

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	4010 Prospect St., Kensington	Meeting Date:	2/2/2022
Resource:	Primary One Resource Kensington Historic District	Report Date:	1/26/2022
Applicant:	Pilar Gormley	Public Notice:	1/19/2022
Review:	HAWP	Staff:	Dan Bruechert
Case No:	976687	Tax Credit:	n/a
PROPOSAL:	Tree Removal		

STAFF RECOMMENDATION

Staff recommends the HPC approve with one (1) condition the HAWP application:

1. One shade tree needs to be planted on-site to mitigate the loss of the trees. Verification the condition has been met and final approval authority are delegated to Staff.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary One Resource within the Kensington Historic District
STYLE: Folk Victorian
DATE: 1898

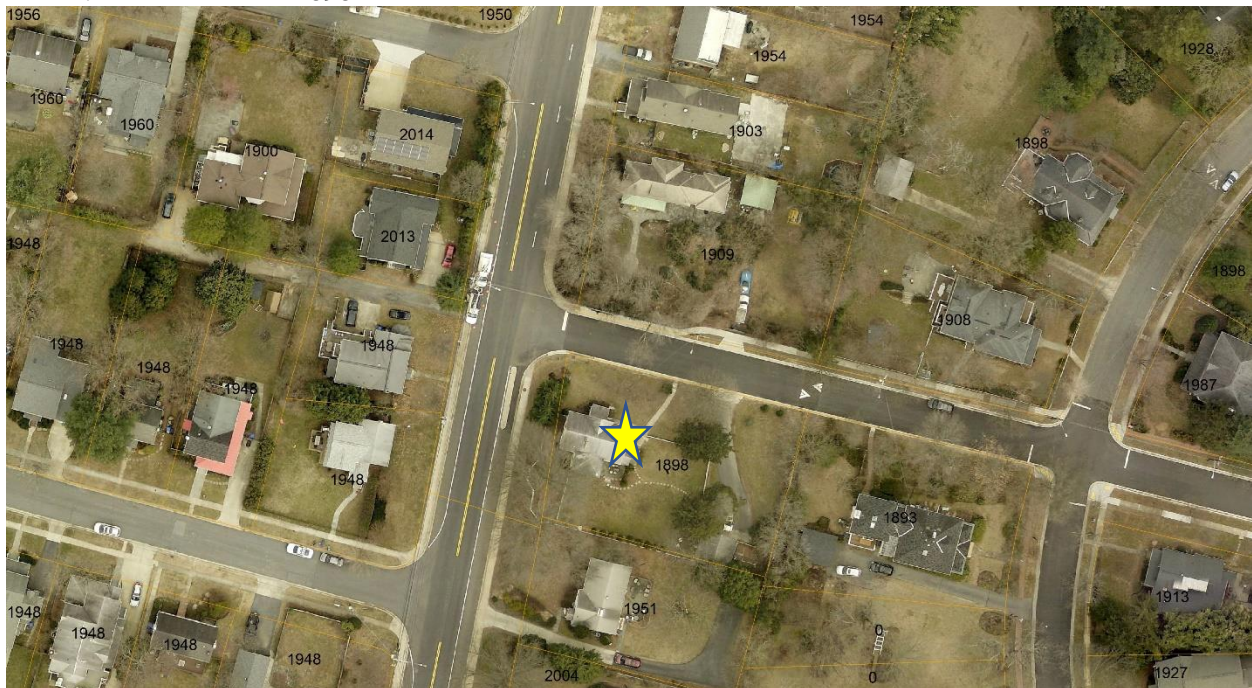


Figure 1: 4010 Prospect St. is at the edge of the Kensington Historic District.

PROPOSAL

The applicant proposes to remove five trees from the site.

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
- (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 asbestos shingled Folk Victorian house that has largely been stripped of its decorative elements located at the corner of Prospect St. and Summit Ave. The applicant proposes to remove 5 (five) trees from the site.

The trees proposed for removal include:

1. A spruce (Picea) in the southeast corner of the lot;
2. A hemlock (Tsuga canadensis) next to the driveway;
3. A spruce (Picea) next to the driveway that has suffered damage;
4. A cherry (Prunus Kwanzan) in the front yard; and
5. A hickory (Carya laciniosa) in the southeast corner of the lot.

All of the trees on the site have been evaluated by a certified arborists and several other trees on the site will be trimmed to promote healthy growth.

