## MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 3932 Prospect St., Kensington Meeting Date: 4/14/2021

**Resource:** Secondary Resource **Report Date:** 4/7/2021

**Kensington Historic District** 

Applicant: Public Notice: 3/31/2021

**Review:** HAWP **Tax Credit:** No

Case No.: 941701 (amended) Staff: Dan Bruechert

**PROPOSAL:** Window Replacement

### **STAFF RECOMMENDATION**

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

### **ARCHITECTURAL DESCRIPTION**

SIGNIFICANCE: Secondary Resource within the Kensington Historic District

STYLE: Colonial Revival

DATE: 1925



Figure 1: 3932 Prospect Street, Kensington.

### **PROPOSAL**

The applicant proposes to remove nine (9) historic wood windows and install new wood windows.

### **APPLICABLE GUIDELINES**

### Kensington Historic District Guidelines

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment), Vision of Kensington: A Long-Range Preservation Plan (Vision), 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.

### Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6

"In regard to the properties identified as secondary resources--that is visually contributing, but non-historic structures or vacant land within the Kensington District--the Ordinance requires the Preservation Commission to be lenient in its judgment of plans for contemporary structures or for plans involving new construction unless such plans would seriously impair the historic or architectural value of surrounding resources or impair the character of the district."

### Vision of Kensington: A Long-Range Preservation Plan

The HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan*, and is directed by the Executive Regulations, which were approved by the County Council, to use this plan when considering changes and alterations to the Kensington Historic District. The goal of this preservation plan "was to establish a sound database of information from, which to produce a document that would serve the HPC, M-NCPPC, their staff and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21st century." (page 1). The plan provides a specific physical description of the district as it is; an analysis of character-defining features of the district; a discussion of the challenges facing the district; and a discussion of proposed strategies for maintaining the character of the district while allowing for appropriate growth and change.

### 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
  - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
- (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 *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 DISCUSSION**

The subject property is a two-story colonial revival house with a side gable roof, clapboard siding, and six-over-six wood windows throughout. Even though the structure retains much of its historic integrity it is identified in the district Master Plan Amendment as a Secondary Resource, which is a category frequently treated as non-contributing resources by the HPC. Kensington does not have guidelines that dictate the application of different provisions based on the category of work, like Takoma Park or Chevy Chase, however, the HPC has consistently applied a more lenient level of scrutiny to proposed alterations to these resources.<sup>1</sup>

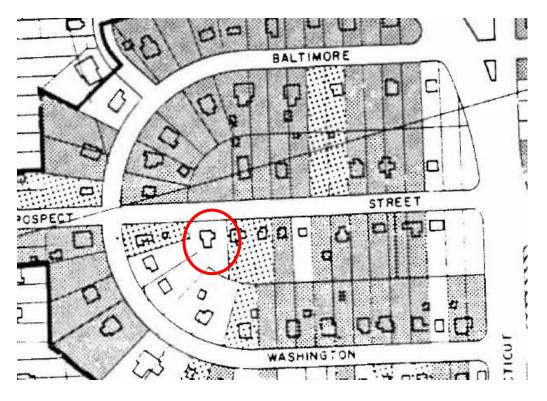


Figure 2: The subject property is identified as a Secondary Resource.

The applicant recently acquired the property and had Accurate Analytical Testing conduct an analysis of

<sup>&</sup>lt;sup>1</sup> "In regard to the properties identified as secondary resources – that is visually contributing but non-historic structures or vacant land within the Kensington District – the Ordinance requires the Preservation Commission to be lenient in its judgment of plans for contemporary structures or for plans involving new construction unless such plans would seriously impair the historic or architectural value of the surrounding resources or impair the character of the District," Kensington Historic District Amendment, pg. 9.

both paint chips and a wipe test of the interior of the house and found lead in all of the living spaces (findings submitted with the application materials). These results are not surprising as lead was only banned as an additive in paint in 1978, more than 50 years after the house was constructed.

Because of the presence of lead and operability issues, the applicant proposes to remove nine (9) historic wood windows. These windows are the five windows on the front elevation, two second-story windows on the left elevation, and a first and second-story window on the right elevation. These windows are all six-over-six double hung sash windows and appear to be original to the house. Detailed photos of each window unit were not included with the submission, in part because the condition of the window is not the proposed justification for their removal.

