Address: 7823 Overhill Rd., Bethesda **Meeting Date:** 3/23/2022 **Resource:** Contributing Resource **Report Date:** 3/16/2022 **Greenwich Forest Historic District Applicant:** Michael Bern & Rachel Roth **Public Notice:** 3/9/2022 Luke Olsen, Architect **Review:** HAWP **Tax Credit:** n/a 967939- Amendment Permit No.: Staff: Dan Bruechert **Proposal:** Tree Removal and New Tree Planting

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE:Contributing Resource within the Greenwich Forest Historic DistrictSTYLE:Colonial RevivalDATE:1936



Figure 1: 7823 Overhill Road.

BACKGROUND

The HPC unanimously approved a HAWP with conditions at the October 17, 2021 HPC meeting¹ for a large rear addition. The conditions added to the approval included requiring the applicant to submit hardscape plans and identify how water runoff would be addressed.

The HPC approved the stormwater management plan, landscape/hardscape plans, and a modification to the previously approved addition at the January 5, 2022 HPC meeting.² The condition regarding tree removal and replacement remained.

PROPOSAL

The applicant presents a proposal to remove three (3) trees and to plant twelve (12) trees on the property.

APPLICABLE GUIDELINES

When reviewing alterations and new construction 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

¹ The Staff Report for HAWP at the subject property is available here: <u>https://montgomeryplanning.org/wp-content/uploads/2021/10/I.N-7823-Overhill-Road-Bethesda-967939.pdf</u> adn the recording of the hearing is available here: <u>http://mncppc.granicus.com/MediaPlayer.php?publish_id=f314961f-2cf6-11ec-88a7-0050569183fa</u>.

² The Staff Report for the HAWP amendment and revisiosns from January 5, 2022 is available here: <u>https://montgomeryplanning.org/wp-content/uploads/2021/12/I.G-7823-Overhill-Road-Bethesda-967939-</u> <u>AMENDED.pdf</u>. Audio of the hearing is available here:

https://mncppc.granicus.com/MediaPlayer.php?publish_id=a12cbaac-7027-11ec-85e3-0050569183fa.

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.

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:

D1. Changes to *architectural style*: Changes to the *façades* of *contributing houses* and additions thereto are permitted if the new *front elevation* (1) is consistent with a style of another *contributing house* (see Appendix 3); and (2) is suitable to and does not significantly alter the original outline, shape and scale of the original structure.

D8. Driveways and parking areas: Replacement or minor reconfiguration of existing driveways is permitted without an application for a work permit. Proposals to install new driveways and parking areas require work permits. They should minimize new hardscape areas (see Principle 1) and should not interrupt the setting visible from the public right-of-way. Installation of circular driveways is prohibited.

D11. Runoff control: Proposals for work permits should consider rainwater runoff problems that may be created by additions and other property and structural alterations. Solutions to these problems should protect trees and maximize the on-property control of this runoff by drainage fields, installation of permeable rather than impermeable surfaces, and other available means.

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

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 (see Appendix 1) 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.

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.

Sec. 24A-8. Same-Criteria for Issuance

(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 insure 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 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." Standards 2, 9, and 10 most directly apply to the application before the commission:

#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

In the previous hearing for the subject property, the applicant indicated that tree removal would be part of the work undertaken, but did not specify the tree species and location proposed for removal. Staff recommended, and the HPC adopted, a condition for approval that the applicant return with an amendment to the HAWP to provide detailed information regarding proposed tree removal and replanting required under the *Greenwich Forest Historic District Design Guidelines*.

The Greenwich Forest Historic District requires a HAWP to remove any trees that exceed 8" (eight inches) d.b.h. Trees smaller than that are deemed to have no significant impact on the historic district or site and may be removed without a HAWP. Additionally, trees that are dead, dying, or an immediate hazard may be removed without a HAWP as they are a potential danger to the public. The Greenwich Forest Historic District is unique in that it requires prescriptive re-planting on-site to mitigate the loss of trees. A one-to-one replacement is required for dead or dying trees, and two trees need to be planted for every one removed "from the forest canopy." There is an exception in the *Design Guidelines* for properties with "well established" forest canopies; those properties may plant one canopy tree and one under canopy species. The *Guidelines* do not define what a "well established" canopy is within the context of the Greenwich Forest Historic District.

Note: several trees measuring less than 8" (eight inches) d.b.h. will be removed from the property, however, based on the Greenwich Forest Design Guidelines, those tree removals are not subject to HPC review and approval.

The applicant proposes to remove three healthy trees from the site and plant an additional twelve on-site.³ The three trees are two Chinese Elms (measuring 11 $\frac{1}{2}$ " and 9 $\frac{1}{2}$ " respectively) and a 15" (fifteen-inch) d.b.h. White Oak located along the driveway on the north property boundary. Staff estimates the trees are about 30' (thirty feet) tall. The site includes several trees that are less than 8" (eight inches) slated for removal. Those trees are not included in the submitted site or landscape plans because HPC approval is not required for those trees and it makes for a clearer graphic presentation.