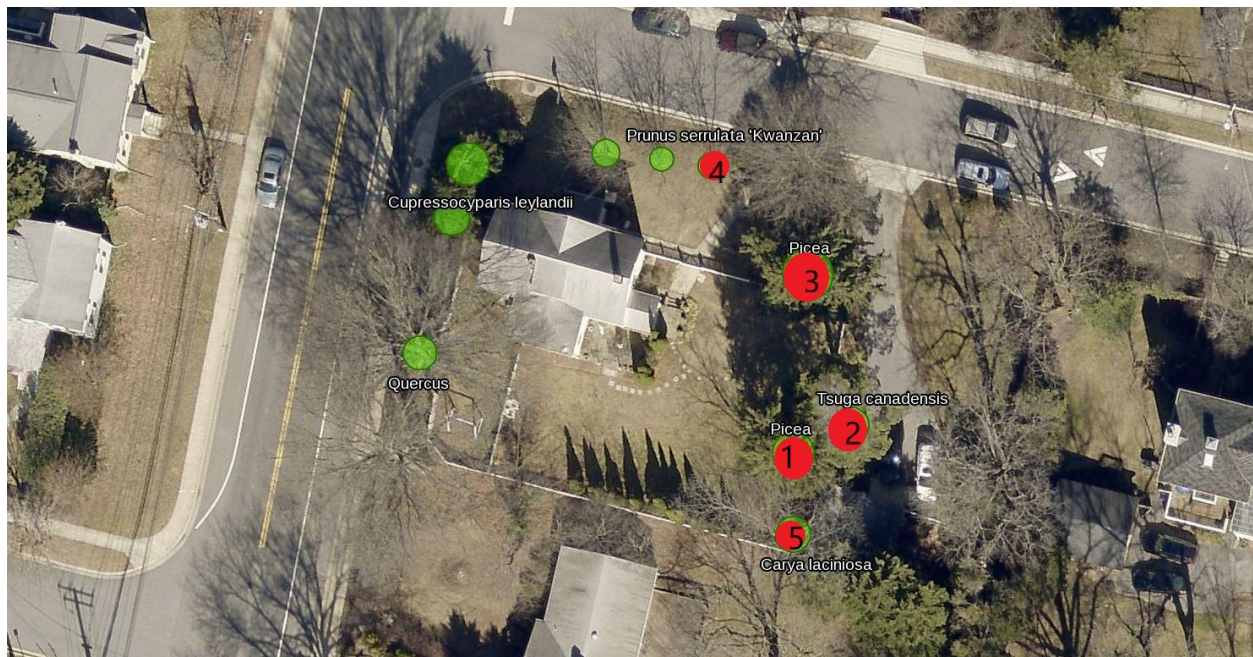


Figure 2: Site plan showing trees proposed for removal in red.

Staff notes that the arborist identified two trees in declining health. Tree #3, a spruce tree, is damaged and tree #4, a cherry tree, is dying. Staff finds this is sufficient justification to remove these two trees. Staff additionally notes that the cherry is one of three in front of the house, so the loss of one will not be a significant impact.

The remaining three trees are in the southeast corner of the lot, away from the streetscape. While they do add to the overall tree canopy of the district, their location has less impact on the character of the district than street trees. Staff finds that the removal of these three trees in the same general location will impact the mature tree canopy and recommends that one shade tree, of the applicant's choosing, needs to be planted on the site as a condition for approval to mitigate the loss of these trees. Verification that this condition has been met and final approval authority are delegated to Staff. With the added condition Staff finds the project will comport with Standard 2 and 24A-8(b)(2).

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve with one (1) condition** the HAWP application;

1. One shade tree needs to be planted on-site to mitigate the loss of the trees. Verification the condition has been met and final approval authority are delegated to Staff; under the Criteria for Issuance in Chapter 24A-8(b)(2), having found that 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, 9, and 10;

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.



APPLICATION FOR
HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:

HAWP# _____

DATE ASSIGNED _____

APPLICANT:

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property _____

Is the Property Located within an Historic District? ☐ Yes/District Name _____

☐ No/Individual Site Name _____

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application.

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: _____ Street: _____

Town/City: _____ Nearest Cross Street: _____

Lot: _____ Block: _____ Subdivision: _____ Parcel: _____

TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:

☐ New Construction

☐ Deck/Porch

☐ Shed/Garage/Accessory Structure

☐ Addition

☐ Fence

☐ Solar

☐ Demolition

☐ Hardscape/Landscape

☐ Tree removal/planting

☐ Grading/Excavation

☐ Roof

☐ Window/Door

☐ Other: _____

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent

Date

Adjacent and Confronting Properties:

Kensington, MD 20895

3948 Washington Street

10223 Summit Avenue

10302 Summit Avenue

10300 Summit Avenue

4011 Prospect Street

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:



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 12/7/2021

Application No: 976687
AP Type: HISTORIC
Customer No: 1422953

Affidavit Acknowledgement

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

Primary Applicant Information

Address 4010 Prospect ST
Kensington, MD 20895
Homeowner Gormley (Primary)

Historic Area Work Permit Details

Work Type RESREP
Scope of Work tree removal



Potomac River Arborists

Tree Care Proposal

Description of job

From: Tom Fitzgerald, Arborist	
Phone: 301-467-0515	9 Woodmoor Drive, Silver Spring, MD 20901

Proposal Submitted to:

Name: Joe Gormley	Date: December 9, 2021
Address: 4010 Prospect Street, Kensington, MD 20895	
Phone: 240-498-8425	E-mail: josephgormley@yahoo.com

