STAFF REPORT

Address: 13630 Georgia Ave, Silver Spring, MD 20906  
Meeting Date: 12/5/2018

Resource: Master Plan Site #27/17  
Report Date: 11/28/2018

(Aspin Hill Pet Cemetery)

Applicant: Montgomery County Humane Society, Inc.  
Public Notice: 11/21/2018

(Brian Donnelly, Agent)

Tax Credit: No

Review: HAWP

Staff: Brian Crane

Case Number: 27/17--18A

PROPOSAL: Retroactive Tree Removal, Additional Tree Removal, and Alterations to the Features of the Environmental Setting

STAFF RECOMMENDATION:

Staff recommends that the HPC approve with three (3) conditions the HAWP application.

1. The applicant shall prepare documentation that should include, at a minimum, a detailed map and inventory of character defining trees, plantings, gravestones, statuary, fences and other landscape features that contribute to the overall significance of the historic site and are an integral part of its environmental setting.

2. The applicant shall prepare a landscape maintenance plan that evaluates the health of trees and plantings within the cemetery, identifies invasive trees and vegetation, and provides recommendations for pruning, removal, and replanting as necessary to maintain the environmental setting and historical character of the cemetery. This plan must be reviewed by Staff prior to any further tree removal or landscaping as mentioned in the application. Staff recommends that the inventory and maintenance plan be developed by a landscape architect.

3. The applicant shall use the least disruptive technique for any future tree removal in order to avoid inappropriate changes to the environmental setting. Use the smallest machinery that can accomplish the task safely. Avoid moving stones unless necessary. Where it is unavoidable, care must be used to move stones without damaging them. The original location should be clearly marked so that it can be returned to its original place and orientation. Spraying herbicides should be avoided as these can damage gravestones.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Master Plan Site designated in 1991
STYLE: Tudor Revival (main house on site); landscape style is unspecified in the nomination
DATE: 1921
Excerpt from *Places from the Past*:

The Aspin Hill Pet Cemetery is one of the largest and earliest pet cemeteries in the country. Richard and Bertha Birney, breeders of Boston terriers, Scotties, and schnauzers, established a boarding kennel here in 1921. The business included care of health care facilities, described in the 1930s as “the only authorized animal hospital south of New York”; and a four-acre pet cemetery. Cemetery records, dating back to 1922, document more than 50,000 animal burials. Notable pets buried in the cemetery include seven dogs that belonged to J. Edgar Hoover; Jiggs, from the Our Gang movie series; and Rags, mascot of the First Division in World War I “who risked life and limb in the Meuse-Argonne when he crossed enemy lines to deliver a note to Allied Forces.” President Lyndon Johnson’s dogs were cremated at Aspin Hill and the remains sent to Texas. The site includes a wide variety of gravestones, animal sculptures, and mature landscaping. Also on site are a frame chapel, a gable-roof kennel with decorative brickwork, and a 1930s brick bungalow. The Birneys named their residence and business after a similar kennel in England named Aspin Hill (in contrast to the local neighborhood of Aspen Hill).

Location of Aspin Hill Pet Cemetery, Outlined in Red.

**BACKGROUND:**

The subject tree removal and site alterations took place in late August 2018.

**PROPOSAL:**

The applicants propose the following work items to be approved retroactively:
- Remove fallen logs and branches from the ground throughout the cemetery;
- Trim dead branches from several trees; and
- Cut down and remove 3 dead or damaged trees.

The applicants propose the following future work items to be approved
- Trim dead branches from several trees; and
- Cut down and remove one dead and decaying tree; and
- Cut down and remove trees of less than 6” dmh.

APPLICABLE GUIDELINES

In accordance with section 1.5 of the Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) (“Regulations”), in developing its decision when reviewing a Historic Area Work Permit application for an undertaking at a Master Plan site the Commission uses section 24A-8 of the Montgomery County Code (“Chapter 24A”), the Secretary of the Interior’s Standards and Guidelines for Rehabilitation (“Standards”), and pertinent guidance in applicable master plans. [Note: where guidance in an applicable master plan is inconsistent with the Standards, the master plan guidance shall take precedence (section 1.5(b) of the Regulations).] The pertinent information in these documents, incorporated in their entirety by reference herein, is outline below.

Sec. 24A-8. Same-Criteria for issuance.

(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; [emphasis added] 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.)

Secretary of Interior’s Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” Because the property is a Master Plan Site, the Commission’s focus in reviewing the proposal should be the Secretary of the Interior’s Standards for Rehabilitation. The Standards are as follows:

2. 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.

