

EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	7111 Cedar Ave., Takoma Park	Meeting Date:	1/8/2020
Resource:	Contributing Resource Takoma Park Historic District	Report Date:	12/31/2019
Applicant:	Joel Solomon and Janet Fleischman	Public Notice:	12/24/2019
Review:	HAWP	Tax Credit:	No
Case Number:	37/03-20D	Staff:	Michael Kyne
PROPOSAL:	Tree removal		

STAFF RECOMMENDATION:

☒ **Approve**
☐ **Approve with conditions**

ARCHITECTURAL DESCRIPTION:

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

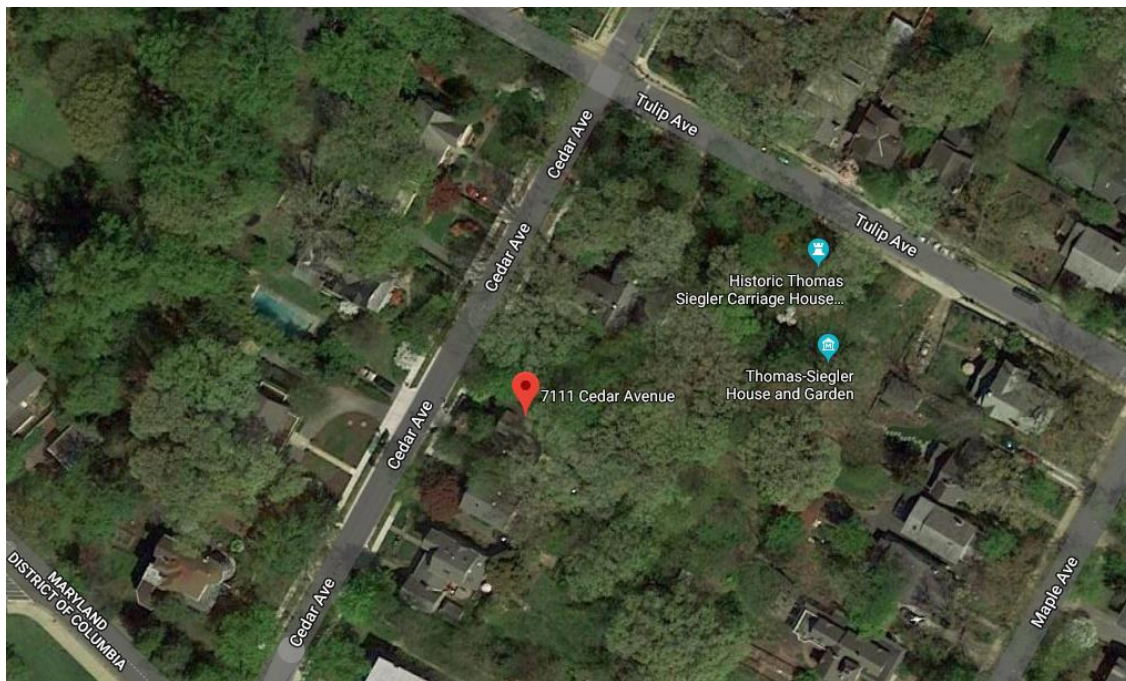


Fig. 1: Subject property.

PROPOSAL:

The applicants propose to remove one 15" dbh mulberry tree from the rear/right (southeast) side of the subject property.

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:

2. Modifications to a property, which do not significantly alter its visual character.
15. Landscaping, or the removal or modifications of existing planting, that is compatible with the visual character of the historic site or district.

Montgomery County Code; Chapter 24A-8

- (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 ensure 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*)

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." 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.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** 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 #2*;

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@montgomeryplanning.org to schedule a follow-up site visit.



HISTORIC PRESERVATION COMMISSION

301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: jasolo@joel.solomon.com Contact Person: Joel Solomon
 Tax Account No.: 01069772 Daytime Phone No.: 301-580-7570
 Name of Property Owner: Joel Solomon/Janet Fleischman Daytime Phone No.: 301-580-7570
 Address: 7111 Cedar Ave., Takoma Park, MD 20912
Street Number City State Zip Code
 Contractor: _____ Phone No.: _____
 Contractor Registration No.: _____
 Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PERMIT

House Number: 7111 Street: Cedar Ave.
 Town/City: Takoma Park Nearest Cross Street: Tulip
 Lot: 28 Block: 4 Subdivision: 0025
 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: \$ _____

1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTENSION/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 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.

Signature of owner or authorized agent

12-16-19
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:

We need to remove a tree due to root damage.
The tree is an "undesireable species," according
to Takoma Park (see attached). The tree
is near our garage. The house and garage
will not change.

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

We will remove an "undesireable species"
tree, so no historic resources will
be touched.

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.

