

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	24 Philadelphia Ave., Takoma Park	Meeting Date:	5/23/18
Resource:	Contributing Resource Takoma Park Historic District	Report Date:	5/16/18
Applicant:	Dana Martin	Public Notice:	5/9/18
Review:	HAWP	Tax Credit:	n/a
Case Number:	37/03-18KK	Staff:	Dan Bruechert
Proposal:	Tree Removal		

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing to the Takoma Park Historic District
STYLE: Bungalow
DATE: c.1915-1925

The subject property is a one-and-a-half story stucco bungalow with a side gable roof. There is a driveway to the right of the house that provides visibility between 24 and 22 Philadelphia Ave.

BACKGROUND

On March 8, 2017 the HPC approved the removal of six of the nine Leland cypress trees along the right property boundary of 24 Philadelphia Ave. One of the remaining three trees fell in March 2018.

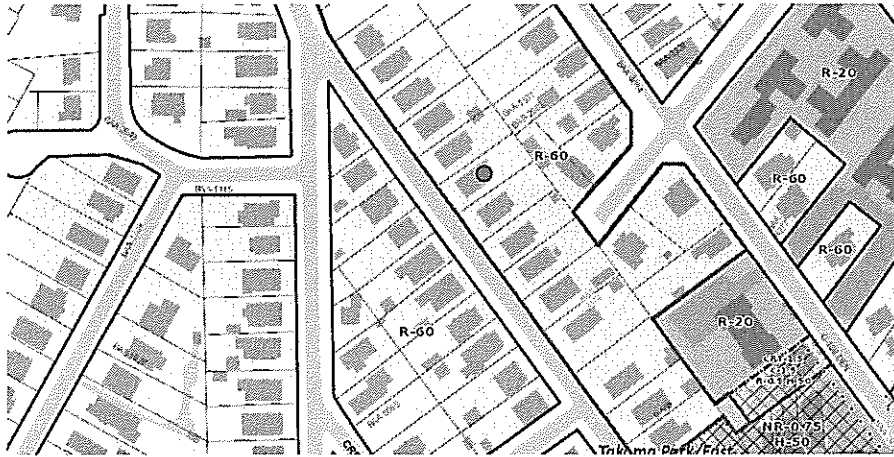


Figure 1: Map showing the location of 24 Philadelphia Ave.

PROPOSAL

The applicant proposes to remove two Leland cypress trees from the rear of 24 Philadelphia Ave.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Takoma Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the Takoma Park Historic District (*Guidelines*), 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.

Takoma Park Historic District Design Guidelines

There are two very general, broad planning and design concepts which apply to all categories. These are:

The design review emphasis will be restricted to changes that are at all visible from the public right-of-way, irrespective of landscaping or vegetation (it is expected that the majority of new additions will be reviewed for their impact on the overall district), and,

The importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the district.

Contributing Resources should receive a more lenient review than those structures that have been classified as Outstanding. This design review should emphasize the importance of the resource to the overall streetscape and its compatibility with existing patterns rather than focusing on a close scrutiny of architectural detailing. In general, however, changes to Contributing Resources should respect the predominant architectural style of the resource. As stated above, the design review emphasis will be restricted to changes that are *at all visible from the public right-of-way*, irrespective of landscaping or vegetation.

Some of the factors to be considered in reviewing HAWPs on Contributing Resources include:

Alterations to features that are not visible at all from the public right-of-way should be allowed as a matter of course.

All changes and additions should respect existing environmental settings, landscaping, and patterns of open space.

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

STAFF DISCUSSION

The applicant proposes to remove the remaining two Leland cypress trees in the rear yard, to the right of the historic house. Staff supports approval of this HAWP.

The applicant identifies these trees as having been planted in the 1980s. They do not individually have historic character; however, they do add to the mature canopy of the Takoma Park Historic District.

Staff's research regarding Leland cypress trees is that they are frequently a desirable species because they grow quickly, survive in poor soil and, and create very good privacy screening. Problems arise when they are allowed to grow unchecked, as is the case here. They trees become very top heavy and are prone to blowing down. This is what occurred to the tree shown in page 7 of the application (see Circle: 11). It is because of this condition that the applicant desires to remove the two remaining Leland cypresses.