We propose to furnish labor necessary for the completion of:	
Oak (right rear house corner) (Tree permit required) Prune to increase healthy branch growth and reduce wind resistance Safely trim branches away from house and remove deadwood	\$895
Spruce (left rear corner of property inside fence near driveway) Remove (Permit required) Standard stump grind: excess grindings will be removed	\$895 \$350
Hemlock (left rear corner of property just outside fence next to driveway) Remove (Permit required) Standard stump grind: excess grindings will be removed	\$725 \$350
Damaged Spruce (left front corner of property outside fence) Remove (Permit required) Standard stump grind: excess grindings will be removed	\$825 \$350
2 Cherry trees (2 of 3) (front of property) Prune any inward growing, crossing/rubbing branches to increase healthy branch growth	\$395
Dying Cherry tree (1 of 3) (right front of property) Remove (Permit required) Standard stump grind: excess grindings will be removed	\$225 \$195
Leyland Cypress (right front corner of house close to main road) (permit required) Trim away diseased branches	\$195
Hickory (left rear side of property up against shed in backyard) Remove Optional stump grind (we will try to get as much as possible due to the location of the shed) Permit required	\$995 \$335
Arborvitae (2) (left front of property) Remove Stump grind (3) Arborvitae stumps and one small stump near Arborvitae	\$275 \$265
Take all debris	

We hereby propose to furnish labor in accordance with the above specifications for the sum of:

Seven thousand, two hundred and seventy-five dollars (\$7,270.00)

\$500 Minimum. Payment as follows: lump sum at completion of work.

PayPal: A 5% fee will be added to all electronic payments.

All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate.

Licensed MD Tree Expert # 2332

ISA Certified # MA-6190A

Authorized Signature: Thomas Fitzgerald



Note: this proposal may be withdrawn by us if not accepted in 45 days

Acceptance of Proposal: the above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date of Acceptance: _____

To accept this proposal, please sign the bottom of the form and mail/email it back to our office.

Terms and Conditions

Concealed Contingencies: Any additional work or equipment required to complete the work in the Proposal, caused by the Customer's failure to make known the conditions or caused by previously unknown conditions such as unseen decay in the trunk or limbs, foreign material in the trunk (e.g. concrete, metal posts) underground sprinklers or any other condition not apparent in the work specified in the Proposal shall be paid for by the Customer on a time and material basis.

Insurance: Potomac River Arborists is insured for liability resulting from injury to persons or property, and all its employees are covered by Workers Compensation Insurance. Certificates of coverage are available upon request. This must be requested at least 1 week prior to when Work will be performed

Work Zone Safety: The Customer agrees not to enter the defined work area during arboriculture operations. Crew leader will meet with them outside of the work area if the customer has any questions during the work. The Customer further agrees to keep the work area free and clear from employees, family members, neighbors, children, and pets.

Performance: Work crews shall arrive at the job site unannounced unless otherwise noted herein. Potomac River Arborists shall attempt to meet all performance dates, but shall not be liable for damages due to delays from inclement weather or other causes beyond our control.

Workmanship: All work will be performed professionally by experienced personnel outfitted with the appropriate tools and equipment to complete the job properly.

Debris Removal & Clean-up: Work-related debris will be cleaned up upon completion of the Work, unless otherwise coordinated by the Client and sales associate. The Work area, which does not include roof areas, shall be raked, hard surfaces will be cleaned off, and all brush, branches, and logs will be removed from the site unless specified otherwise. When clean-up is completed, some small twigs, fruit, leaves, and excess sawdust may remain.

Ownership: The customer warrants that all trees, plant material and property upon which work is to be performed are either owned by him/her or that permission for the work has been obtained from the owner. Potomac River Arborists is to be held harmless from all claims for damages resulting from the customer's failure to obtain such permission.

STUMP REMOVAL/GRINDING: If stump grinding is specified in the proposal, stumps will be ground to a depth of 6-8 inches below grade unless another depth is provided in the Proposal. The hole created will be backfilled with the debris generated from grinding. Excess grindings from stump removal will be hauled away. Surface and subsurface roots beyond the stump are not removed unless specified in this Proposal. Restoration of the area including topdressing, seeding, or replacement planting, is available at an additional cost. Stump grinders are very heavy machines. We are not responsible for ruts, or plant damage around the stump we are removing, or in the yard. We can only grind a stump up to 8-10 inches away from a structure (foundation, retaining wall, steps, etc.). We are not liable for incomplete grinding operations due to a structure in the way. Occasionally we must remove a fence, but it is not a guarantee it will be re-installed "as was" condition. There may be a charge for this service. We are not liable for poorly constructed or pre-damaged fences.

PERMITS: Customer is responsible for the cost and securing all permits needed to perform the tree work. We can assist in the permit process when a permit is needed. We will not be held liable for any penalties or fines levied by any municipality or jurisdiction for failure to secure proper permit(s) or for failure to secure authorization to perform the tree work.



