MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7814 Hampden Lane, Bethesda Meeting Date: 7/15/2020

Resource: Contributing Resource **Report Date:** 7/8/2020

(Greenwich Forest Historic District)

Public Notice: 7/1/2020

Applicant: Dion Rudnicki

Tax Credit: N/A

Review: HAWP Staff: Michael Kyne

Case Number: 35/165-20E

PROPOSAL: Tree removal

STAFF RECOMMENDATION:

Staff recommends that the HPC <u>approve with one (1) condition</u> the HAWP application.

1. In accordance with the *Guidelines*, each tree to be removed will be replaced with one established understory species tree.

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Contributing Resource within the Greenwich Forest Historic District

STYLE: Tudor Revival

DATE: 1934

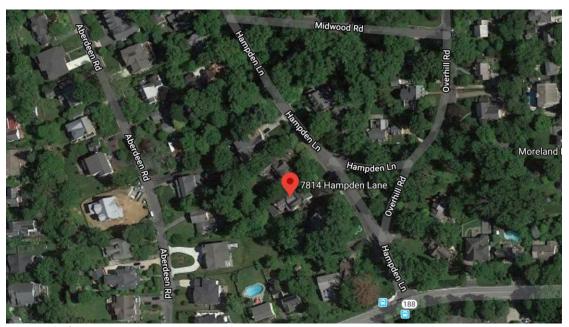


Fig. 1: Subject property.

PROPOSAL:

The applicant proposes to remove four (4) trees from the subject property.

APPLICABLE GUIDELINES:

When reviewing alterations within the Greenwich Forest 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 *Greenwich Forest 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.

Greenwich Forest Historic District Guidelines

A. PRINCIPLES

The preservation of the following essential elements of Greenwich Forest is the highest priority in making decisions concerning applications for work permits. These Principles are not meant to stop or create unreasonable obstacles to normal maintenance, reasonable modifications, and the evolving needs of residents.

- A1. Greenwich Forest was conceived of, built, and to a great degree preserved as a park-like canopied forest with gentle topographic contours, in which the presence of houses and hardscape are understated relative to the natural setting. The removal of mature trees and the significant alteration of topographic contours on private property, the *Greenwich Forest Triangle*, and the public right-of-way in Greenwich Forest should be avoided whenever possible. The Greenwich Forest Citizens Association (GFCA) will continue to support the replacement of trees. In order to protect mature trees and the natural setting of Greenwich Forest, and to limit runoff into the Chesapeake Bay, the creation of extensive new impermeable hardscape surfaces should be avoided whenever possible.
- A2. The houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. These Guidelines are intended to preserve this environment by ensuring that approved *work permits* include appropriate safeguards that protect the following three essential elements of this fabric.
 - a. An array of revival American *architectural styles* that, taken together, make a significant statement on the evolution of suburban building styles.
 - b. The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way. The original developers made decisions on these three elements to understate the presence of structures relative to the forest. For example, minimum side setbacks at the time were 7' but placement and spacing produced distances between houses that far exceeded the minimum 14'. Additions and new houses have, in almost all cases, preserved generous space between houses and minimized visual crowding with plantings.
 - c. High quality building materials and high level of craftsmanship.
- A3. The neighborhood needs to evolve to meet the needs of its residents while maintaining the charm and architectural integrity that have been maintained since the 1930s. Introducing new architectural styles that are not already present in the neighborhood will detract from its integrated fabric.
- A4. A contributing house may not be torn down and replaced unless there is significant/extensive damage that would create an undue hardship to preserve the original structure (see D2). Extreme damage like this may be the result of a fallen tree, fire, flood, other natural disaster, or accident.

A5. A non-contributing house may be torn down and replaced as long as the replacement house replicates the architectural style of its predecessor or the style of one of the contributing houses in Greenwich Forest.

B. BALANCING PRESERVATION AND FLEXIBILITY

Greenwich Forest represents a period in the evolution of Montgomery County worthy of preservation, but it has also changed in response to the needs of residents since it was created in the 1930s. These Guidelines seek a reasonable compromise between preservation and the needs of residents in several ways.