In place of these windows, the applicant proposes to undertake a full-frame replacement and install Marvin Ultimate wood windows matching the dimensions and configuration of the historic.

In order to determine the HAWP is appropriate, the HPC needs to answer two questions. First, is it appropriate to remove the identified windows; and second, is the proposed window an appropriate replacement? Staff concludes the answer to both of these questions is yes, and recommends the HPC approve this HAWP.

As to the removal of these windows, Staff notes that the subject property is identified as having secondary importance to the district and the significance of the district is that it district "conveys a strong sense of time and place, that of a Victorian garden Suburb" (Kensington Historic District Amendment). . Staff's research does not indicate why the subject property was given this category, only that this was the level of significance recommended by the HPC and adopted by the County Council In this instance, the subject property is entitled to a lenient level of review unless the proposal would "seriously impair the historic or architectural value of the surrounding resources." Staff finds that removing the existing wood windows and replacing them will not seriously impair the historic character of the district and removing the existing windows could be supported under 24A-8(d).

Staff's second consideration in removing the windows is the presence of lead. While it is feasible to mitigate the lead in historic wood windows, and there are tax incentives to do so at both the County and State level, that work will not eliminate all of the lead from the wood. The CDC has found that there is no safe level for lead in children and eliminating the major sources of lead from the house is a recommended action. Removing the proposed windows can also be supported under 24A-8(b)(4). Staff finds that the combination of the resource's lower significance *and* the presence of lead provide sufficient to justify the window replacement under Chater 24A of County Code and that consideration of only one of those two elements would likely not be sufficient to approve a HAWP.

Staff finds that the proposed windows are an appropriate replacement. They are an all-wood window in new frames with 7/8" grids and an interior spacer bar. The dimensions and configuration of the proposed window match the existing windows. Staff notes that repairing the windows is the preferred option, and qualifies for tax credits, too. However, Staff finds that the proposed replacement windows are the second-best option and will result in an appearance that is consistent with the existing dimensions, configuration, and material finish as the historic windows. Staff supports the replacement windows under 24A-8(b)(2) and (d).

In preparing this Staff Report, Staff undertook a brief survey of HAWP applications for window replacement due to lead concerns. The record on these cases varies by district and resource significance and, except in the case of non-contributing resources, Staff and the HPC has consistently supported repair over replacement. In recent years there have been two appeals before the Board of Appeals (BoA) on this

specific issue. In one case<sup>2</sup>, the BoA determined that it was appropriate to remove and replace the historic wood windows under a moderate level of scrutiny and that the presence of lead at the tested level created an "unsafe condition" that allowed the windows to be removed under 24A-8(b)(4). The BoA additionally determined that replacing the windows with ones matching the dimensions and division pattern was appropriate under 24A-8(b)(1) and (2).

### STAFF RECOMMENDATION:

Staff recommends that the Commission <u>approves</u> the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(2), (4), and (d), and the *Vision of Kensington*, and the *Kensington Historic District Designation*, having found that the proposal 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 an electronic set 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 dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.

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<sup>&</sup>lt;sup>2</sup> A-6402, decided on May 9, 2013.





## **APPLICATION FOR** HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

### **APPLICANT:**

Name:	E-mail:	
Address:	City:	Zip:
Daytime Phone:	Tax Acc	ount No.:
AGENT/CONTACT (if applica	ble):	
Name:	E-mail: _	
Address:	City:	Zip:
Daytime Phone:	Contrac	tor Registration No.:
LOCATION OF BUILDING/PR	EMISE: MIHP # of Historic Propert	ty
Is there an Historic Preservation of the easement, and do Are other Planning and/or He	on/Land Trust/Environmental Ease cumentation from the Easement H	dual Site Nameement on the Property? If YES, include a Holder supporting this application.  To Required as part of this Application?
Building Number:	Street:	
Town/City:	Nearest Cross Street:	
Lot: Block:	Subdivision: I	Parcel:
for proposed work are sub be accepted for review. Che New Construction Addition Demolition Grading/Excavation	mitted with this application. Inc eck all that apply: Deck/Porch Fence Hardscape/Landscape Roof	verify that all supporting items complete Applications will not Shed/Garage/Accessory Structure Solar Tree removal/planting Window/Door Other:
and accurate and that the co	nstruction will comply with plans re	eviewed and approved by all necessary lition for the issuance of this permit.