The City of Takoma Park has granted preliminary approval for the removal of these trees with the requirement that the applicant either plant five 1 ½" caliper category 3 evergreen trees or to pay a fee in lieu to the City's tree fund (the City's tree ordinance does allow residents to plant fewer than required number of trees and reduce the fee on a pro rata basis).

Staff finds that as these trees are in the rear of the property that their removal will not significantly alter the environmental setting of the Takoma Park Historic District (per the *Guidelines*). Additionally, Staff finds that should a HAWP not be granted there is a strong likelihood that the trees will become a hazard to adjacent historic resources within the district. Staff recommends the HPC approve the tree removal.

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP application; 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: DANA.JMART@AOL.COM Contact Person: Dana Martin
Daytime Phone No.: 202-514-5377
Tax Account No.: 01069588
Name of Property Owner: Dana Martin Daytime Phone No.: 202-514-5377
Address: 24 Philadelphia Ave Takoma Park MD 20912
Contractor: Adirondack Tree Experts Phone No.: 301-595-2827
Contractor Registration No.: 010822

LOCATION OF BUILDING/PREMISE

House Number: 24 Street: Philadelphia Ave
Town/City: Takoma Park Nearest Cross Street: Work Park Ave / Holt Ave.
Lot: 12 Block: 3 Subdivision: 0025 (Hill Crest Plat 140)
Libar: Folio: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE

- Construct Extend Alter/Renovate A/C Stab Room Addition Porch Deck Shed
Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
Revision Repair Revocable Fence/Wall (complete Section 4) Other:

TREE REMOVAL

1B. Construction cost estimator: \$ 2000 (haven't gotten bid yet, need permit)
1C. If this is a revision of a previously approved active permit, see Permit #

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTENSION/ADDITION

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/assessment

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.

Dana J Martin
Signature of owner or authorized agent

4/3/18
Date

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

834901

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**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:

Removal of two Leland Cypress trees which pose a safety hazard. City of Takoma Park has provisionally granted a tree removal permit (attachment pending HAWP). A HAWP was granted last year to remove ~~6~~ several of these trees. City of TK Park had done it as to 3 trees - one of those was now fallen and the City now agrees that the remaining two trees should be removed. I will plant replacements (less hazardous!).

See attachment B. →

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

Simple removal of two trees between 24 and 22 Philadelphia Ave. The trees planted in the 1980's were too large for the site & not planted early on. They have no historic value. But they pose a danger to two historic houses - mine and my neighbors!

2. SITE PLAN (Attached)

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.

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. N/A

- 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. N/A

5. PHOTOGRAPHS (Attached)

- 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 N/A

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 (Attached)

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.

+ Attachment A: Preliminary Tree Removal Permit from City of Takoma Park
Attachment B: HAWP from 2017 for removal of 6 formerly adjacent Leland Cypress

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

<p>Owner's mailing address Dana Martin 24 Philadelphia Ave. Takoma Park, MD 20912</p>	<p>Owner's Agent's mailing address N/A</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>Vonzelyarz Vaughn 22 Philadelphia Ave. Takoma Park, MD 20912</p>	<p>Jeffrey Plungis & Bethany Kern 26 Philadelphia Ave. Takoma Park, MD 20912</p>
<p>Elise Gould & Alexandra Minicozzi 23 Philadelphia Ave. Takoma Park, MD 20912</p>	

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MONTEGOMERY COUNTY CIRCUIT COURT RECORDS. BOOK 14, PAGE 11240. THIS ONE INCLUDES 11110 AND 11110.001.

"HILL-CREST"

