EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 7111 Cedar Ave., Takoma Park

Resource: Contributing Resource
Takoma Park Historic District

Applicant: Joel Solomon and Janet Fleischman

Meeting Date: 1/8/2020
Report Date: 12/31/2019
Public Notice: 12/24/2019

Tax Credit: No

Review: HAWP

Staff: Michael Kyne

Case Number: 37/03-20D

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.
APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Email: jasolo@joelasolomon.com
Contact Person: Joel Solomon
Daytime Phone No.: 301-580-7570

Tax Account No.: 01 019772
Name of Property Owner: Joel Solomon
Address: 7111 Cedar Ave., Takoma Park, MD 20912
Flewshman
Daytime Phone No.: 301-580-7570

Contractor:
Contractor Registration No.:
Agent for Owner:
Daytime Phone No.:

LOCATION OF BUILDING PREMISE
House Number: 7111
Street: Cedar Ave.
Town/City: Takoma Park
Nearest Cross Street: Tulip
Lot: 28
Block: 4
Subdivision: 0025
Lot:
Fool: 
Parcel:

TYPoLo TiP oF PiNAMT Action uN D UsE

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<tr>
<td>□ Construct □ Extend □ Alter/Renovate □ HVAC □ Slab □ Room Addition □ Porch □ Deck □ Shed</td>
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<tr>
<td>□ Move □ Install □ Wreck/Remove □ Solar □ Fireplace □ Woodburning Stove □ Single Family</td>
<td></td>
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<tr>
<td>□ Revision □ Repair □ Revocable □ Fence/Wall (complete Section 4) □ Other: Tree removal</td>
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1B. Construction cost estimate: $ 

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

PART II. SPECIFICATIONS FOR NEW CONSTRUCTION AND EXTERIOR ADDITIONS

2A. Type of sewage disposal: 01 □ WSSC 02 □ Septic 03 □ Other: 

2B. Type of water supply: 01 □ WSSC 02 □ Well 03 □ Other: 

PART III. SPECIFICATIONS FOR FENCE OR 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/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 that to be a condition for the issuance of this permit.

Signature of owner or authorized agent

Date: 12-16-19

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

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 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 "undesirable species," according to Tahoma Park (see attached). The tree is near our garage. The house and garage will not change.

   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 "undesirable species" tree, so no historic resources will be touched.

2. SITE PLAN
   Site and environmental setting, drawn to scale. You may use your plan. 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 resources and the proposed work.
   b. Elevations (facade[s]), 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. PHOTOGRAFHS
   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 drip line 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 lots(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 INTO MAILING LABELS.
# HAWP Application: Mailing Addresses for Notifying

[Owner, Owner’s Agent, Adjacent and Confronting Property Owners]

<table>
<thead>
<tr>
<th>Owner’s mailing address</th>
<th>Owner’s Agent’s mailing address</th>
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<tbody>
<tr>
<td>7111 Cedar Ave.</td>
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<tr>
<td>Tahoma Park, WA 20912</td>
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## Adjacent and Confronting Property Owners mailing addresses

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Owner’s mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiebe</td>
<td>7112 Cedar Ave.</td>
<td></td>
</tr>
<tr>
<td>Frank Wiebe and MJ Brewolt</td>
<td>Tahoma Park, WA 20912</td>
<td></td>
</tr>
<tr>
<td>Laura Dicorcia and Rich Houston</td>
<td>7115 Cedar Ave.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tahoma Park, WA 20912</td>
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<tr>
<td>Oren Shor and Kate Boongiorno</td>
<td>7109 Cedar Ave.</td>
<td></td>
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<tr>
<td></td>
<td>Tahoma Park, WA 20912</td>
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<tr>
<td>Roland Halstead and Marguerita Halstead</td>
<td>7116 Maple Ave.</td>
<td></td>
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<tr>
<td></td>
<td>Tahoma Park, WA 20912</td>
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</tbody>
</table>
December 16, 2019

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

Dear Montgomery County Historic Preservation 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
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 fall 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 1 301-881-9063 F 240-447-0837 CI www.bartlett.com

-----Original Message-----
From: JASolo <JASolo@joeasolomon.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 1 301-881-9063 F 240-447-0837 CI 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>
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 1½” 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.

DATE: 12/11/19

Jan van Zutphen  
IC for JZ  
Urban Forest Manager
Site Plan

CONSUMER INFORMATION NOTES:

1. This plan is intended to be a consumer transfer 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:
1. Flood zone 'C' per HUD, panel No. 020006
2. Setback distances as shown to the southern boundary from city property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1/2 foot.

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

SURVEYOR'S CERTIFICATE

THE INFORMATION SHOWN HEREIN HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE REQUIREMENTS OF THE FEDERAL HOME LOAN CODE. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.

Snider & Associates
Surveyors - Engineers
Land Planning Consultants
2915 Montgomery Lane, Suite 300
Bethesda, Maryland 20814

Applicant: Joel Solomon

Shade portion to indicate North
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