

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	28 Pine Avenue, Takoma Park	Meeting Date:	5/4/2022
Resource:	Outstanding Resource (Takoma Park Historic District)	Report Date:	4/27/2022
Applicant:	Nicholas Lusiani (Ryan Doyle, Agent)	Public Notice:	4/20/2022
Review:	HAWP	Tax Credit:	No
Permit Number:	989988	Staff:	Michael Kyne
PROPOSAL:	Solar panel installation		

STAFF RECOMMENDATION:

Staff recommends that the HPC **approve with one (1) condition** the HAWP application.

- 1. The proposed solar panels will not extend in front of the chimney on the south (right) roof slope. The panels that are proposed forward of the chimney can be moved to the north (left) roof slope, with final review and approval delegated to staff.**

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Outstanding Resource within the Takoma Park Historic District
STYLE: Craftsman
DATE: c. 1910s

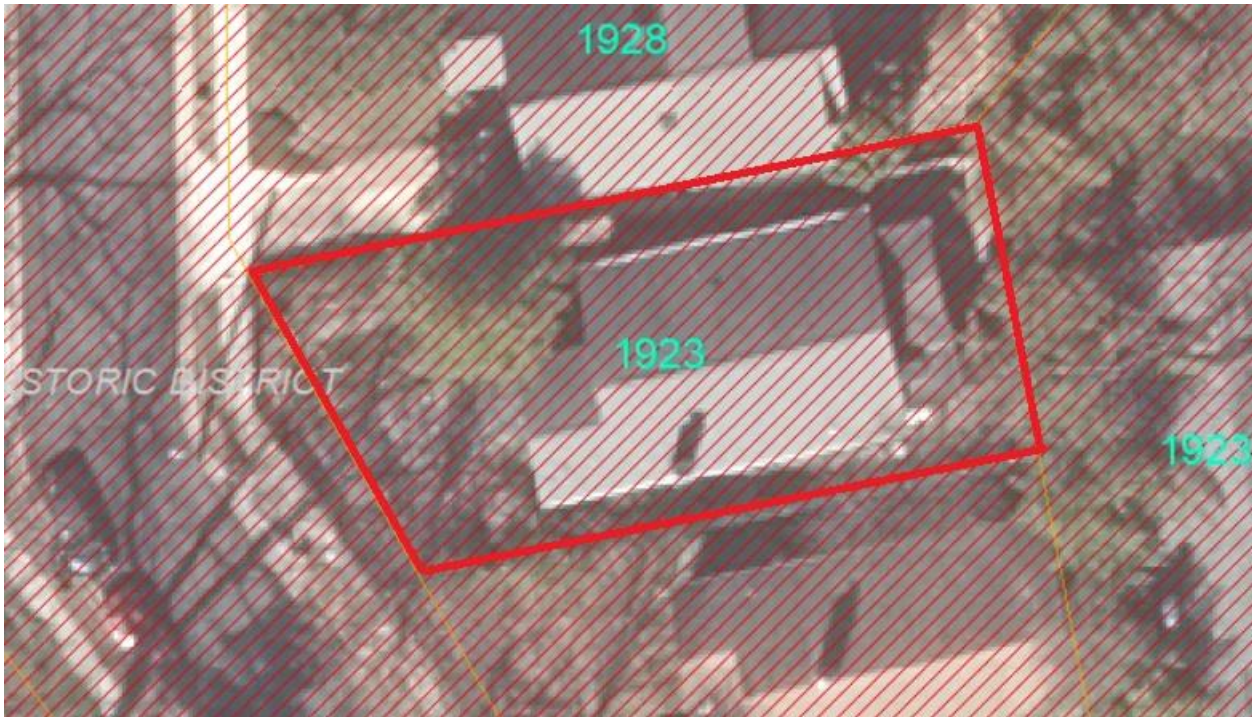


Fig. 1: Subject property, with property lines outlined in red.

PROPOSAL:

The applicant proposes solar panel installation at the subject property.

APPLICABLE GUIDELINES:

When reviewing applications for solar panel installation within the Takoma Park 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 *Takoma Park Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, the *Secretary of the Interior's Standards for Rehabilitation (Standards)*, and *Historic Preservation Commission Policy No. 20-01: ADDRESSING EMERGENCY CLIMATE MOBILIZATION THROUGH THE INSTALLATION OF ROOF-MOUNTED SOLAR PANELS*. The pertinent information in these documents is outlined below.