Description of Property: Please describe the building and surrounding environment. Include information on significant structures landscape features, or other significant features of the property:
Description of Work Proposed: Please give an overview of the work to be undertaken:

Work Item 1:	
Description of Current Condition:	Proposed Work:
Work Item 2:	
Description of Current Condition:	Proposed Work:
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	*	*	*	*	*		*



### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem Director

### HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 2/10/2021

Application No: 941701

AP Type: HISTORIC Customer No: 1397046

### **Comments**

They would be replaced and installed by Windows on Washington. They will be the same color as the current windows.

### Affidavit Acknowledgement

The Homeowner is the Primary applicant
This application does not violate any covenants and deed restrictions

### **Primary Applicant Information**

Address 3932 PROSPECT ST KENSINGTON, MD 20895

Homeowner (Primary)

### **Historic Area Work Permit Details**

Work Type RESREP

Scope of Work We are planning to replace nine existing windows in our home. They would be Okna Vinyl replacement windows Double Hung 800.



30105 Beverly Road Romulus, MI 48174

AAT Project :

Sampling Date :

Date Received :

Date Analyzed :

Date Reported :

Ph: 734-629-8161; Fax: 734-629-8431

624216

01/09/2021

01/12/2021

01/12/2021

1/12/2021 4:28:37PM

### Certfcate of Analysis: Lead In Dust Wipes by Modifed ASTM 1644-17\* and EPA Method 7000B

Client: Reliable Lead Inspection Services

6351 Red Cedar Place Baltimore, MD 21209

Attn: Norman Rosenzweig Email: reliableleadinspections@gmail.com

Phone: 410-382-4860 Fax:

Client Project: 3932 PROSPECT ST KENSINGTON MD 20895

Project Location: 3932 PROSPECT ST KENSINGTON MD 20895

Lab Sample ID	Client Code	Sample Description	Length (inch)	Width (inch)	Area (Sq ft)	Total µg	Results Lead µg/ft2
6006815	08	BED RM 1 WS	12	2	0.17	19.98	119.88
6006816	09	BEDRM 1 F	12	12	1.00	8.08	8.08
6006817	010	BEDRM 2 WS	12	2	0.17	117.78	706.65
6006818	011	BEDRM 2 F	12	12	1.00	30.89	30.89
6006819	012	BEDRM 3 WS	12	2	0.17	75.59	453.51
6006820	013	BEDRM 3 F	12	12	1.00	26.03	26.03
6006821	014	BEDRM 4 WS	12	2	0.17	<5	<30.00
6006822	015	BATH 2 F	12	12	1.00	12.63	12.63
6006823	016	BATH 3 WS	12	2	0.17	<5	<30.00

Analyst Signature

Daniel Spence

Robert Limmer

ND = Not Detected, N/A = Not Available, RL = Reporting Limit, Analytical Reporting Limit is 5 ug/sample. For true values assume (2) significant figures. AAT internal SOP S207. The method and batch QC are acceptable unless otherwise stated. EPA Regulatory Limits: 10 ug/ft2 (Floors, Carpeted/Uncarpeted), 100 ug/ft2 (Window Sill/Stools), 400 ug/ft2 (Window Trough/Well/Ext Concrete Surfaces). EPA Lead Dust Clearance Limits: 40 ug/ft2 (Floors, Carpeted/Uncarpeted), 250 ug/ft2 (Window Sill/Stools), 400 ug/ft2 (Window Trough/Well/Ext Concrete Surfaces). HUD Grantee Regulatory Limits: 10 ug/ft2 (Interior Floors), 40 ug/ft2 (Porch Floors), 100 ug/ft2 (Window Sills), 100 ug/ft2 (Window Troughs). New York City Regulatory Limits: 10 ug/ft2 (Floors), 50 ug/ft2 (Window Sills), 100 ug/ft2 (Window Troughs). New York City Regulatory Limits: 10 ug/ft2 (Floors), 50 ug/ft2 (Window Sills), 100 ug/ft2 (Window Troughs). New York City Regulatory Limits: 10 ug/ft2 (Floors), 50 ug/ft2 (Window AlHA-LAP and NY State DOH ELAP programs. These results are submitted pursuant to AAT, LLC current terms and conditions of sale, including the company's standard warranty and limitation of liability provisions. Analytical results relate to the samples as received by the lab. AAT will not assume any liability or responsibility for the manner in which the results are used or interpreted. All Quality Control requirements for the samples this report contains have been met. AAT does not blank correct reported values.Sample data apply only to items analyzed. Results are calculated with wipe dimensions supplied by client. Reproduction of this document other than in its entirety is not authorized by AAT, LLC.\* = Validated modified method. Samples are stored for 15 days following report date.