- B1. Most of the houses in the Greenwich Forest Historic District are designated "contributing" because they contribute to the architectural and historic nature of the district. Contributing structures are shown in the map of the districts. These Guidelines are more specific for contributing structures.
- B2. Other houses in the district are designated non-contributing either because (1) they were built more recently than contributing houses with other architectural styles (see Appendix 3) or (2) their original features have been significantly altered by subsequent modifications. Non-contributing structures are shown on the map of the District. The Guidelines provide greater flexibility for owners of non-contributing houses.
- B3. These Guidelines reflect the reality that nearly all houses in Greenwich Forest have been modified since their construction. Owners are not expected to return their houses to their original configurations. The modifications they are permitted to make under these Guidelines are based on the current reality in the neighborhood, provided that those modifications are consistent with the Principles in these Guidelines.
- B4. Property owners have additional flexibility under these Guidelines to make more extensive changes to the parts of their houses that are less visible from the public rights-of-way in front of their houses. The Guidelines accomplish this by stipulating different levels of review for specific elements on different parts of houses.

The *Guidelines* that pertain to this project are as follows:

D15. Tree removal: The preservation of the large mature trees in Greenwich Forest is a high priority of these Guidelines, but there are circumstances in which removal may be unavoidable. Trees smaller than 8" in diameter (measured at 5' height) may be removed without an application for a work permit. Larger trees may be removed without an application for a work permit if a certified arborist provides documentation to the decision-making body stating that the tree is dead, diseased, dying, or a hazard (e.g., a threat to public safety or the structural integrity of the house). Each tree removed for these reasons should be replaced by one tree in the manner described below.

In planning landscape modifications, additions, and replacement houses, homeowners may propose the removal of trees with diameters greater than 8" (measured at 5' height). If there is an obvious alternative siting that would avoid removal of mature trees, the application for a work permit should include a brief explanation of why that alternative was rejected. In such cases, the functional needs of the homeowner should be respected. If applications propose the removal of trees larger than 8" in diameter (measured at 5' height), the site plan for the proposed modification must include the installation of two replacement trees for each tree removed as a result of the modification. These proposals are subjected to strict scrutiny to ensure that homeowners have not overlooked viable options that would avoid tree removal and that the plan for installing new trees adheres to the following guidelines. Each tree removed from the forest canopy must be replaced with two trees chosen from canopy species already established in the region

(e.g., White Oak, Nuttall Oak, Scarlet Oak, Greenspire Linden, American Beech, Ash, and Tulip Poplar). If the forest canopy is well established over the site, one of the two replacement trees can be chosen from an understory species that is already established in the region (October Glory Red Maple, Red Sunset Red Maple, Black Gum, and Sycamore). Ornamental trees such as American Dogwood, Serviceberry or Amelanchier, and Eastern Redbud are native and desirable plantings, but they cannot be counted as replacement trees because they do not contribute to the canopy.

	Work Permit Required?	Limited scrutiny	Moderate Scrutiny	Strict Scrutiny
Additions	Yes	•	Rear additions and non- forward-facing portions of side additions	Front-facing portions of additions that extend beyond the sides of the existing structure
Replacement of houses	Yes			x
Changes to architectural style	Yes			X
Guidelines on dimensions	Yes			х
Building materials	Yes		X	
Driveways and parking areas	Yes, except for replacement or minor reconfiguration		х	
Fences	Yes		X	
Porches	Yes		If not visible from right-of- way	If visible from right- of-way
Runoff control	Yes			X
Satellite dishes	Yes	To confirm that installation is not visible from right-of-way		
Skylights	Yes	To confirm that installation is not visible from right-of-way		
Solar panels	Yes	To confirm that installation is not visible from right-of-way		
Tree removal	Yes			X
Walkways and patios	No for replacement or minor reconfiguration	Review of runoff control only		
Windows, dormers, and doors	Yes	If not visible from right-of- way		If visible from right- of-way
Interior modifications	No			
Routine maintenance	No			

Fig. 2: Levels of Review Applicable to Contributing Properties from the Greenwich Forest Historic District Guidelines.