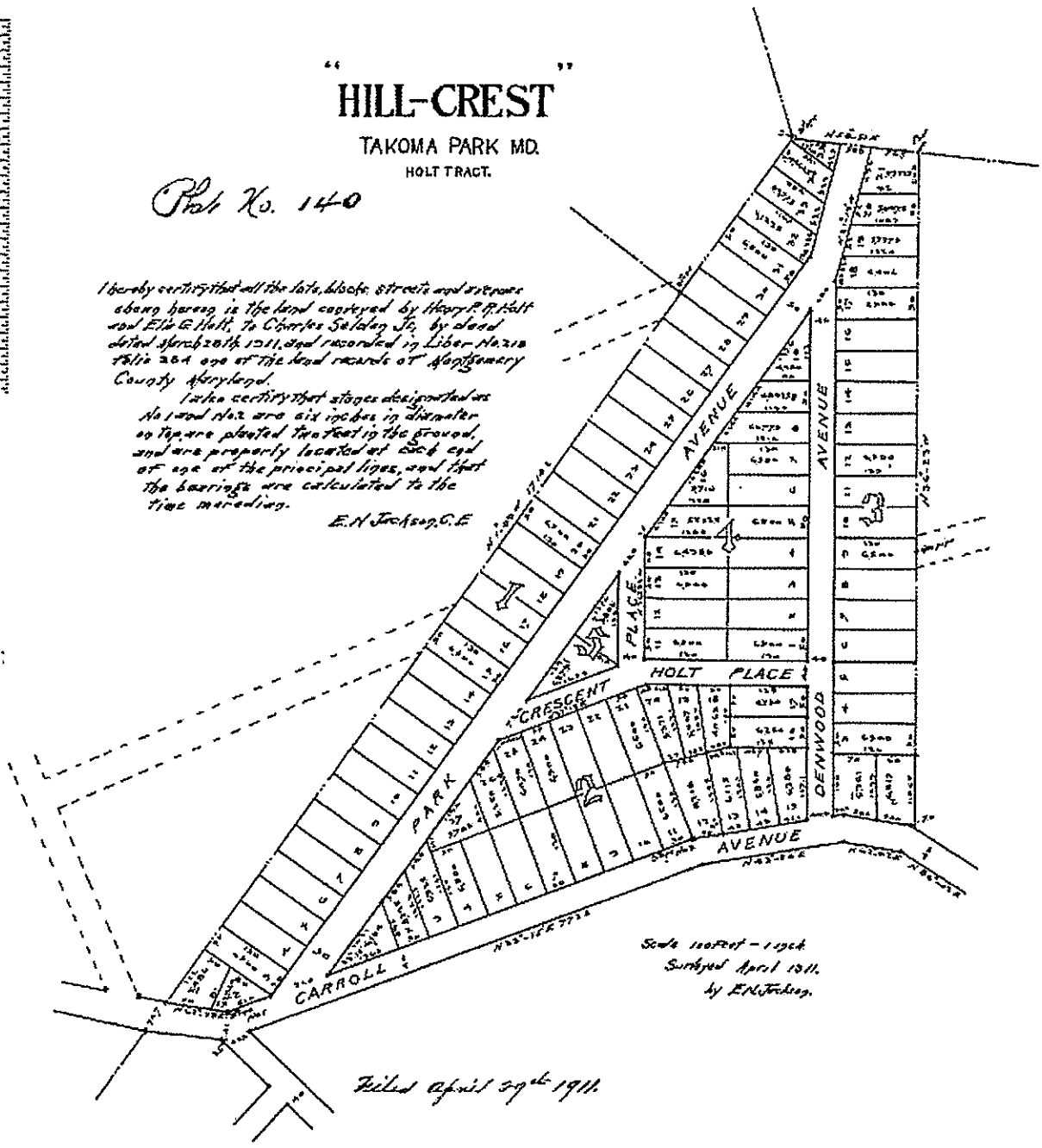
TAKOMA PARK MD.
HOLT TRACT.

Plan No. 140

I hereby certify that all the lots, blocks, streets and avenues shown hereon is the land conveyed by Henry P. Holt and Ella E. Holt, to Charles Selden Jr., by deed dated March 20th 1911, and recorded in Liber No. 2121 folio 284 one of the land records of Montgomery County Maryland.

I also certify that stakes designated as No. 1 and 2 are six inches in diameter and 10 feet are planted ten feet in the ground, and are properly located at each end of one of the principal lines, and that the bearings are calculated to the time measuring.