³ The applicant additionally proposes to remove a white pine tree, however, that tree has been evaluated by an arborist and is leaning heavily and dying. It needs to be removed before it falls and a HAWP for that tree is not required. The Greenwich Forest Historic District Guideline D15 requires that one tree be planted for each dying tree.

As part of the stormwater management plan, the applicant proposes to construct a retaining wall on the north (left when viewed from the street) side of the property in the location, noted on the plans, in order to prevent water runoff onto the neighboring property. This wall cannot be sited in another location and the weight of the wall will damage the roots of the trees and potentially kill them. Staff finds that the tree removals are justified under the requirements of D15 and the application of strict scrutiny as defined in the *Design Guidelines*.

To determine how many replacement trees are required, the next question is: are these trees that contribute to the 'forest canopy?' Staff is not an arborist nor does Staff have a horticultural background, so this was a difficult question. In researching this HAWP, Staff found a variety of definitions for a 'canopy tree' and found a range of definitions including "trees with a crown taller than 30" and "a species of tree in which adult individuals occupy the more or less continuous canopy layer of a forest." The County Tree Canopy Law (Chapter 55) does not define "canopy tree," but does define a "shade tree" as "a tree of large stature that is capable of growing to heights of greater than 50 feet. The law further defines "tree canopy" as "the area covered by the crown of one or more trees."

Based on these criteria, Staff finds that the two Chinese Elms are not canopy trees. Additionally, Staff finds that the White Oak is a canopy *species*, but is unsure - due to its height - as to whether or not this is a tree removed "from the forest canopy." Based on the reasoning discussed above, the applicant will need to plant a minimum of either one canopy tree or three.



Figure 2: The subject property with the trees proposed for removal along the driveway to the left.

The applicant proposes to replace the three trees (and the one dying tree) with a total of 12 (twelve) trees.

The species list and size are shown below and their locations are shown on the provided site plan. Note, all of the proposed replacement trees are species native to the mid-Atlantic.

Sepcies (common name)	Botanic name	Quantity	Size at installation	Native/Non Native
Columnar Sweetgum	Liquidambar styraciflua 'Slender Silhouette'	4	2" caliper	Native
White Dogwood	Cornus florida 'Cherokee Princess'	1	2" caliper	Native
American Beech	Fagus grandifolia	1	3" caliper	Native
White Fringe Tree	Chionanthus virginicus	1	6'-7' ht.	Native
Sweetbay Magnolia	Magnolia virginiana 'Moonglow'	1	6'-7' ht.	Native
American Holly	Ilex opaca	4	6'-7' ht.	Native

7823 Overhill Road: Proposed trees for reforestation

As Staff mentioned above, Staff is not an arborist. To determine if the proposed trees would qualify as canopy trees, Staff first looked at the list provided in the *Design Guidelines*. This list is not exhaustive, but one of the proposed trees, an American Beech tree is included on the list. Next, Staff consulted the Arbor Day Foundation for characteristics of the proposed trees. Working down the list, Staff considered the Columnur Sweetgum, which can grow up to 60' (sixty feet) but does not develop a crown. The White Dogwood which can grow to 25' (twenty-five feet) is identified in the *Design Guidelines* as an ornamental tree, which is not a 'replacement species.' Next, the White Fringe Tree grows from 15'-20' (fifteen to twenty feet) tall, which would likely be considered an understory species. The Sweetbay Magnolia is another smaller species that usually only grows to 20' (twenty feet). Lastly, the applicant proposes to plant four American Holly trees which can grow to 50' (fifty feet) and the crown can spread to 40' (forty feet). Based on the definitions above, Staff finds that the American Holly should be considered a canopy tree for the purposes of this HAWP. This brings the total planting on-site to five canopy trees, exceeding the requirement of D15, and Staff recommends the HPC approve the HAWP application.

The applicant's landscape architect, Joseph Richardson, submitted a letter (in the attached application materials) that states in his professional opinion the site has a "well-established forest canopy" comprised of a large ash tree, tulip poplar, and black cherry tree in addition to the smaller trees in excess of 8" (eight inches) that will be retained. To Staff's knowledge, the HPC has never had to identify what constitutes a "well established" forest canopy within the Greenwich Forest Historic District. Staff has no reason to doubt Mr. Richardson's findings, however, Staff finds that the HPC does not need to make that finding in order to conclude that the proposal satisfies the condition on the HAWP approval, D15, 24A-(b)(2), and Standard 2. Should the HPC disagree with Staff's finding that the American Holly is not a canopy species, Staff recommends the HPC relies on Mr. Richardson's finding that the canopy is "well-established" and approve the HAWP based on that reasoning.