According to the *Guidelines*, the three levels of review are as follows:

Limited scrutiny is the least rigorous level of review. With this level, the scope or criteria used in the review of applications for work permits is more limited and emphasizes the overall structure rather than materials and architectural details. The decision-making body should base its review on maintaining compatibility with the design, texture, scale, spacing and placement of surrounding houses and the impact of the proposed change on the streetscape.

Moderate scrutiny is a higher level of review than limited scrutiny and adds consideration of the preservation of the property to the requirements of limited scrutiny. Alterations should be designed so the altered structure does not detract from the fabric of Greenwich Forest while affording homeowners reasonable flexibility. Use of compatible new materials or materials that replicate the original, rather than original building materials, should be permitted. Planned

changes should be compatible with the structure's existing architectural designs.

Strict scrutiny is the highest level of review. It adds consideration of the integrity and preservation of significant architectural or landscape features and details to the requirements of the limited and moderate scrutiny levels. Changes may be permitted if, after careful review, they do not significantly compromise the original features of the structure or landscape.

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 the 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 applicable *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.

STAFF DISCUSSION:

The subject property is c. 1934 Tudor Revival-style Contributing Resource within the Greenwich Forest Historic District. The applicant proposes to remove the following four (4) trees from the property:

- One (1) 14" DBH black cherry tree with significant rot at its base. This tree is located at the front/right (northeast) side of the property.
- One (1) 36" DBH tulip poplar tree with significant rot at its base. This tree is located at the rear of the property.
- One (1) healthy 9" DBH black cherry tree at the rear/right (northwest) property line.
- One (1) healthy 9" DBH tulip poplar tree at the rear/right (northwest) property line.

Staff supports the removal of the 14" DBH black cherry tree and 36" tulip poplar tree. These trees have been assessed by a certified arborist and determined to have significant rot at their bases, making them likely to fail and fall on the house. Staff also supports the removal of the two 9" DBH trees. As noted in the attached arborist's report, these trees were assessed as healthy; however, the arborist found that, as these trees grow, they will push over an existing fence on the neighbor's property to the north.

The *Guidelines* emphasize the importance of preserving mature trees (defined as trees greater than 8" DBH) within the Greenwich Forest Historic District and state that proposals for tree removal should be reviewed with strict scrutiny. Strict scrutiny is defined as "... the highest level of review. It adds consideration of the integrity and preservation of significant architectural or landscape features and details to the requirements of the limited and moderate scrutiny levels. Changes may be permitted if, after careful review, they do not significantly compromise the original features of the structure or landscape." Staff finds that the proposal will not significantly compromise original features of the landscape.

For properties where the forest canopy is well established, the *Guidelines* stipulate that trees assessed as dead, diseased, dying, or a hazard by a certified arborist can be removed but must be replaced with one tree chosen from an understory species already established in the region. Staff recommends that the HPC approve the applicant's proposal with the condition that the applicant must adhere to this stipulation.

After full and fair consideration of the applicant's submission staff finds the proposal as being consistent with the Criteria for Issuance in Chapter 24A-(b) 1 and 2, having found the proposal is consistent with the Secretary of the Interior's Standards for Rehabilitation #2, and 9, and Greenwich Forest Historic District Guidelines outlined above.

STAFF RECOMMENDATION:

Staff recommends that the Commission approve with the one (1) condition specified on Circle 1 the HAWP application only for alterations to the main house under the Criteria for Issuance in Chapter 24A-8(b), having found that the proposal is consistent with the *Greenwich Forest Historic District Guidelines* identified above, 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 9;

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.