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

Owner's mailing address 7111 Cedar Ave. Tahoma Park, MD 20912	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
Wiebe Frank Wade and MJ Breukhoff 7112 Cedar Ave. Tahoma Park, MD 20912	Laura DiCorcio and Rich Houston 7115 Cedar Ave. Tahoma Park, MD 20912
Oren Shor and Katie Buongiorno 7109 Cedar Ave. Tahoma Park, MD 20912	Roland Halstead and Margueta Halstead 7116 Maple Ave. Tahoma Park, MD 20912

Joel Solomon
7111 Cedar Ave.
Takoma Park, MD 20912
jasolo@joelasolomon.com
(301) 580-7570

December 16, 2019

Montgomery County Historic Preservation Commission
255 Rockville Pike
Rockville, MD 20850

Dear Montgomery County Historic Perseveration Commission:

I am writing with respect to my application to remove a tree at 7111 Cedar Ave., in Takoma Park. The tree's roots were damaged when a neighbor's oak tree fell. The roots of that oak were entwined with the roots of our tree.

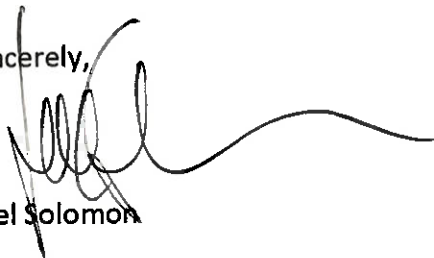
The Takoma Park arborist, Jan van Zutphen, has indicated that Takoma Park has granted preliminary permit approval for the removal of the mulberry tree. The mulberry is an "undesirable species," according to Takoma Park. Please see the enclosed copy of the letter from the Takoma Park arborist.

The Montgomery County permit request includes photographs of the tree and damaged roots. According to Chris Larkin of Bartlett Tree Experts, "Ice, snow or wind loading are all immediate concerns. The large root near the fence is severely split and the weight of the tree is constantly pulling on that root as well as a larger root running parallel to the garage wall. The weight of the lean is keeping the split from closing and any extra load to the tree could increase the split. It will likely continue to fail as the tree rocks in the wind." Please see the attached email from Chris Larkin.

With respect to trees near the one to be removed, the closest other trees are 10 feet away (on my property, smaller than the tree to be removed); 15 feet away (in my neighbor's yard, less than six inches in diameter at chest height); 21 feet away (on my property, about the same size as the tree to be removed); and 28 feet away (in my neighbor's yard, a large oak tree).

Thank you for your consideration. If you have any additional questions, please let me know.

Sincerely,



Joel Solomon

From: JASolo JASolo@joelasolomon.com
Subject: Re: Recommendations for: 7111 Cedar Avenue
Date: December 16, 2019 at 9:55 AM
To: Christopher Larkin clarkin@Bartlett.com

On Dec 9, 2019, at 1:49 PM, Christopher Larkin <clarkin@Bartlett.com> wrote:

Joel,

Ice, snow or wind loading are all immediate concerns. The large root near the fence is severely split and the weight of the tree is constantly pulling on that root as well as a larger root running parallel to the garage wall. The weight of the lean is keeping the split from closing and any extra load to the tree could increase the split. It will likely continue to fail as the tree rocks in the wind.

Regards,

Christopher Larkin
Arborist Representative

Bartlett Tree Experts
1 Metropolitan Court, Gaithersburg, MD 20878
301-881-8550 O | 301-881-9063 F | 240-447-0837 C | www.bartlett.com

-----Original Message-----

From: JASolo <JASolo@joelasolomon.com>
Sent: Monday, December 9, 2019 1:40 PM
To: Christopher Larkin <clarkin@Bartlett.com>
Subject: Re: Recommendations for: 7111 Cedar Avenue

[External E-mail. Use caution if opening Links and Attachments] Thank you, Chris. This is such a drag. Can you please tell me what the time-related context is? Is the danger imminent? Seems like if we go into winter and there's snow or ice or wind, it could be a real problem. Thanks. Joel

On Dec 9, 2019, at 9:18 AM, Christopher Larkin <clarkin@bartlett.com> wrote:

Please review the attached proposal.

To authorize the work please sign and return a copy to Bartlett Tree Experts by either
mail 1 Metropolitan Ct, Gaithersburg, MD 20878
fax (301) 881-9063 or
e-mail to CLarkin@Bartlett.com

The work will be scheduled once the contract is returned.

If you have any questions please give me a call

Thank you,

Christopher Larkin
Arborist Representative
Board Certified Master Arborist

Bartlett Tree Experts
1 Metropolitan Court, Gaithersburg, MD 20878
301-881-8550 O | 301-881-9063 F | 240-447-0837 C | www.bartlett.com

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

<Proposal.pdf>

<Terms_Conditions.pdf>



Public Works Department
Tree Removal Preliminary Response

December 11, 2019

Janet Fleischman & Joel Solomon
7111 Cedar Avenue
Takoma Park, MD 20912

Re: same
Takoma Park, MD 20912

Dear Janet Fleischman & Joel Solomon,

The City of Takoma Park has granted preliminary permit approval for the removal of the 15" 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. **A permit to remove the tree(s) will be granted pending the City's receipt of the signed agreement to adhere to the City's tree replacement requirements.** The replacement agreement is enclosed, the terms of which require you to replant ONE 1 1/2" caliper category 3 deciduous trees or make a contribution of \$175.00 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>

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 by phone 301-563-3400, by email MCP-Historic@mncppc-mc.org or online at:

<https://montgomeryplanning.org/planning/historic/historic-area-work-permits/>

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.