AIHA LAP- Lab ID #100986, NY State DOH ELAP -Lab ID #11864, State of Ohio- Lab ID # 10042

Date Printed: 01/12/2021 4:29PM AAT Project: 624216



30105 Beverly Road Romulus, MI 48174

Ph: 734-629-8161; Fax: 734-629-8431

### Certificate of Analysis: Lead In Paint by EPA SW-846 Method 7000B/3050B\*

Reliable Lead Inspection Services Client :

> 6351 Red Cedar Place Baltimore, MD 21209

Attn:

Norman Rosenzweig Email: reliableleadinspections@gmail.com

410-382-4860 Phone: Fax:

Client Project : 3932 PROSPECT ST KENSINGTON MD 20895 3932 PROSPECT ST KENSINGTON MD 20895 **Project Location:** 

624216 AAT Project :

Sampling Date : 01/09/2021 Date Received : 01/12/2021

Date Analyzed : 01/12/2021

1/12/2021 4:28:37PM Date Reported :

Lab Sample ID	Client Code	Sample Description	Length (inch)	Width (inch)	Area (cm2)	Results Lead mg/cm2	Total µg	R L mg/cm2
6006824	017	OUTSIDE PAINT CHIPS HOUSE SIDING	2	2	25.81	0.0067	173.73	0.0002

Analyst Signature

**Daniel Spence** 

Vering Speece

Robert Limmer

ND = Not Detected, N/A = Not Available, RL = Reporting Limit. For true values assume (3) significant figures. The method and batch QC are acceptable unless otherwise stated. The laboratory operates in accord with ISO 17025 guidelines and holds limited scopes of accreditation under AIHALAP and NY State DOH ELAP programs. AAT internal SOP S235. These results are submitted pursuant to AAT, LLC current terms and conditions of sale, including the company's standard warranty and limitation of liability provisions. Analytical results relate to the samples as received by the lab. Results in mg/cm2 are calculated based on sample area dimensions supplied by client. AAT will not assume any liability or responsibility for the manner in which the results are used or interpreted. AAT does not blank correct reported values. Reproduction of this document other than in its entirety is not authorized by AAT, LLC.
Note: Samples are stored for 15 days following report date. Sample data apply only to items analyzed. \*=Validated modified method.

AAT Project: 624216

AIHA LAP- Lab ID #100986, NY State DOH ELAP -Lab ID #11864, State of Ohio- Lab ID # 10042 4:29PM

Date Printed: 01/12/2021







30105 Beverly Road Romulus, MI 48174

Ph: 734-629-8161; Fax: 734-629-8431

To: Reliable Lead Inspection Services

6351 Red Cedar Place Baltimore, MD 21209

Project Location :

AAT Project: 624216

Client Project: 3932 PROSPECT ST KENSING

Date Reported: 1/12/2021 4:28:37PM

Attn: Norman Rosenzweig Email: reliableleadinspections@gmail.com

**Phone**: 410-382-4860 3932 PROSPECT ST KENSINGTON MD 20895

Sample	Client Code	Analysis Requested	Completed	Analyst
6006815	08	Dust Wipe	01/12/2021	Daniel Spence
6006816	09	Dust Wipe	01/12/2021	Daniel Spence
6006817	010	Dust Wipe	01/12/2021	Daniel Spence
6006818	011	Dust Wipe	01/12/2021	Daniel Spence
6006819	012	Dust Wipe	01/12/2021	Daniel Spence
6006820	013	Dust Wipe	01/12/2021	Daniel Spence
6006821	014	Dust Wipe	01/12/2021	Daniel Spence
6006822	015	Dust Wipe	01/12/2021	Daniel Spence
6006823	016	Dust Wipe	01/12/2021	Daniel Spence
6006824	017	Lead Paint mg/cm2	01/12/2021	Robert Limmer