During the review period, two trees not included on the site plan were brought to Staff's attention. There is a Linden tree in the southeast corner of the lot (in the rear yard) in the approximate location of the previously approved patio and there is a pin oak located close to the south property line, to the south of the previously approved addition. Ryan Grubb, a certified Master Arborist, conducted site visits on January 26, 2022 and February 25, 2022, and identified the tree in the southeast corner of the lot as a Linden that measures less than 8" (eight inches) at 5' (five feet) from the ground. Though the applicant plans on removing this linden tree, under the requirements of the Design Guidelines, this tree does not require the HPC's approved addition is a pin oak which will be retained and needs to be addressed as part of the tree protection plan submitted to DPS for review and approval before final building permit issuance. As the applicant specifically identified this tree as one that will be retained, no review needs to be undertaken at this time. Should the plans change or the tree roots be damaged during the course of construction, the applicant is required to return for a new or amended HAWP.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application; under the Criteria for Issuance in Chapter 24A-8(b)(2) and (d), and the *Greenwich Forest Historic District Design Guidelines*, having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the surrounding district and the purposes of Chapter 24A;

and with the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made;

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 <u>contact the staff person</u> assigned to this application at 301-563-3400 or <u>dan.bruechert@montgomeryplanning.org</u> to schedule a follow-up site visit.

Adjacent and Confronting Properties:

Bethesda, MD 20814

7825 Overhill Road

7819 Overhill Road

7818 Moorland Lane

7820 Moorland Lane

This filing is intended to address the condition of our HAWP approval requiring us to identify the species and location of the trees that we plan to plant in relation to the 3 trees whose removal is necessary to complete the planned work in the previously approved HAWP for this property-particularly the installation of a retaining wall to the north of the driveway to help improve stormwater management and control runoff. A certified arborist who reviewed the site identified a fourth tree on the property which has already failed, and which we also expect to remove and replace. Although that tree may be removed without a permit per Guideline D15, we have accounted for the tree on the attached reforestation plan.

As the attached plan shows, we plan to plant 12 additional trees on the site, exceeding what the Guidelines require. All 12 trees are native to the area. Notably, the reforestation plan will result in the replacement of two invasive, non-native trees with trees native to the area, further advancing the purposes of the Guidelines. The proposed tree species will complement the existing mature canopy trees and provide a diversity of habitat. The attached landscaping plan identifies the species and locations of 12 trees that we plan to plant.

The replacement of the trees in question will enhance, rather than reduce, the tree canopy at the site. In addition, the principal canopy over the site is well established and will not be impacted by the planned work. There are 9 other trees above 8" DBH on site which are being preserved by the construction plan, including the three largest trees on the site (measuring 41", 24", and 29" at DBH).

TREES TO BE REMOVED

7823 Overhill Road: Trees	to be removed 8" or g	reater	· ·	
Sepcies (common name)	Botanic name	DBH (inches)	Native/Non Native	Condition
Chinese Elm	Ulmus parvifolia	11.5	Non Native	Average
Chinese Elm	Ulmus parvifolia	9.5	Non Native	Good
White Oak	Quercus alba	15	Native	Good
White Pine	Pinus strobus	9	Native	Poor

Survey performed by Ryan Grubb of Bartlett Tree Experts.

ISA Board Certified Master Arborist MA-5195BT, Maryland Licensed Tree Expert #1870

TREES TO BE PLANTED

7823 Overhill Road: Proposed trees for reforestation

Sepcies (common name)	Botanic name	Quantity	Size at installation	Native/Non Native
Columnar Sweetgum	Liquidambar styraciflua 'Slender Silhouette'	4	2" caliper	Native
White Dogwood	Cornus florida 'Cherokee Princess'	1	2" caliper	Native
American Beech	Fagus grandifolia	1	3" caliper	Native
White Fringe Tree	Chionanthus virginicus	1	6'-7' ht.	Native
Sweetbay Magnolia	Magnolia virginiana 'Moonglow'	1	6'-7' ht.	Native
American Holly	llex opaca	4	6'-7' ht.	Native





AMERICAN BEECH

COLUMNAR SWEETGUM

AMERICAN HOLLY



WHITE FRINGE TREE



WHITE DOGWOOD



BERN RESIDENCE

7823 OVERHILL RD, BETHESDA, MD

REFORESTATION PLAN





SWEETBAY MAGNOLIA



GENERAL NOTES

- Boundary information and two-foot contour data are based upon surveys performed by CAS Éngineering, dated October, 2020.
- Total lot area: Lot 25 = 11,938 sq. ft. (0.274 acres)
- Property is located on Tax Map HN13 and WSSC 200' Sheet 210NW05.
- 4. Property is located on Soils Survey Map Number 26. Soil type(s): 2UC, Glenelg Urban Land Complex, HSG "B".
- 5. Flood zone "X" per F.E.M.A. Firm Maps, Community Panel Number 24031C0455D.
- 6. Property is located in the Cabin John Creek Watershed.
- Water Category 1, Sewer Category 1
- 8. Local utilities include: Water / Sewer - Washington Suburban Sanitary Commission
- Electric PEPCO Telephone - Verizon Gas - Washington Gas
- 9. This plan was created without the benefit of a title report.

ZONING DATA

Zoning: R-90 Minimum Lot Area = 9,000 sq. ft. Minimum Lot Width at R/W = 25 ft. Minimum Lot Width at B.R.L. = 75 ft.