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 maintains that the trees were removed because of poor health and potential hazardous conditions. In the application, the owner acknowledges that the property is in disrepair and overgrown with small invasive trees along the property perimeter and to a lesser degree within the Pet Cemetery. The Owner intends to restore and rehabilitate the overall property by removing trees that have been damaged by storms, in poor condition or declining health, and remove smaller trees (less than 6”) as funding and resources become available to recreate the park like setting. The Owner requests permission to remove poor, dead, damaged and invasive trees that may create a hazard to users and selectively under 6” dbh.

Sheet 1 of the site plans prepared by the applicant indicate 3 discrete areas within the cemetery where work was performed, including before and after photographs of the removal of dead branches and 3 trees. Sheet 2 indicates areas where the applicant would like to remove additional dead or damaged trees, and trees under 6” dbh. In addition to the three structures on site, the plans indicate the location of
“significant” and “specimen” trees. Areas of other, smaller trees are indicated by general outline of “tree canopy.” The location of individual grave stones, statuary, fencing and other contributing landscape elements of the cemetery are not noted. Staff understand that some gravestones were temporarily moved during work to protect them from damage, and then returned to their original locations.

Although no arborists report appears to have been prepared prior to tree removal, the landscaping company representative who performed the work states that the trees removed were “obviously dead and decaying in place.” While clear “before” photographs do not appear to be available for one of the trees removed, those provided for two of the trees appear to support this assertion. One tree had snapped during a storm and had already fallen. One of those proposed for removal, Tag #12, is shown on the plan as a specimen tree, but is clearly dead and decaying in place. There are a number of places in the cemetery where small volunteer saplings (less than 6” dbh) have sprouted immediately adjacent to gravestones. If left to grow, these will eventually displace the markers around them, undermining the site’s integrity.

Removal of dead or dying trees is compatible with the character and nature of the historical and cultural features of the site; aids in its protection and preservation; and is necessary to remedy potentially unsafe situations. The principle concern is that the work was undertaken without a tree inventory that assesses the health and condition of trees in the cemetery and that discusses their relationship to the overall site history and landscape. This makes it difficult to determine whether removal was strictly warranted in all cases, and whether the site’s environmental setting suffered a loss of integrity as a result.

Likewise, the work suffered from the lack of a map inventory of gravestones, statuary, fences and other significant landscape elements. While it may have been prudent to temporarily move some gravestones to prevent their damage in some cases, the absence of a map makes it impossible to determine whether items were returned to their correct locations. In general, moving stones should be avoided if possible, and tree work should use the smallest machinery that can accomplish the task safely. Where temporarily moving stones is unavoidable, care must be exercised to avoid damaging them. The original location should be clearly marked so that stones can be returned to their original place and orientation.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission approve with conditions the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), having found that the proposal is compatible with the character and nature of the historical and cultural features of the site; aids in its protection and preservation; is necessary to remedy potentially unsafe situations; and is compatible in character with the resource and the purposes of Chapter 24A;

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

and with the general conditions that the applicant:

1. Prepare documentation that will include, at a minimum, a detailed map and inventory of character defining trees, plantings, gravestones, statuary, fences and other landscape features that contribute to the overall significance of the historic site and are an integral part of its environmental setting;

2. Prepare a landscape maintenance plan that evaluates the health of trees and plantings within the cemetery, identifies invasive trees and vegetation, and provides recommendations for pruning, removal, replanting and other maintenance as necessary to maintain the environmental setting and historical character of the cemetery. This plan must be reviewed by Staff prior to any further tree removal or landscaping as mentioned in the application. Staff recommends that the inventory
and maintenance plan be developed by a landscape architect; and,

3. Prepare to use the least disruptive technique for any future tree removal in order to avoid inappropriate changes to the environmental setting. Use the smallest machinery that can accomplish the task safely. Avoid moving stones unless necessary. Where it is unavoidable, care must be used to move stones without damaging them. The original location should be clearly marked so that it can be returned to its original place and orientation. Spraying herbicides should be avoided as these can damage gravestones.
APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: bdonnelly@mhgcma.com
Contact Phone: 301-617-0240

Tax Account No.: 00951987

Name of Property Owner: Mont. Co. Homestead, Inc.
Daytime Phone: 240-252-2565
Address: 601 5th Street, Poolesville, MD 20837