Takoma Park Historic District Guidelines

There are two very general, broad planning and design concepts which apply to all categories. These are:

- The design review emphasis will be restricted to changes that are all visible from the public right-of-way, irrespective of landscaping or vegetation (it is expected that the majority of new additions will be reviewed for their impact on the overall district), and
- The importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the historic district.

The *Guidelines* define Outstanding Resources as:

A resource which is of outstanding significance due to its architectural and/or historical features. An outstanding resource may date from any historical period and may be representative of any architectural style. However, it must have special features, architectural details and/or historical associations that make the resource especially representative of an architectural style, it must be especially important to the history of the district, and/or it must be especially unique within the context of the district.

The *Guidelines* state the following regarding the review of Outstanding Resources:

These resources have the highest level of architectural and/ or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, change and additions to Outstanding Resources.

As a set of guiding principles for design review of Outstanding Resources, the Historic Preservation Commission will utilize the Secretary of the Interior's "Standards for Rehabilitation".

Specifically, some of the factors to be considered in reviewing HAWPs on Outstanding Resources [only guidelines applicable to this project included]:

- Plans for all alterations should be compatible with the resource's original design
- All changes and additions should respect existing environmental settings, landscaping, and patterns of open space

Montgomery County Code; Chapter 24A-8

- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to ensure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

- (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
- (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The applicable *Standards* are as follows:

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Historic Preservation Commission Policy No. 20-01: ADDRESSING EMERGENCY CLIMATE MOBILIZATION THROUGH THE INSTALLATION OF ROOF-MOUNTED SOLAR PANELS

On December 5, 2017, the Montgomery County Council adopted an Emergency Climate Mobilization resolution (Resolution No.: 18-974) which declared a climate emergency and charged the County Executive, Montgomery County Public Schools, and the Maryland-National Capital Park and Planning Commission to advise the Council on methods to reduce greenhouse gas emissions.

As a body established by the County Executive, it is incumbent on the Historic Preservation Commission (HPC) to undertake steps to achieve the goals of the Emergency Climate Mobilization resolution.

One method for reducing greenhouse gas emissions is to replace carbon-heavy methods of energy production, like coal and natural gas power plants, with renewable sources like wind and solar power. Current historic preservation best practice is to limit the locations solar panels may be installed to preserve the character of the building above all other considerations. Chapter 24A-8 (b) (6) of County

Code establishes a balancing test for approval of a HAWP where there is an apparent conflict between the desired impact on the historic resource compared to the public benefit of the proposal. Because the widespread use of solar panels, both for hot water and for electricity production, will reduce greenhouse gases in the county, it is the position of the HPC that solar panels may be installed on all roof elevations of historic sites or historic resources located within a historic district provided:

1. The identified preferred location (on the rear of the property, building additions, accessory structures, or ground-mounted arrays) is not feasible due to resource orientation or other site limitations and;
2. The roof is not either architecturally significant or a slate or tile roof unless it can be demonstrated that the solar array will be installed without damaging the historic character of the resource or historic fabric; and
3. A Historic Area Work Permit (HAWP) is required for all work referenced in this policy.

Now, THEREFORE:

WHEREAS, Historic Area Work Permit decisions are guided by the criteria in Section 24A, The Secretary of the Interior's Standards for Rehabilitation, and pertinent guidance from applicable master plan amendments and/or site or district-specific studies;

WHEREAS, The Secretary of the Interior's Standards for Rehabilitation as interpreted by the National Park Service limit the placement of rooftop solar panels under Standards 2, 9, and 10 to less conspicuous locations;

WHEREAS, the County Council has established a Climate Emergency;

WHEREAS, the Historic Preservation is a body established by the County Executive and County Council;

WHEREAS, Section 24-8 (b) (6) states, "In balancing the interest of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit";

WHEREAS, the widespread use of solar panels, both for hot water and for electricity production, will reduce greenhouse gases in the county, in accordance with the aims of the Emergency Climate Mobilization resolution (Resolution No.: 18-974), it shall be the policy of the Historic Preservation Commission that:

1. The preferred locations for solar panel installation(s) on a designated historic site or an historic resource located within an historic district is a) on the rear of the property, b) on non-historic building additions, c) on accessory structures, or d) in ground-mounted arrays;
2. If it is not feasible to install solar panels in one of the identified preferred locations due to resource orientation or other site limitations; and,
3. The roof is determined to be neither architecturally significant, nor a character-defining feature of the resource, nor is it a slate or tile roof, that unless it can be demonstrated that the solar array will be installed without damaging the historic character of the resource or historic fabric; then

4. The public welfare is better served by approving a Historic Area Work Permit for solar panels on all visible side or front roof slopes under Section 24A-8(b)(6).
5. A Historic Area Work Permit (HAWP) is required for all work referenced in this policy.