Front B.R.L. = 30 ft. (Addition) [1] Rear B.R.L. = 25 ft. [4] Side B.R.L. = 7 ft. min., 18 ft. total [2] [3] [4]

- [2] Per Montgomery County Code Section 7.7.1.D.2.c, a detached house on a platted lot, parcel, or part of a previously platted lot that has not changed in size or shape since June 1, 1958, exclusive of changes due to public acquisition, may be constructed or reconstructed in a manner that satisfies the maximum building height, lot coverage and established building line of its zone when the building permit is submitted and the side yard and rear setback required by its pre-1958 zoning in effect when the lot, parcel or part of a lot was first created.
- [3] This property was created prior to January 1, 1954, therefore 7 foot side setbacks are permitted.
- [4] Greenwich Historic District Design Guidelines

Verify lot coverage in accordance with the Zoning Ordinance. Lot area equal to or greater than 6,000 square feet but less than 16,000 square feet.

[1] Project involves an addition, established building line survey not required.

Lot Coverage: The maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window measuring 10 feet in width or less and 3 feet in depth or less, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than

Allowable lot coverage: 30% of total lot area, less 0.001 percent for every square foot of lot area exceeding 6,000 square feet.

Lot 25 = 11,938 sq. ft. (per plat) 11,938 - 6,000 = 5,938 sq. ft.

5,938 x 0.001 = 5.938 30% - 5.938% = 24.062%

20 feet in height.

Maximum building lot coverage (including accessory buildings) = 2,872.5 sq. ft. Total area covered by buildings = 2,588 sq. ft.

Verify lot coverage in accordance with the Greenwich Forest Historic District Design

Guidelines.

The total lot coverage of a house may not exceed 25% of the lot area, and accessory buildings may not exceed 5% of the lot area. the area of an accessory building may be increased by 2%, to 7% of total lot coverage, if the lot coverage of the house and the accessory buildings added together does not exceed 30% of the lot area.

Allowable Lot Coverage (house): 25% of total lot area.

Lot 25 = 11,938 sq. ft. (Per Plat) 11,938 x 0.25 = 2,984.5 sq. ft.

11.938 x 0.30 = 3.581.4 sq. ft.

11,938 x 0.07 = 797.86 sq. ft. (house + accessory = 3,120 sq. ft < 30%)

Allowable area to be covered by a house = 2,984.5 sq. ft Total area covered by house = 2,736 sq. ft.

Allowable area to be covered by an accessory building = 797.86 sq. ft

FIELD CHECK OF RECORD DRAWING BY MCDPS INSPECTOR:

Total area covered by accessory building = 384 sq. ft.

4. Verify main building height in accordance with the Zoning Ordinance. First floor elevation 308.90 ft 23.38 ft (23'-2 3/4" Per Arch.) Mean height of building from first floor: Elevation at mean height of building

332.28 ft 306.75 ft Average elevation along front of building Mean height of building = 332.28 - 306.75 = 25.53 feet Allowable mean height of building = 30 feet

Proposed mean height of building = 25.53 feet

- 5. Verify accessory structure mean height in accordance with the Zoning Ordinance. First floor elevation 308.10 ft 11.08 ft (11'-1" Per Arch.) Mean height of accessory structure from slab: Elevation at mean height of accessory structure 319.18 ft ` Average elevation along front of accessory structure 308.00 ft Mean height of accessory structure = 319.18 - 308.00 = 10.18 feet Allowable mean height accessory structure = 15 feet (for 5 ft. setbacks) Proposed mean height of accessory structure = 10.18 feet
- 6. Verify accessory structure height in accordance with the Zoning Ordinance. First floor elevation 308.10 ft 14.67 ft (14'-8" Per Arch.) Height of accessory structure to highest point: 322.77 ft Elevation at highest point of accessory structure Average elevation along front of accessory structure 308.00 ft Height of accessory structure to highest point = 322.77 - 308.00 = 14.77 feet Allowable accessory structure height = 20 feet