Contractor:
Contractor Registration No.:
Agent for Owner: Cris Bombaugh
Daytime Phone: 240-252-2565

LOCATION OF BUILDING PREMISE
House Number: 13730
Street: Georgia Ave
Township: Silver Spring
Nearest Cross Street: Aspen Hill Road

LOC:
Block:
Subdivision:
Lot:
Section:
Parcel:

PART 1: DIY/PERMIT ACTION AND USE

CHECK ALL APPLICABLE:

- Construction
- Alter/Remodel
- Move
- Revision
- Other:

14. Construction cost estimate:

15. If this is a revision of a previously approved active permit, see Permit 

PART 2: COMPLETION FOR NEW CONSTRUCTION AND EXTENSIONS

NA

PART 3: COMPLETION FOR EXISTING STRUCTURE

NA

18. Height:

19. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On property line
- On public right of way

20. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On property line
- On public right of way

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 the Historic Preservation Commission. I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature: [Signature]
Date: 10/24/2018

For Chairperson, Historic Preservation Commission

Approved:

Application/Permit No.

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 structural(s) and environmental setting, including their historical feature and significance:

      The property is one of the largest Pet cemeteries in the US and contains a kennel (+/-1921) and caretakers house built in the early 1930's. The main house is in the Tudor Revival style architecture. The property also contains approximately five acres devoted to the Pet Cemetery. The Pet Cemetery is a large open lawn area with a number of mature trees providing a pastoral setting to the historic property.

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

      Due to funding and change in ownership, the property has become in disrepair and overgrown with small invasive trees along the property perimeter and to a lesser degree within the Pet Cemetery. The Owner intends to restore and rehabilitate the overall property by removing trees that have been damaged by storms, in poor condition or declining health, and remove smaller trees (less than 6") as funding and resources become available to recreate the park like setting. The Owner requests permission to remove poor, dead, damaged and invasive trees that may create a hazard to users and selectively under 6" dbh.

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; 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 and the proposed work.
   b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, where appropriate, contact. All materials and features 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. MATERIAL 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 canopy 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 or 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 INTO MAILING LABELS.
Detail: Severe trunk and internal tree decay. Tree split +/- 3 feet from base. Overgrown with invasive vines. Poor Condition.
Detail: Severe trunk and internal tree decay. Tree split +/- 3 feet from base. Overgrown with invasive vines. Poor Condition.
Detail: Severe trunk and internal tree decay

Applicant: ___________________________
Detail: Severe trunk and internal tree decay
Detail: Severe trunk and internal tree decay
Detail: Severe trunk and internal tree decay
Existing Property Condition Photographs (duplicate as needed)

Detail: Crown damage, overgrown with invasive vines. Storm damage

Applicant: ___________________________
Detail: Crown damage, overgrown with invasive vines. Storm damage
Existing Property Condition Photographs (duplicate as needed)

Detail: Storm damage. Poor condition due to severe dieback. Crown damage.

Applicant: [Signature]

Page: 7
Detail: Storm damage. Poor condition due to severe dieback. Crown damage.
October 29, 2018

Ms. Cris Bombaugh  
President & CEO  
Montgomery County Humane Society, Inc.  
601 S. Stonestreet Ave.  
Rockville, MD 20850

RE: Tree work

Dear Cris:

This summarizes the work my company performed at 13730 Georgia Ave. at the end of August, 2018.

We were asked to remove fallen logs and branches that were on the ground throughout the cemetery. We were also asked to trim some dead branches on several trees, and to take down a small number trees that were dead. In our estimation, the trees taken down were obviously dead and decaying in place, and were in potential danger of falling.

I hope this helps to clarify the work that was done.

Sincerely,

Jose Hernandez
## ASPIN HILL PET CEMETERY - MONTGOMERY COUNTY HUMANE SOCIETY

### 13730 GEORGIA AVENUE, SILVER SPRING

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**ATTENDEES AT CITIZEN PRESUBMITTAL MEETING FOR PRELIMINARY PLAN HELD 9/25**

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<td>Tina Simmons</td>
<td>6412 Forest Hill Ln.</td>
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<td>Glenn Wallace</td>
<td>9 Meadowcroft Ct.</td>
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<td>Judy Fink</td>
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<td>Jane Dean</td>
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<td>Joanna Nasios</td>
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<td>Iftikhar Ahmad</td>
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<td>Thomas Hardman</td>
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<td>Shirley Tao</td>
<td>13607 Athania St.</td>
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