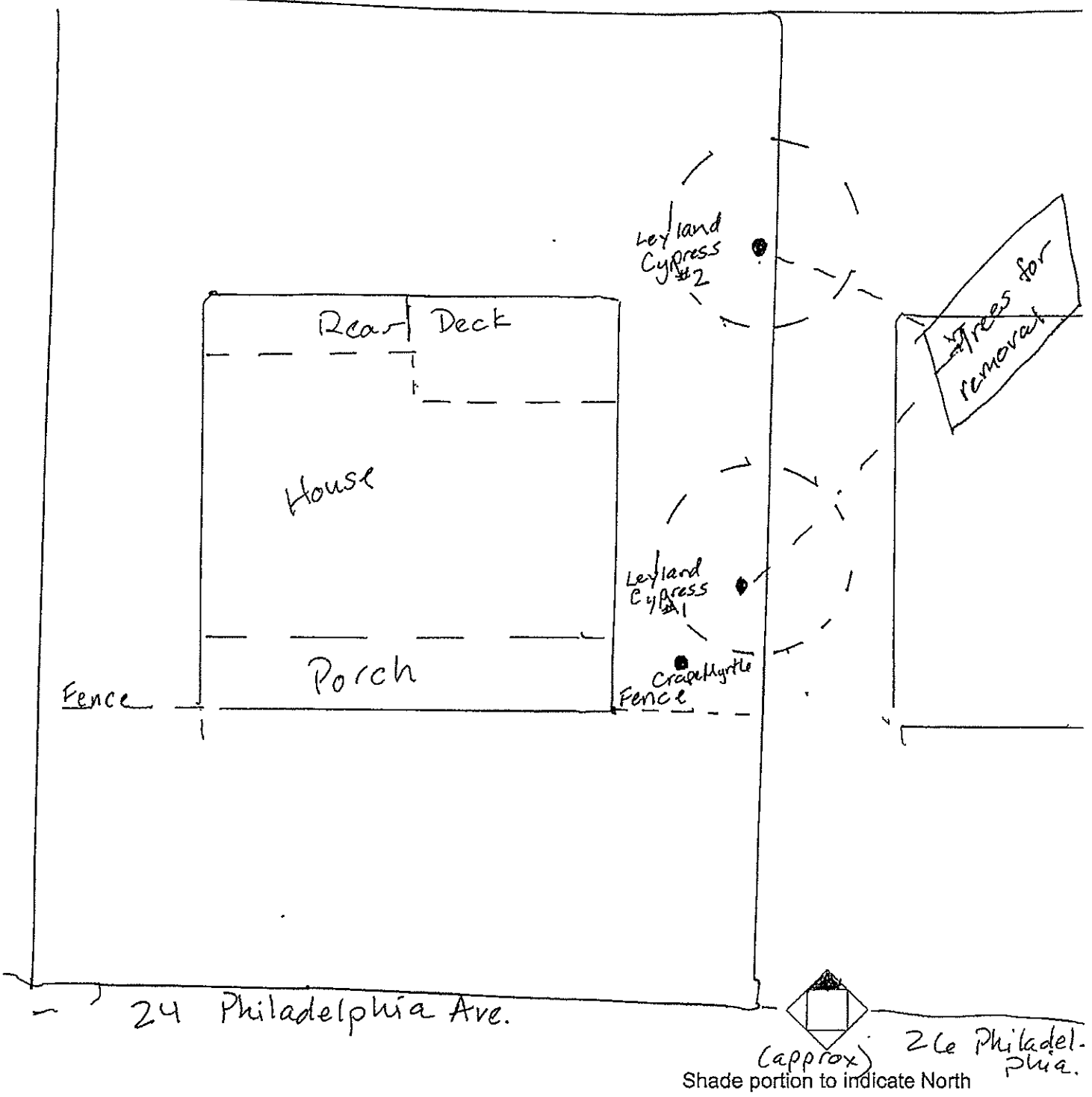
E. N. Jackson, C. E.



Scale 110 feet = 1 inch
Surveyed April 1911.
by E. N. Jackson.

Filed April 29th 1911.