Proposed height of accessory structure to highest point = 14.77 feet

TO BE COMP	RELA	TED REC	QUIRED PER	RMITS HE FIRST SHEI	T OF TH	F	DEC2017
SEDIMENT O	SIBILITY O	FORMWATER M	IANAGEMENT PLAN SI	ET FOR ALL PR	IN ALL F	REQUIREI	D
	OR TO ISS		IE APPROVED SEDI	EXPIRA		MIT: WORK	RESTRICTION
	REQ'D	REQ'D	NUMBER	DAT	-		DATES
MCDPS Floodplain District		X					
WATERWAYS/WETLAND(S):		X					
a. Corps of Engineers		X					
b. MDE		X					
c. MDE Water Quality Certification		X					
MDE Dam Safety		X					
 DPS Roadside Trees Protection Plan * Copy of approved plan to be provided to SC inspector at the pre-construction meeting 	X		384945	Approval pendir	Date ng		
N.P.D.E.S Notice of Intent		x			-	D	ate Filed
FEMA LOMR - (Letter of Map Revision) Required Post Construction		X					
OTHERS (Please List):							
STAGE MANDATORY NOTIFICATION: Inspection proceeding with construction. The permitter notice (DPS telephone 240-777-0311). The owner/developer to make the required inspector in writing permittee having to remove and reconstruct Stormwater Management As-Built must has been allowed instead. Each of the ster OR the Owner/Developer. 1. Excavation for Dry Well conforms to ap 2. Placement of backfill, perforated inlet p 3. Placement of geotextiles and filter med 4. Connecting pipes, including connection	n and approve e is required t e DPS inspect ection per a p . Work complet the unappro be submitted eps listed below poroved plans ipe and obset lia conforms to n to downsport	al of each practic o give the MCDF or may waive an orior scheduled a eted without MC ved work. Upon t to MCDPS unl ow must be verifi rvation well confr o approved plana ut, constructed p	ce is required at these per PS Inspector twenty-four inspection, and allow the rrangement which has be DPS approval may resu completion of the proj ess a Record Drawing ed by either the MCDPS orms to approved plans s er the approved plans	oints prior to (24) hours been lt in the ect, a formal Certification Inspector	INITIAL	DPS CTOR S/DATE	OWNER/ DEVELOPER INITIALS/DATE
5. Final grading and permanent stabilizati	on conforms	to approved plar	IS				
TOTAL NUMBER OF DRY WELLS INSTA	LLED PER T	HIS PERMIT:	APPROVED	COI	NSTRUCT	ED	
RECORD DRAWING CERTIFIE A record set of approved Sediment Control/ items, these plans must include the number modifications or deletions of stormwater pra Canopy Requirements table. Upon completi submitted to the MCDPS inspector. In additi I is <u>not</u> required for this project. If this project is subject to a <u>Stormwater Mar</u> This Record Drawing will serve as reference "This record drawing accurately and comple planted. All stormwater management practic approved revisions."	CATION Stormwater M and location of ctices or tree of on of the proje on to this Rec magement Right and in the recorn tely represent es were cons	anagement plans of all trees proposi- canopy plantings act, the record se ord Drawing Cer <u>ht of Entry and M</u> ded document. is the stormwater tructed per the ap	s must be maintained on sed to be planted to com or information must be s of of plans, including there tification, a formal Storm <i>laintenance Agreement</i> , management practices pproved Sediment Contr	site at all times. ply with the Tree shown on this re eon this signed f water Managem that document is and tree canopy ol / Stormwater f	In addition Canopy I cord set of Record Dra ent As-Bu recorded plantings Manageme	to stormwa aw. Any ap plans and awing Certif it submission at Book <u>XX</u> as they we ent plans or	DEC2016 ater management opproved on the Tree ication, must be on is required <u>XXXX</u> Page <u>XXX</u> . re constructed or subsequent
Owner/Developer Signature	Date						

INITIALS

DATE

EGEND	
EXISTING FEATURES	
sS w cM 	Ex. Sewer Manhole and Invert Ex. Water Line with Valve Ex. Gas Line with Valve Ex. Overhead Utility with Pole
O DSP O DSS 	Ex. Downspout Piped / Spilled Ex. Two- And Ten-foot Contours Ex. Spot Elevation Ex. Light Pole Ex. Wood or Stockade Fence Ex. Retaining Wall
	Ex. Tree (< 24" DBH)
÷ *	Ex. Roadside Tree or Ex. Tree (24" DBH - < 30" DBH)
$ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\$	Ex. Tree (30" DBH and greater)
PROPOSED FEATURES	
PROP. WHC	Limit Of Disturbance (L.O.D.) Prop. Water-House Connection
	Prop. Gas-House Connection
PROP. EHC	Prop. Electric-House Connection
	Prop. Contour with Elevation
28•0	Prop. Spot Elevation Prop. Retaining Wall
	Prop. 4" PVC Drain Pipe
$\circ \longrightarrow$	Prop. Downspout with Flow Direction
	Prop. Drainage Divide
\rightarrow	Prop. Surface Flow Direction
\neg	Prop. Pipe Flow Direction
SSF	Prop. Super Silt Fence
TP	Prop. Tree Protection Fence
PROP. S.C.E.	Prop. Stabilized Construction Entrance

Gravel Dry Well with the Perforated Pipe Layout, Downspout Leader, Pipe Flow Direction, and Pipe Invert Elevation



TO BE COMPLETED BY THE CONSULTANT AND PLACED ON THE FIRST SHEET OF THE SEDIMENT CONTROL/ STORMWATER MANAGEMENT PLAN SET FOR ALL PROJECTS.					
EXEMPT: YES) NO 🖲	l			
If exempt under South the applicable exercise the second sec	ection 55-5 emption ca	of the code tegory below	, please check v.		
Total Property AreaTotal Disturbed Area11,938 S.F.8,950 SF					
Shade Trees Re 9	quired	Shade Trees Proposed 0			
Fee in Lieu: (Trees Required -Trees Proposed) x \$250 \$ 2,250.00					
Required Number	of Shade 1	Frees:			
AREA OF THE LI DISTURBANCE (S FROM	MITS OF QUARE FI	EET)	NUMBER OF SHADE TREES REQUIRED		
1 SQ. FT.	6,000 SQ. FT.		3		
6,001 SQ. FT.	8,000 SQ. FT.		6		
8,001 SQ. FT.	12,000 5	SQ. FT.	9		
12,001 SQ. FT.	14,000 \$	SQ. FT.	12		
14.001 SO FT	40.000 9	SO FT	15		