STAFF DISCUSSION:

The subject property is a c. 1910s one-story Craftsman-style Outstanding Resource within the Takoma Park Historic District. There is an original attached basement-level garage at the front of the historic house. The garage is constructed from rusticated concrete block, matching the house's foundation and exposed basement at the south (right, as viewed from the public right-of-way of Pine Avenue) side, as well as the south (right) side chimney.

The applicant proposes to install 19 roof mounted solar panels on the south (right) roof slope of the historic house (*Fig. 2*).

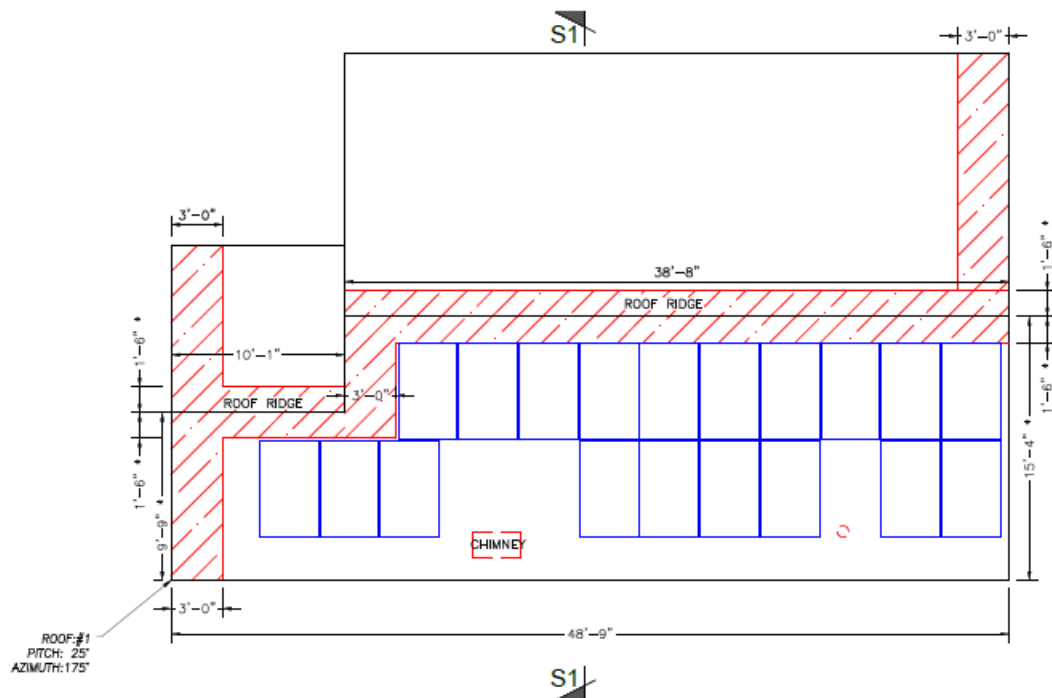


Fig. 2: Proposed solar panel layout.

The subject property has a shallow rear yard, which is moderately forested, making a ground-mounted solar array at the rear of the historic house infeasible. Aside from the original attached basement-level garage at the front of the property, there are also no accessory buildings or additions with adequate roof area to accommodate the proposed solar panels. Additionally, because the historic house is oriented toward the west, and it is one-story with a simple front gable roof, the proposed solar panels would be at least partially visible from the public right-of-way of Pine Avenue on either the north (left) or south (right) roof slope.