Site Plan 2 Trees for Proposed Removal at
24 Philadelphia Ave., Takoma Park, MD



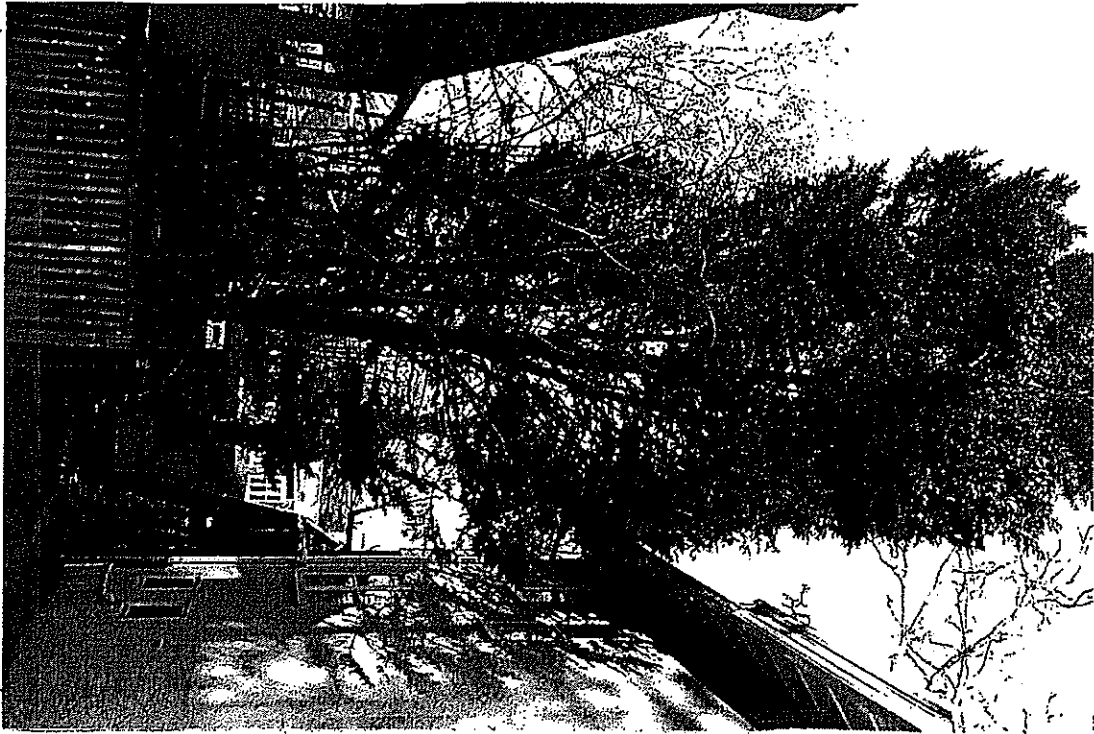
Applicant: Dana Martin

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Existing Property Condition Photographs (duplicate as needed)

24 Philadelphia Ave.
↖



↖
22 Philadelphia Ave.

Detail: Leland Cypress #1 (behind Crapemyrtle) to be removed. View from Philadelphia Ave. Leland Cypress #2 is in background. Note top-heaviness of trees



Detail:
Leland Cypress Tree #2 viewed from back yard of 24 Philadelphia
Note top-heaviness and sparse foliage

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Existing Property Condition Photographs (duplicate as needed)



Detail: Fallen Leland Cypress tree March 2018, and associated damage.
This was the healthiest-looking of the 3 remaining trees.

Please help us prevent a tragedy.
Photo taken from back yard of 24 Philadelphia.

Detail: _____

Applicant: Dana Martin

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ATTACHMENT A
City Of Takoma Park
Public Works Department

Takoma Park
Preliminary Permit for
Removal of the 2
remaining Leyland
Cypress Trees (2018)



31 Oswego Avenue, Silver Spring, Maryland 20910
Office: 301-891-7633 Fax: 301-585-2405
www.takomaparkmd.gov

March 12, 2018

Dana Martin
24 Philadelphia Avenue
Takoma Park, MD 20912

Re: same

Dear Dana Martin,

The City of Takoma Park has granted preliminary permit approval for you to remove the 16" d.b.h. Leyland Cypress tree (3 replants) from the right side and the 12" d.b.h. Leyland Cypress tree (2 replants) from the right side of your property.

Preliminary approval means that the City will post your property for a 15 day period beginning 03/09/18 and ending 03/24/18 for public comment. **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. Additionally, since your property is located within the Historic District, you are required to receive a HISTORIC AREA WORK PERMIT.** To apply for a HAWP, contact Montgomery County Department of Permitting Services at 240-777-3400 or online at: <http://permittingservices.montgomerycountymd.gov/dps/building/HistoricAreaWorkPermit.aspx>.