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.					
UTILITY	REQUEST DATE	BY	INFO. RECEIVED	PLAN REVISED	BY
AT&T	09/15/2020	KAM	10/13/2020	10/22/2020	IND
COMCAST	09/15/2020	KAM	09/17/2020	10/22/2020	IND
PEPCO	09/15/2020	KAM	-	-	-
VERIZON/MCI	09/15/2020	KAM	-	-	-
WASH. GAS	09/15/2020	KAM	10/08/2020	10/22/2020	IND
W.S.S.C.					
SEWER CONTRACT DRAWING 09/16/2020 10/22/2020 IND					IND
WATER CONTRACT DRAWING			09/16/2020	10/22/2020	IND
HOUSE-CONNECTION PLUMBING CARDS 09/16/2020 10/22/2020 IN					IND
MISS UTILITY FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUITULTY NET/TIC 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY THE					

TECI SEI
REVIEWED
TECH STORMV
REVIEWED
MCDPS APPR TWO YEARS IF THE

P:\2020\20573_7823 Overhill Road\6 drawings\20573_SCP_2021.dwg, 1/4/2022 10:28:03 AM, jar, © 2021 CAS Engineering and CAS Engineering-DC, LL

This filing is intended to address the condition of our HAWP approval requiring us to identify the species and location of the trees that we plan to plant in relation to the trees whose removal is necessary to complete the planned work in the previously approved HAWP for this property. In addition, this filing addresses other related aspects of our tree removal/replanting plan.

I. Scope of Work

On October 13, 2021, the HPC approved the removal of a 15" diameter (oak) tree close to the north property line, in connection with our proposal to build a retaining wall to the north of the north of the driveway to help improve stormwater management and control runoff. As the staff report noted at the time, the HPC also already had previously approved a retaining wall in this location in connection with an HAWP application submitted by the prior owner in March 2021. The HPC asked us to identify the location and species of the trees we planned to replant and to address the materials and dimensions of the retaining wall at a subsequent meeting.

On January 5, 2022, the HPC approved the final plan for the retaining wall. In connection with that application, we noted that the retaining wall would require the replacement of two additional trees in the small strip of land between the retaining wall / driveway on our property and the driveway of the neighboring property. We plan to replace the trees in question (non-native, invasive Chinese elm trees) with trees that are native to the area and which are more appropriate plantings for the location in question.

Finally, during a recent visit to the property, a certified arborist who reviewed the site identified a 9" diameter pine tree on the property that has already failed, and which we also expect to remove and replace. Although that tree may be removed without a permit per Guideline D15, as discussed below, we have accounted for the tree on the attached replanting plan.

As the plan attached to this application and discussed further below confirms, our plan in total envisions the replacement of the 3 living and 1 dead tree in question with 12 additional trees, all of which are native to the area. The proposed tree species will complement the existing mature canopy trees and provide a diversity of habitat. The attached landscaping plan identifies the species and locations of 12 trees that we plan to plant.

II. The Proposed Tree Planting Plan Accords With the Guidelines

A. Background

The Greenwich Forest Guidelines require a permit in relation to the removal of trees that are 8" in diameter (measured at 5' height) or larger, unless a certified arborist provides documentation to the HPC stating that the tree is dead, diseased, dying, or a hazard.

The Guidelines provide guidance regarding the number and character of the trees which should be planted in connection with the removal of a tree. In particular, when applications propose the removal of trees larger than 8" in diameter, the site plan must include the installation of two replacement trees, unless a certified arborist provides documentation to the HPC stating that the tree is dead, diseased, dying, or a hazard. When a certified arborist provides such documentation, each tree removed should be replaced by one tree. When an applicant proposes to remove trees from the forest canopy, the applicant must comply with an additional requirement related to the species of trees that the applicant proposes to replant. In particular, "[e]ach 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."

B. The Plan For Replacing The Oak Tree

As noted above, the HPC previously on October 13, 2021 approved the removal of a 15" diameter (oak) tree on the northern property line, the removal of which is necessary to complete the retaining wall and control runoff from the site.

Although the white oak tree is not fully grown, and is smaller in size than the principal canopy trees over the site, our plan has taken the conservative approach of proposing to replace the oak tree as though it is being removed from the forest canopy.¹ As noted above, the Guidelines provide that a tree removed from the forest canopy may be replaced with one tree chosen from a canopy species and one tree chosen from an understory species when the canopy is well established over the site. Here, as the additional letters submitted with our application confirm, the canopy is very well established at the site. There are *nine* other trees above 8" diameters on site which are being preserved by the construction plan, including the three largest trees on the site (a 41" diameter tulip poplar, a 29" diameter white ash, and a 24" diameter black cherry), and other trees from canopy species (e.g., tulip poplar, oak). Indeed, there are so many large trees on the site already, that we had to carefully situate the additional canopy tree that we propose to plant so as to avoid unhealthy competition with existing canopy trees.