DATE ASSIGNED_ **APPLICATION FOR** HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

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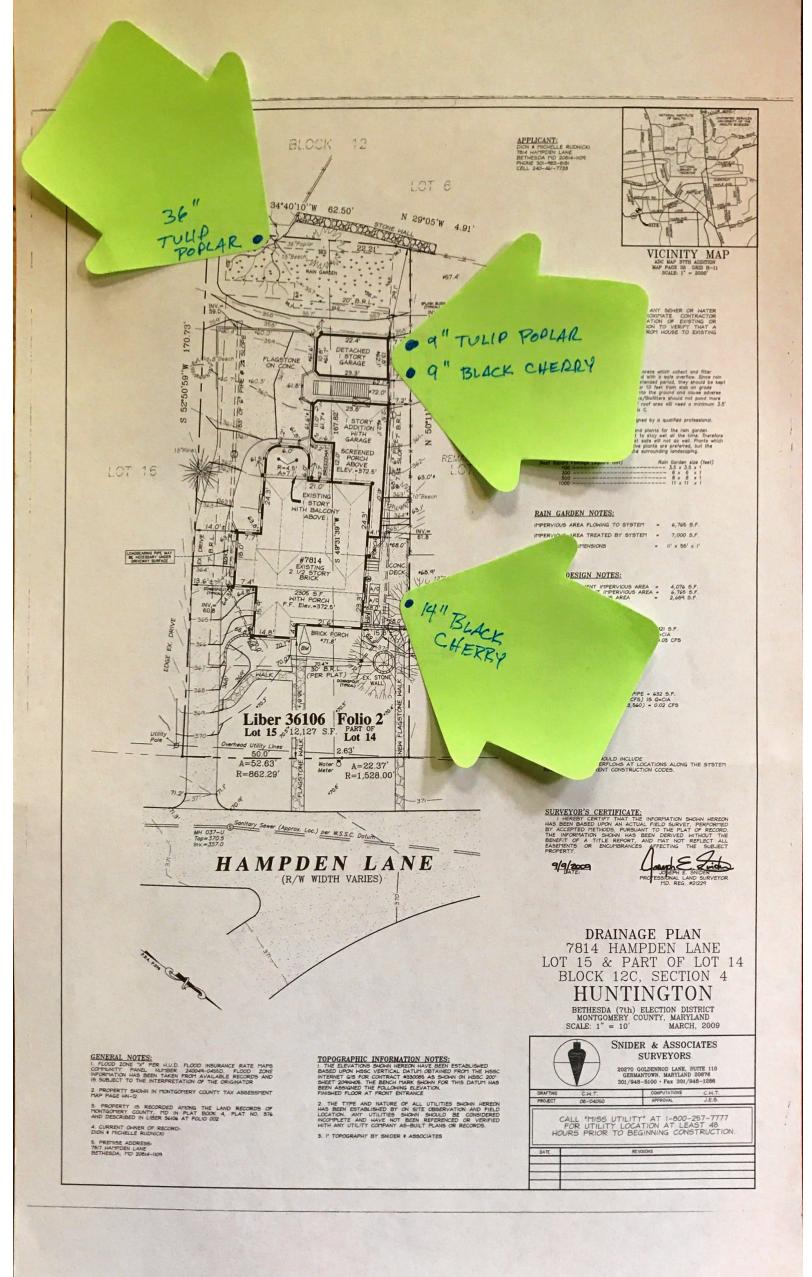
Name: Dion Rudnicki	E-mail:	onrudnicki@g	mail.com	
7814 Hampden L				
Daytime Phone: 240-461-773	33 Tax Accou	City: Bethesda Zip: 20814 Tax Account No.: 00496100		
AGENT/CONTACT (if applicable):				
Name:	E-mail:			
Address:	City:		Zip:	
Daytime Phone:	Contracto	r Registration No).:	
LOCATION OF BUILDING/PREMISE:	MIHP # of Historic Property_			
Is the Property Located within an Historic Is there an Historic Preservation/Land map of the easement, and documenta Are other Planning and/or Hearing Exa (Conditional Use, Variance, Record Pla supplemental information.	No/Individu Trust/Environmental Easen ation from the Easement Hol aminer Approvals /Reviews	al Site Name nent on the Prope Ider supporting th Required as part	erty? If YES, include a nis application. of this Application?	
Building Number:	Street:			
Town/City:	Nearest Cross Street:			
Lot: Block:	Subdivision: Pa	rcel:		
Addition F Demolition F	vith this application. Inco at apply: Deck/Porch Fence Hardscape/Landscape Roof ity to make the foregoing apon will comply with plans rev	shed/Garag Solar Tree remova Window/Dod Other: oplication, that the	tions will not e/Accessory Structure al/planting or e application is correctived by all necessary	

Description of Property: Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property: Single family home within the historic designation neighborhood of Greenwich Forest, Bethesda MD
Description of Work Proposed: Please give an overview of the work to be undertaken: Request the approval to remove up to four trees.