Please submit both the signed replanting agreement and a copy of your HAWP to Takoma Park Public Works, in order to be issued a tree removal permit.

The replacement agreement is enclosed, the terms of which require you to replant FIVE 1 1/2 inch caliper category 3 Evergreen tree(s), or make a contribution of \$875.00 to the City's tree fund.

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

Sincerely,

Jan van Zutphen
Urban Forest Manager

Enclosure

(12)

March 6, 2018

Via email

Ms. Suzanne Ludlow (SuzanneL@takomaparkmd.gov), City Manager
Mr. Jan van Zutphen (JanVZ@takomaparkmd.gov), Urban Forest Manager
City of Takoma Park
7500 Maple Avenue
Takoma Park, MD 20912

Re: Urgent Tree Hazard at 24 Philadelphia Avenue

Dear Ms. Ludlow and Mr. van Zutphen:

Attached please find an urgent tree removal waiver application for two Leyland Cypress trees on my property at 24 Philadelphia Avenue, which are posing a clear hazard to people and property. This is my third application to the City for permission to remove these trees. They are overgrown, top heavy despite regular pruning by me (were never pruned after they were planted in 1985 by a prior owner of the house) and pose a danger to my house and my next-door neighbor's house at 22 Philadelphia Ave.

I filed the first tree removal application after one of the same trees fell down during a blizzard during Snowmageddon in 2010-11, crushing my neighbor's fence (there were originally 10 Leyland Cypress trees on the property; one fell down during the blizzard so the permit sought permission to remove the remaining 9 trees after that frightening and expensive incident). That permit application was denied by Todd Bolton, who was the City Arborist at the time, despite the fact that the trees are shallow-rooted and top-heavy and one had already fallen. I tried again last year, in 2017, after I received an opinion from Adirondack Tree Experts that the trees posed a hazard. This time, the permit was granted as to 6 of the trees, but denied for 3 others. I paid \$1050 to the tree replacement fund and had the 6 trees removed shortly after I received the Historic Area Work Permit to go with the tree removal permit. But the 3 Leyland Cypresses as to which the permit was denied remained.

One of those remaining Leyland Cypress trees fell down during the windstorm of March 2, 2018, again crushing my neighbor's fence and filling her entire yard with tree. We are extremely fortunate that no people, other property, or animals were hurt or damaged. I am terribly concerned that the remaining two trees (one of which is right in between our houses) pose an imminent hazard to our lives and property, and I therefore request a waiver to remove those trees as soon as possible.

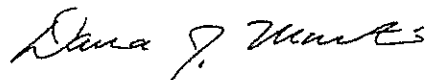
I have also incurred a hefty tree removal bill of \$1750 (attached), and my neighbors will incur a hefty fence replacement bill. I prefer not to file a claim with my insurance company because of the risk of rising premiums or being dropped from coverage, but I believe in any event that the responsibility for these new expenses lies with the City. I also question whether I should have been charged to pay the tree replacement fund with respect to the trees for which I did receive a permit, inasmuch as their hazardous nature should have been enough for a waiver. I therefore request that I be reimbursed for these expenses, and that my neighbor, Von Vaughn at 22 Philadelphia Ave., be reimbursed for the cost of repairing her smashed fence.

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Thanks very much for your assistance with this matter. Please don't hesitate to call me at 202-514-5377 (work) or 202-251-6180 (cell) or by email at DanaJmart@aol.com. I will also drop off a hard copy of the tree waiver application with the \$25 fee tomorrow morning at 31 Oswego Ave.

Sincerely yours,



Dana J. Martin
24 Philadelphia Ave.
Takoma Park, MD 20912

Cc: Von Vaughn
22 Philadelphia Ave.

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ATTACHMENT 3:

Last year's permit for
the 6 other Leyland
Cypress Trees (2017)



HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

William Kirwan
Chairman

Date: March 9, 2017

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 #789101: Tree Removal

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 August 17, 2016 Historic Preservation Commission meeting, with staff item revisions approved at the March 8, 2017 HPC meeting.

The HPC staff has reviewed and stamped the attached tree removal drawings.