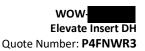
Reviewed By

Quality Assurance Coordinator - Stephen Northcott

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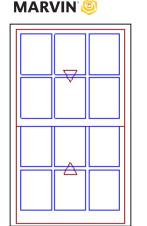
Date Printed: 01/12/2021 4:29PM AAT Project: 624216



### **LINE ITEM QUOTES**

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:
Qty: 9	



As Viewed From The Exterior

**FS** 35 5/8" X 59 3/4" **IO** 36" X 60"

### **Performance Information**

U-Factor: 0.29

Solar Heat Gain Coefficient: 0.27 Visible Light Transmittance: 0.46 Condensation Resistance: 57 CPD Number: MAR-N-364-02178-00001

ENERGY STAR: NC

### **Performance Grade**

Licensee #739

AAMA/WDMA/CSA/101/ I.S.2/A440-08 LC-PG30 1143X1981 mm (45X78 in)

LC-PG30 DP +30/-30

FL15162

Painted Interior Finish - White - Pine Interior ...... Ultimate Wood Double Hung Insert ..... Inside Opening 36" X 60" 0 Degree Frame Bevel Top Sash Primed Pine Sash Exterior Painted Interior Finish - White - Pine Sash Interior Low E2 w/Argon Black Perimeter and Spacer Bar 7/8" SDL - With Spacer Bar - Black ..... Rectangular - Special Cut 3W2H Primed Pine Ext - Painted Interior Finish - White - Pine Int Ovolo Exterior Glazing Profile Ovolo Interior Glazing Profile **Bottom Sash** Primed Pine Sash Exterior Painted Interior Finish - White - Pine Sash Interior Low E2 w/Argon Black Perimeter and Spacer Bar 7/8" SDL - With Spacer Bar - Black ...... Rectangular - Special Cut 3W2H Primed Pine Ext - Painted Interior Finish - White - Pine Int Ovolo Exterior Glazing Profile Ovolo Interior Glazing Profile White Sash Lock White Jamb Hardware ..... Aluminum Screen Stone White Surround Charcoal Fiberglass Mesh \*\*\*Screen/Combo Ship Loose \*\*\*Note: Unit Availability and Price is Subject to Change



Front of the house: five windows to be replaced.



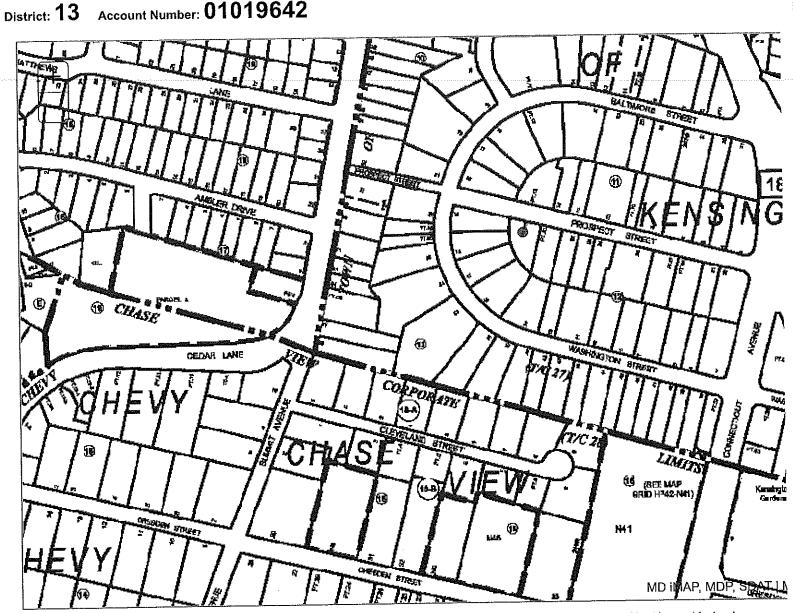
Side of the house: two windows to be replaced.



Side of the house: two windows to be replaced.