Please contact me at JanvZ@TakomaParkMD.gov if you have any questions.

TREE WORK DONE FOR HIRE IN THE CITY OF TAKOMA PARK MUST BE CARRIED OUT BY A MARYLAND STATE LICENSED TREE EXPERT, OR LTE. HIRING SOMEONE WHO IS NOT LICENSED IS A VIOLATION OF CITY AND STATE LAW. MAKE SURE YOUR CONTRACTOR HAS A LTE NUMBER BEFORE YOU HIRE THEM.

DATE: 12/11/19

Jan van Zutphen IC for JZ
Urban Forest Manager

Site Plan

CONSUMER INFORMATION NOTES:	
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.	
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.	
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.	
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.	

Notes:

- Flood zone "C" per H.U.D. panel No. 02000
- Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1.5 feet.

LOCATION DRAWING
LOT 28 BLOCK 4
B.F. GILBERT'S ADDITION TO
TAKOMA PARK
MONTGOMERY COUNTY, MARYLAND

<p>SURVEYOR'S CERTIFICATE</p> <p>"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."</p> <p><i>G. J. Smith</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 301-948-1296</p>	<p>REFERENCES</p> <p>PLAT BK. A PLAT NO. 3</p> <p>LIBER FOLIO</p>	<p style="text-align: center;"></p> <p>SMIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 210 Gaithersburg, Maryland 20878 301/948-5100, Fax 301/948-1288</p> <table border="1" style="width: 100%;"> <tr> <td>DATE OF LOCATIONS</td> <td>SCALE 1"=40'</td> </tr> <tr> <td>WALL CHECK</td> <td>DRAWN BY JS</td> </tr> <tr> <td>HSE. LOC. 11-17-95</td> <td></td> </tr> </table>	DATE OF LOCATIONS	SCALE 1"=40'	WALL CHECK	DRAWN BY JS	HSE. LOC. 11-17-95	
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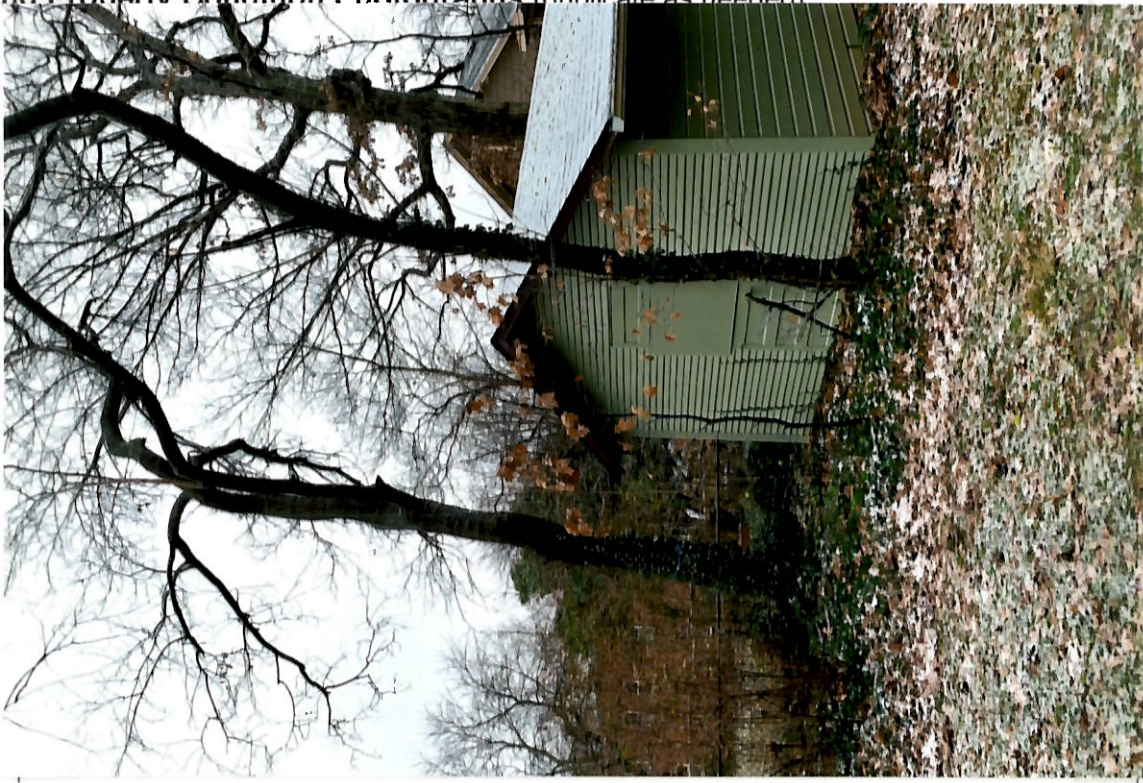


Shade portion to indicate North

Applicant: Isabel Solomon

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Existing Property Condition Photographs (duplicate as needed)



Detail: The tree on the left is the one with damaged roots



Detail: This shows the split root nearest the tree

Applicant: Joel Solomon

Page: 1/2