Work Item 1: Remove 2 trees with rot	
Description of Current Condition: One 14"D black cherry tree has signifcant rot and could fall on house; One 36"D tulip poplar has significant rot and could fall on property	Proposed Work: Request approval to have trees removed
Work Item 2: Remove 2 existing trees	
Description of Current Condition: One 9" tulip poplar and one 9" black cherry are healthy but are leaning toward house. There are many other trees in close proximity.	Proposed Work: Request approval to have trees removed
Moule Itams 2.	
Work Item 3:	
Description of Current Condition:	Proposed Work:

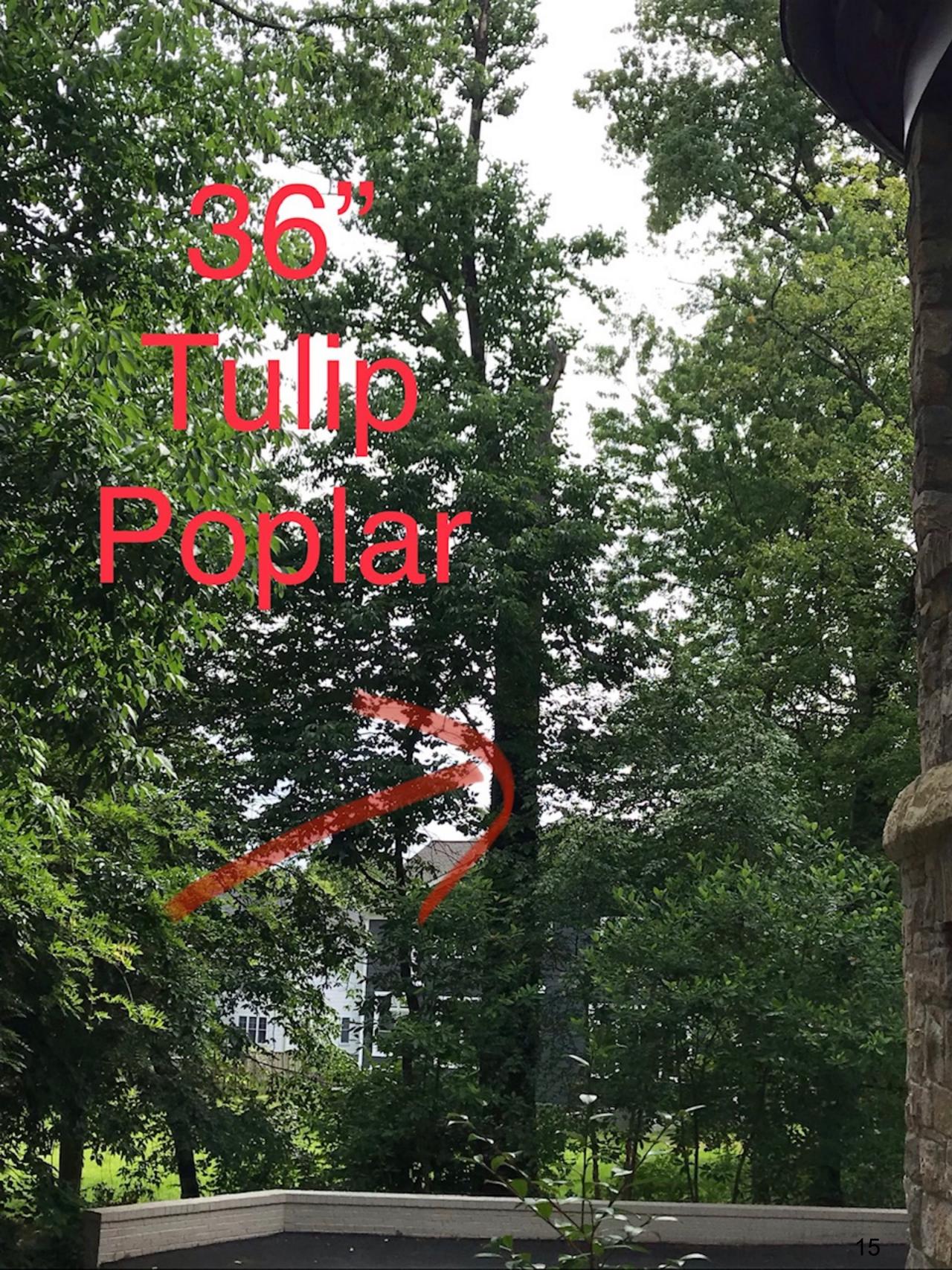
HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Exc avation/Land scaing	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*