### **Montgomery County**

Account Number: 01019642



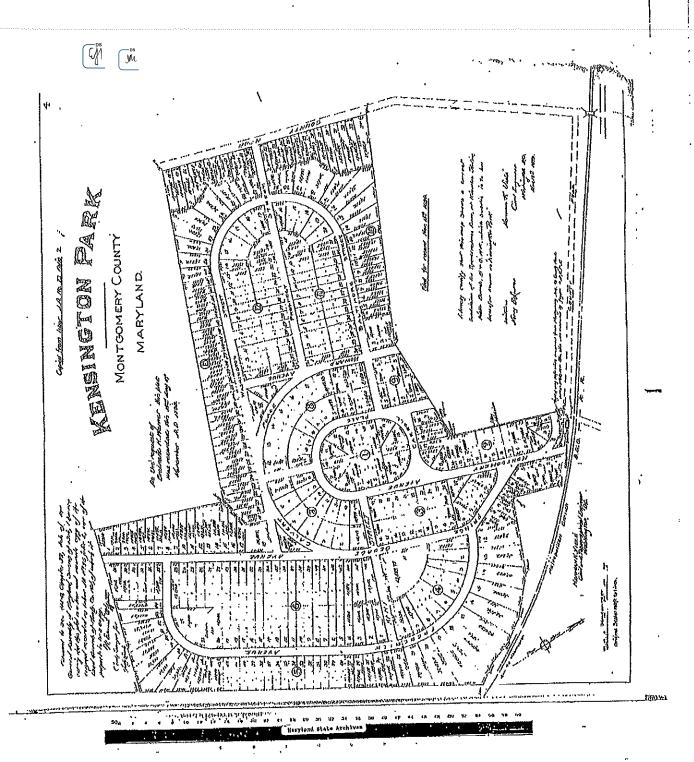
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx). Authentisign ID: A012D997-D42D-4373-A5FA-CCD551B6CE02

[and [lbb]



25597 AMERICAN

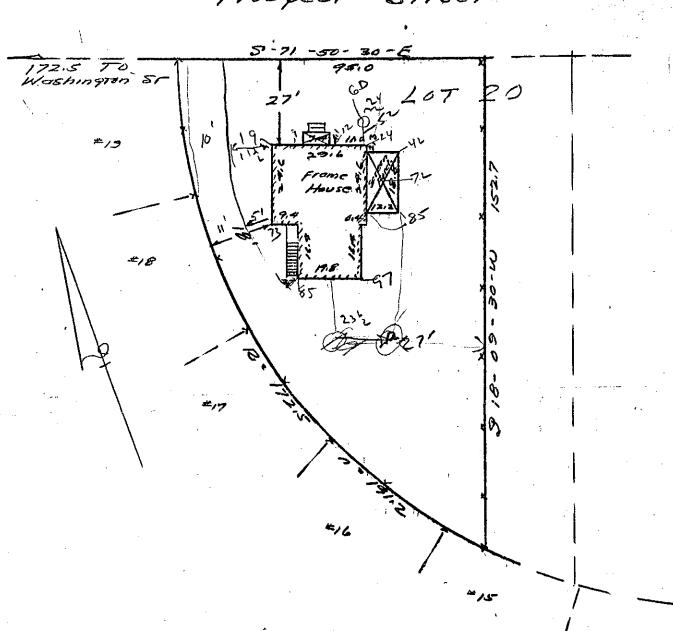
TOPOGRAPHIC ENGINEERS Surveyors & Jopographers

BETHESDA, MARYLAND

ATB 25597 M&C 12303
House Location Plat
3932 Prospect Street
Part of Lot 20 Block 12
Kensington Park
Montgomery County, Maryland
Plat Book B Plat 4
Scale 1"=30' July 7, 1964



Prospect STreet



I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE ABOVE PROPERTY BY TRANSIT-TAPE SURVEY.
LOCATED IMPROVEMENTS THEREON, AND HAVE FOUND IT TO BE AS SHOWN ON THIS PLAT AND THAT
THERE ARE NO ENCROAHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN ON SAID PLAT
MD, REG, NO. 1690 - VA. REG, NO. 441 FRANK B. LANE, REGISTERED SURVEYOR

20 renk

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