usual 15 day posting period is not required. **You will be granted a permit to remove the tree(s) pending the City's receipt of your signed agreement to adhere to the City's tree replacement requirements.** The replacement agreement is enclosed, the terms of which require you to replant FOUR 1 ½ inch caliper category 3 deciduous tree(s), or make a contribution of \$700.00 to the City's tree fund. For reference the tree type list is maintained online here –

<https://s3.amazonaws.com/publicworks-takomapark/public/arborist/tree-selection-guide.pdf>

Please contact me at 301-891-7612 if you have any questions.

Sincerely,

Jan van Zutphen
Urban Forest Manager

Enclosure

(10)

City Of Takoma Park Public Works Department



31 Oswego Avenue, Silver Spring, Maryland 20910

Office: 301-891-7633

Fax: 301-585-2405

www.takomaparkmd.gov

March 02, 2018

Jack Lipshultz and Susan Campbell
55 Elm Avenue
Takoma Park, MD 20912

Re: Same

Dear Jack Lipshultz and Susan Campbell:

In order to receive a permit to remove an urban forest tree within the City of Takoma Park you must agree to replant or contribute an equivalent amount to the City's Tree Fund as per Section 12.12.100 of the City Code. Replacement trees shall be nursery stock trees with a minimum size of 1 1/2 inches in caliper for deciduous trees, or 10 feet in height for evergreen trees and guaranteed for one (1) year. You are required to provide the City with the species and location(s) where you wish to plant the tree(s), as approval is necessary prior to planting. **Tree(s) must be planted within six (6) months of the date this agreement is signed.** The City will conduct a site visit to confirm the planting. For reference the tree type list is maintained online here - <https://s3.amazonaws.com/publicworks-takomapark/public/arborist/tree-selection-guide.pdf>

Where it is not feasible or desirable to replace trees on site, the replacement requirement may be satisfied by planting trees at another location within the City or by a contribution equivalent to the installed market value of the required replacement trees to the City's tree planting fund.

The tree replacement requirements based on the City of Takoma Park Tree Ordinance are stated below:

FOUR of 1 1/2 inch caliper trees:

Category 3 deciduous

Signature

Date

OR

Tree Fund Payment of: \$700.00

(Make check payable to City of Takoma Park
and return with this letter.)

Signature

Date

The permit will be issued after receipt of this signed tree planting agreement or payment of replacement tree cost. Payment must be made by check to the City of Takoma Park, and submitted to the Public Works Department, 31 Oswego Avenue, Silver Spring, MD 20910.

Sincerely,

Jan van Zutphen
Urban Forest Manager

City Of Takoma Park

Public Works Department



31 Oswego Avenue, Silver Spring, Maryland 20910

Office: 301-891-7633

Fax: 301-585-2405

www.takomaparkmd.gov

March 02, 2018

Kevin Manarolla
M-NCPPC - Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Manarolla:

I have identified trees that are listed as an undesirable species which are located in the Historic District of Takoma Park. I am requesting that you send the owner a waiver for removal.

Specifics regarding the case are as follows:

Property owner(s): Jack Lipshultz and Susan Campbell
55 Elm Avenue,
Takoma Park, MD 20912

Property Address: Same

Tree Location: right rear

Phone number (s): 202-439-4001

Tree type & DBH: Mulberry 14" dbh
Mulberry 12" dbh
Mulberry 13" dbh
Mulberry 10" dbh

Condition of tree(s): fair, poor, fair, fair

Sincerely,

Jan van Zutphen
Urban Forest Manager

HPC FAX #301.563.3412

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

Owner's mailing address

Jon Lipshultz & Susan Campbell
55 Elm Ave
Takoma Park, MD 20912

Owner's Agent's mailing address

Holt Jordan
Jordan Honeyman Landscape
Architecture
711 Florida Ave NW
Washington, DC 20001

Adjacent and confronting Property Owners mailing addresses

Sasha Johnson & Mark Murry
51 Elm Ave
Takoma Park, MD 20912

Kyle R Herrig
6811 Westmoreland Ave
Takoma Park, MD 20912

Mozell B Hazell
97 Elm Ave
Takoma Park, MD 20912

James L McInearney, 3rd
54 Elm Ave
Takoma Park, MD 20912

Jackie and Dave Wachter
6804 Westmoreland Ave
Takoma Park, MD 20912