S&P Tree Care

2505 Quebec School Rd. Middletown, MD 21769 Craig@sptreecare.com Office 301-251-0505 Cell-Paul 301-310-4028

m Fax

301-371-3323

June 11, 2020 Dion Rudnick 7816 Hampton Lane Bethesda MD 20814 240-461-7733 dionrüdnick@gmail.com

Remove, haul all wood and debris: **Minor turf damage may occur due to grapple machine, T Poplar	to approve (X)		
**Access required from address behind above address, small grapple	machine		
**S&P Tree Care not responsible for turf repair			
1 Black Cherry 14 inch, hazardous, rot at base, right side house with 7818	Hickory		
removal only	\$1,200.00 ()		
**1 Tulip Poplar 36 inch rear property line	\$1,900.00 ()		
1 Black Cherry 9 inch? right side house	\$ 750.00 ()		
1 Tulip Poplar 9 inch? right side house	\$ 750.00 ()		
2 Ash, 3-5 inch right side house	\$ 100.00 ()		
2 Ash, 3-3 men right side nouse	\$ 100.00 ()		
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Total approved	\$		
Total approved	Managements and the second sec		
Payment due upon completion, check of credit card. Prices valid for 30 da	198		
*			
Dagarda			
Regards, Craig Sullivan Approval Signature	Date	_	
	Date		
Maryland Tree Expert #998			
ISA Certified Arborist MA-5349A			
President - S & P Tree Care			
Paul Staehle ISA Certified Arborist MA-5797A			
ISA Tree Risk Assessment Qualified			

2505 Quebec School Rd. Middletown, MD 21769

Office

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Cell-Paul 301-310-4028

Craig@sptreecare.com

Fax

301-371-3323

June 26, 2020

Re: Mr Dion Rudnick 7816 Hampton Lane Bethesda MD 20814

Report by: Paul Staehle ISA Certified Arborist MA-5797A, ISA Tree Risk Assessment Qualified

- One 14" DBH black cherry tree has significant rot at the base of the tree. It is ~40 feet in height and is significantly leaning toward the rear half of the owner's home. Given its very close proximity to the house and the condition of the base of the tree, it is subject to falling on the property owner's home. Failure is likely.
- One 36"DBH tulip poplar tree has significant rot at the base of the tree. It is ~50 feet in height and has a sparse canopy. It is located at the rear edge of the owner's property and is subject to falling on the property owner's garage/retaining wall and/or into the rear yards of two other properties. Failure is likely
- The 9" tulip poplar tree and 9" black cherry tree are generally in good health. They are both ~30 feet in height but are in very close proximity to the property owner's garage and the neighbor's fence. Failure is unlikely but as trees are no doubt volunteers that came up by seed, they are in an undesirable location and are going to push over the fence as they gain in diameter within the next year of two.

Craig Sullivan Maryland Tree Expert #998 ISA Certified Arborist MA-5349A President - S & P Tree Care Paul Staehle ISA Certified Arborist MA-5797A ISA Tree Risk Assessment Qualified