Staff notes that the south (right) side of the historic house is the most visible from the public right-of-way, and it is where the property's significant character-defining features (namely, the original attached garage, foundation/exposed basement, and, most importantly in this case, south/right side chimney, which are all constructed from rusticated concrete block) are experienced. However, staff acknowledges that installing all proposed solar panels on the north (left) roof slope would be inefficient, and the most feasible location is on the south (right) roof slope. Accordingly, staff recommends the following condition of approval, thus allowing solar panel installation on the south (right) roof slope, ensuring efficiency, while minimizing their visibility from the public right-of-way and their visual impact on the historic house's character-defining chimney:

- The proposed solar panels will not extend in front of the chimney on the south (right) roof slope. The panels that are proposed forward of the chimney can be moved to the north (left) roof slope, with final review and approval delegated to staff.

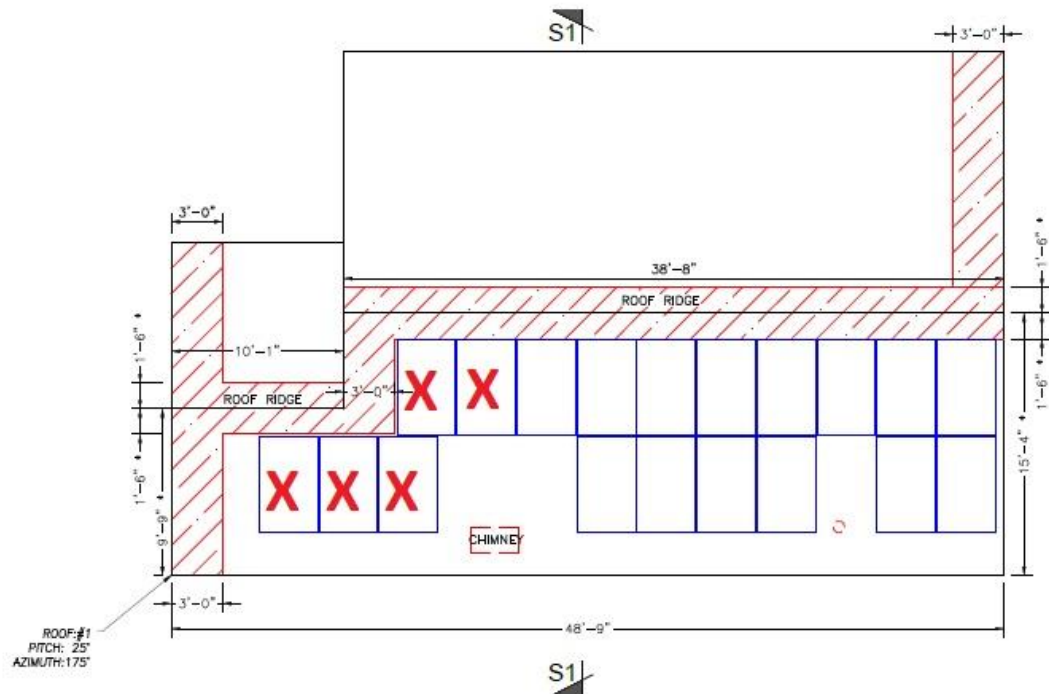


Fig. 3: Revised solar panel layout, per staff's recommended condition, with the panels to removed and/or relocated to the north (left) roof slope indicated by the red Xs.

With this condition, staff finds that the applicant's proposal will not remove or alter character-defining materials, features, or spaces of the subject property, in accordance with the *Guidelines and Standards* #2 and #9. Further, the proposed solar panels could be removed in the future, leaving the essential form and integrity of the historic property and its environment unimpaired, per *Standard* #10.

Because there are no feasible alternative locations to install the proposed solar panels, and the historic house's roof and roofing materials are not architecturally significant, staff also finds the modified proposal consistent with *Historic Preservation Commission Policy No. 20-01: ADDRESSING*

EMERGENCY CLIMATE MOBILIZATION THROUGH THE INSTALLATION OF ROOF-MOUNTED SOLAR PANELS, which states:

Chapter 24A-8 (b) (6) of County Code establishes a balancing test for approval of a HAWP where there is an apparent conflict between the desired impact on the historic resource compared to the public benefit of the proposal. Because the widespread use of solar panels, both for hot water and for electricity production, will reduce greenhouse gases in the county, it is the position of the HPC that solar panels may be installed on all roof elevations of historic sites or historic resources located within a historic district provided:

1. The identified preferred location (on the rear of the property, building additions, accessory structures, or ground-mounted arrays) is not feasible due to resource orientation or other site limitations and;
2. The roof is not either architecturally significant or a slate or tile roof unless it can be demonstrated that the solar array will be installed without damaging the historic character of the resource or historic fabric; and
3. A Historic Area Work Permit (HAWP) is required for all work referenced in this policy.