Consistent with the Guidelines, we propose to plant one canopy tree and one understory tree to replace the oak. The canopy tree we propose to plant is an American Beech, which is specifically named as an acceptable canopy species on the illustrative list provided by Guideline D15. We also plan to plant several understory trees native to the area, any one of which would satisfy the requirement to plant one understory tree.²

¹ A white oak is listed as a "canopy species" by Guideline D15. Although a tree may be a canopy species without yet growing to be a part of the forest canopy, we have conservatively treated the white oak as though it was a canopy tree.

² For instance, we plan to plant a sweetbay magnolia (or Magnolia virginiana) which is recognized as an understory tree by the U.S. Forest Service. *See* <u>https://www.fs.fed.us/database/feis/plants/tree/magvir/all.html</u> ("[S]weetbay is common in the understory"). We also plan to plant a white fringe tree (or Chioanthus virginicus), which is likewise an understory tree. *See, e.g.*, https://www.indefenseofplants.com/blog/2017/5/10/meet-the-fringe-tree ("Fringe tree can be found growing wild in the understories and edges of forests throughout eastern North America").

C. The Plan For Replacing The Other Trees

As noted above, construction on the retaining wall requires us to remove two additional trees slightly above 8" diameter—both of which are Chinese elms in the small strip of land between the existing driveway at the site and the driveway on the property to the north of the site. The Chinese elm trees are non-native and invasive to the area. The particular Chinese elms in question are not particularly thriving elms (narrow, some multi-stemmed, etc.) and are not part of the forest canopy in any event. The site work provides the opportunity to replace the Chinese elms with native trees that are more likely to thrive in the particular location at issue.

A certified arborist who reviewed the site identified one additional tree on the property that is above 8" diameter and which has already failed, and which we also expect to remove and replace. That tree – a smaller white pine tree with a 9" diameter – also is not part of the forest canopy. Although Guideline D15 does not require us to obtain HPC approval to remove the pine, we have accounted for it in our replanting plan.

Under Guideline D15, we are required to replace each Chinese elm tree with two trees. Because a certified arborist has provided a letter to the HPC affirming that the pine is dead, diseased, dying, or a hazard, the Guidelines require us to replace the pine tree with one additional tree, for a total of five trees. Because none of the three trees are canopy trees, we are not required under Guideline D15 to replace the Chinese elms or white pine with trees from a canopy species.

Although we are required to plant only five trees to replace the two living and one dead tree that we plan to remove, we have proposed to plant *ten* additional trees—thereby far exceeding the requirements of the guidelines. Every tree we plan to plant is native to this area. In particular, we plan to plant four columnar sweetgum trees, which can grow to 60^{3} , four American holly trees, which can grow to 50° with a substantial spread⁴, and several other desirous native plantings that will contribute to biodiversity at the site.

III. Conclusion

The proposal goes above and beyond the requirements of the Guidelines, and will result in the replacement of two non-native trees with a substantially higher number of native trees that will add to the quantity and quality of the trees on site. The replacement of the trees at issue will also substantially benefit the neighboring properties by facilitating the construction of a retaining wall that will prevent water runoff. We respectfully request that the HPC approve our plan.

³ See, e.g., https://www.boldspring.com/trees/lsf-

std#:~:text=styraciflua%20%27Slender%20Silhouette%27-

[,]Columnar%20Sweetgum,tall%20and%20barely%206%27%20wide.

⁴ See, e.g., <u>https://www.uky.edu/hort/American-Holly;</u>

https://arbordayblog.org/treeoftheweek/american-holly-mystic-icon/.



1 METROPOLITAN COURT, GAITHERSBURG, MD 20878 • (301)881-8550 • FAX (301)881-9063

February 10, 2022

Kevin Manarolla Senior Administrative Assistant **Historic Preservation** 8787 Georgia Ave Silver Spring, MD, 21090

To: Kevin Manarolla,

I recently reviewed a White Pine (Pinus strobus) located at the left rear of the home located at 7823 Overhill Road, Bethesda, MD, 20814. This tree was measured to have a 9" diameter at breast height. It has actively fallen at the base due to a girdling root and is considered dead/dying due to its failed nature. I would recommend its removal and replacement with a more suitable species.

Regards,

Ryan Grubb Arborist Representative FA Bartlett Tree Expert Co ISA Board Certified Master Arborist MA-5195-BT ISA Tree Risk Assessment Qualified MD Licensed Tree Expert #1870 301-237-4902 (mobile) rgrubb@bartlett.com

> THE F. A. BARTLETT TREE EXPERT COMPANY SCIENTIFIC TREE CARE SINCE 1907



1 METROPOLITAN COURT, GAITHERSBURG, MD 20878 • (301)881-8550• FAX (301)881-9063

February 28, 2022

Kevin Manarolla Senior Administrative Assistant Historic Preservation 8787 Georgia Ave Silver Spring, MD, 21090

To: Kevin Manarolla,

I write in regards to the property located at 7823 Overhill Road, Bethesda MD 20814, to address several topics that the HPC may consider in the course of its upcoming review of the property.