Applicant: Dana Martin
Address: 24 Philadelphia Ave., Takoma Park

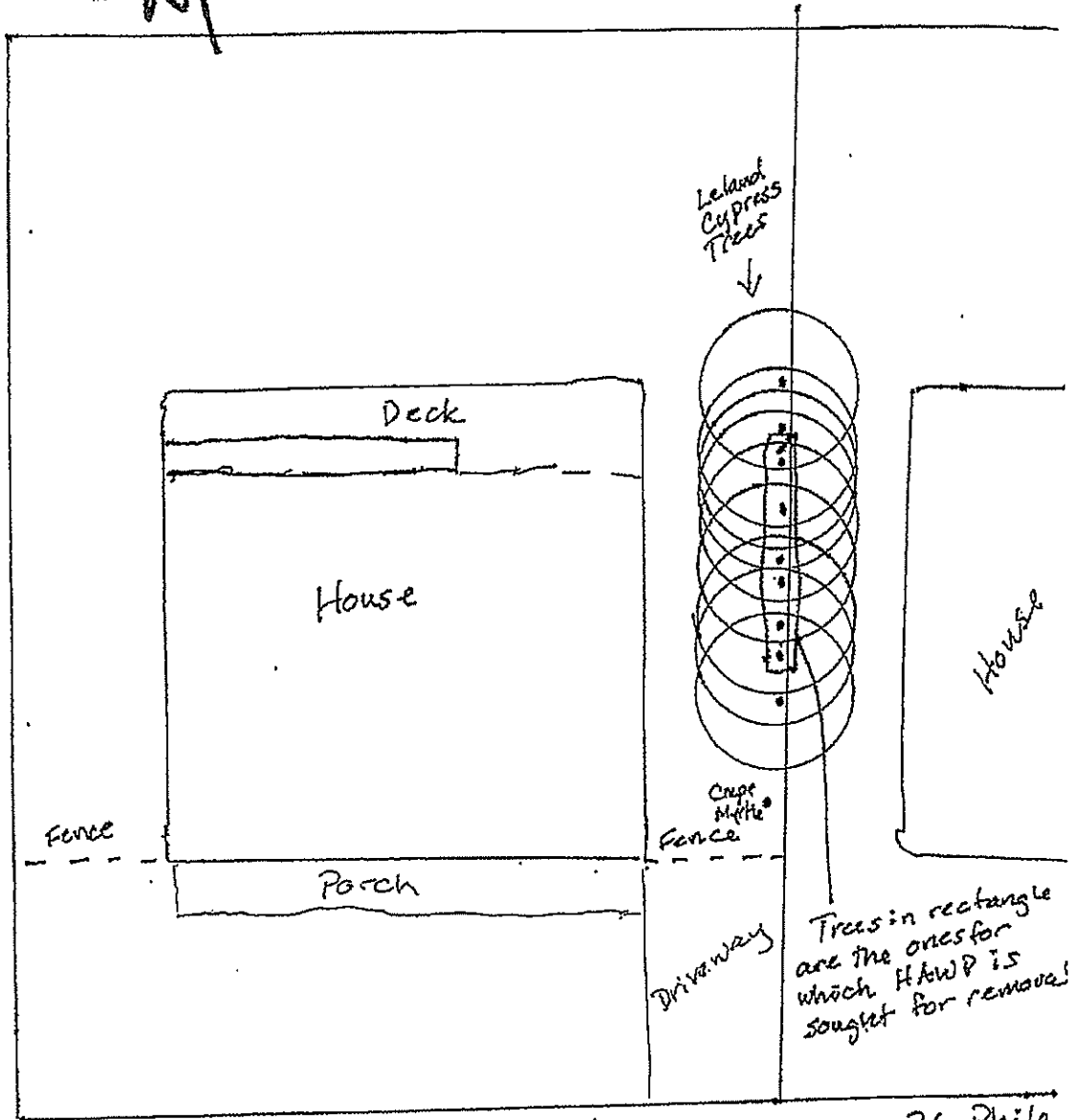
This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made.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



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RECEIVED
Arlington County
Planning Commission

Site Plan



Trees in rectangle are the ones for which HAWP is sought for removal

24 Philadelphia Ave.
Takoma Park, MD 20912

26 Phila. Ave →



(approx)

Shade portion to indicate North

Applicant: Dana J. Martin

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