I recently made two site visits to the property--one on January 26, 2022 and a second on February 25, 2022. In the course of those visits, I reviewed a Linden tree located on the southeast quadrant of the property. I measured this tree to have a diameter less than 8" at 5'. In addition, I reviewed a pin oak located close to the south property line. The property owners do not plan to remove the tree and instead will protect this tree as part of their tree protection plan.

I previously wrote regarding a white pine tree that had actively fallen at the base due to a girdling root and is considered dead/dying due to its failed nature. This tree is not part of the canopy over the property, due to the species of tree at issue, its substantially smaller size relative to the mature canopy trees on site, and its orientation in light of the fact that it already has fallen at the base.

Finally, I write to address the state of the forest canopy at the property site. Several trees on site contribute to the forest canopy at the property, including a large (26" dbh) ash tree near the eastern property line, large tulip poplar and black cherry trees (41" dbh and 24" dbh, respectively) near the southwestern property line and growing pin oak and tulip poplar trees along the southern property line which already exceed 8" in dbh. I note further that the applicant plans to plant a beech tree at the southeastern corner of the property which would further add to the forest canopy over time.

Please contact me with any questions that you may have

THE F. A. BARTLETT TREE EXPERT COMPANY SCIENTIFIC TREE CARE SINCE 1907



Regards,

Ryan Grubb Arborist Representative FA Bartlett Tree Expert Co ISA Board Certified Master Arborist MA-5195-BT ISA Tree Risk Assessment Qualified MD Licensed Tree Expert #1870 301-237-4902 (mobile) rgrubb@bartlett.com

To Kevin Manarolla:

I am a licensed landscape architect with the firm of Joseph Richardson Landscape Architecture. My firm has substantial experience in developing landscaping plans for homes in the DC metropolitan area. We also have significant experience in developing landscaping plans for homes located within historic districts.

I write in reference to the property at 7823 Overhill Road, Bethesda MD 20814, which will be reviewed by the HPC at its March 23, 2022 meeting. My firm has worked with the applicant to develop the landscaping plan, including its proposal to plant 12 trees on the property. In the course of developing that plan, I visited the site, liaised with a certified arborist (Ryan Grubb), and reviewed the HPC's Guidelines as relates to tree removal and replanting.

I write to address three topics: the extent of the forest canopy, the failed pine tree being removed from the site, and our proposal for the site.

1) The Forest Canopy: I understand that the Guidelines provide that when homeowners remove a tree from the forest canopy, homeowners are directed to replace the tree with two trees. When the forest canopy is well established over the site, one of the two replacement trees may be a canopy tree and the other an understory species established in the region. In my professional judgment, there is a robust and well-established forest canopy at the site, anchored by three particularly large and well-established trees (a 26" diameter ash tree, a 41" diameter tulip poplar tree, and a 24" diameter black cherry tree). The extensive canopy provided by these trees is augmented by 6 additional trees over 8" diameter that the applicant proposes to retain. With the addition of the beech tree that the applicant proposes to plant in the southeastern corner of the lot, the canopy will stretch over nearly the entire eastern and southern sides of the property. As such, I believe it is appropriate under the guidelines for the applicant to replace any canopy tree with 1 canopy tree and 1 understory tree. Given the prevalence of large trees already on the site, I believe that approach also avoids competition between existing canopy trees and will better protect the long term health of the tree canopy at the site.

2) The Failed Pine Tree: In visiting the site, there is a 9" diameter pine tree that has already failed and which the arborist recommended removing and replacing with a more appropriate tree. I write simply to confirm that the pine tree is much smaller than the mature canopy trees on site and currently not part of the forest canopy.

3) Our proposal for the site: In developing a landscaping plan for the site, we tried to develop a plan that was both responsive to the Guidelines and designed to promote the long term health and condition of the site and its canopy. In particular, we strove to account for the fact that there was already a very robust number of large trees at the property contributing to the canopy on site. Our proposal calls for planting a number of trees that will exceed those we are removing from the site, and adds several additional substantial trees to the site, including an American beech tree and four American holly trees. American holly trees are large trees that can grow to a height of 50' with a substantial spread. (For instance, see https://arbordayblog.org/treeoftheweek/american-holly-mystic-icon/; https://www.uky.edu/hort/American-Holly). Those five trees will enhance the canopy on site. Our proposal also calls for the replacement of certain non-native Chinese elm trees, which are trees that are not currently

thriving and are not part of the forest canopy. The proposal calls for replacing those trees with native, columnar variety, sweetgum trees that are more appropriate for the relatively small space between the existing driveway on the site and the close-by driveway on the neighboring property to the north. Finally, the proposal calls for planting several diverse understory species that will contribute to biodiversity and enhance the attractiveness of the site with desirable native plantings.

Jordan Clough, RLA Senior Associate, Joseph Richardson Landscape Architecture jordan@jrichardsonla.com – 571 436 9195