Per this policy, staff finds the modified proposal to be consistent with Chapter 24A-8 (b) (6).

After full and fair consideration of the applicant's submission, staff finds the proposal, as modified by the recommended condition, as being consistent with the Criteria for Issuance in Chapter 24A-8(b), (1), (2), (6), and (d), having found that the proposal, as modified, is consistent with the *Secretary of the Interior's Standards for Rehabilitation #2, #9, and #10*, and *Takoma Park Historic District Guidelines* outlined above.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve with the one (1) condition specified on Page 1** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1), (2), (6) & (d), having found that the proposal, as modified by the condition, is consistent with the *Takoma Park Historic District Guidelines*, and therefore will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the Historic Preservation Commission Policy No. 20-01: ADDRESSING EMERGENCY CLIMATE MOBILIZATION THROUGH THE INSTALLATION OF ROOF-MOUNTED SOLAR PANELS;

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 michael.kyne@montgomeryplanning.org to schedule a follow-up site visit.



FOR STAFF ONLY:
HAWP# 989988
DATE ASSIGNED _____

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

APPLICANT:

Name: Ryan Doyle

E-mail: rdoyle@solarenergyworld.com

Address: 28 Pine Avenue

City: Takoma Park Zip: 20912

Daytime Phone: 410-579-5172

Tax Account No.: 01063172

AGENT/CONTACT (if applicable):

Name: Ryan Doyle

E-mail: rdoyle@solarenergyworld.com

Address: 5681 Main Street

City: Takoma Park Zip: 20912

Daytime Phone: 410-579-5172

Contractor Registration No.: MHIC 127353

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: 28 Street: Pine Avenue

Town/City: Takoma Park Nearest Cross Street: Elm Avenue

Lot: 29 Block: 17 Subdivision: 0025 Parcel: N/A

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:

- | | | |
|---|--|--|
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Deck/Porch | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Fence | <input checked="" type="checkbox"/> Solar |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Hardscape/Landscape | <input type="checkbox"/> Tree removal/planting |
| <input type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof | <input type="checkbox"/> Window/Door |
| | | <input type="checkbox"/> 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.

Ryan Doyle
Signature of owner or authorized agent

4/12/2022
Date

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
 [Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address Nicholas Lusiani 28 Pine Ave Takoma Park, MD 20912	Owner's Agent's mailing address Ryan Doyle 5681 Main Street ElKridge, MD 21075
Adjacent and confronting Property Owners mailing addresses	
Gary Geck 26 Pine Ave. Takoma Park, MD 20912 Adjacent	Timothy Brown + M. McCarthy 30 Pine Ave. Takoma Park, MD 20912 Adjacent
102 Elm Street Takoma Park, MD 20912	27 Pine Avenue Takoma Park MD 20912

Description of Property: Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

Single Family Home built in 1923

Description of Work Proposed: Please give an overview of the work to be undertaken:

- Install 19 roof mounted solar panels
- Micro-inverters to be installed under each panel
- Utility disconnect to be installed next to utility meter along with electrical combiner box for micro-inverters
- Galvanized Steel conduit to run from equipment along and tucked into attic.

Historic Area Work Permit Application for Roof Mounted Solar
Nicholas Lusiani, 28 Pine Ave. Takoma Park Md, 20912

Existing Property Condition Photos



Front View



East View



West View



Utility Side Before Installation



Utility Side Example After Installation

City of Takoma Park

Housing and Community Development Department

Main Office 301-891-7119
Fax 301-270-4568
www.takomaparkmd.gov



7500 Maple Avenue
Takoma Park, MD 20912

MUNICIPALITY LETTER

April 13, 2022

To: Nicholas Lusiani / nlusiani@gmail.com / 917-703-4963
28 Pine Ave
Takoma Park, MD 20912

To: Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166 Fax 240-777-6398; 240-777-6262; 240-777-6223

From: Planning and Development Services Division

THIS IS NOT A PERMIT – For Informational Purposes Only VALID FOR ONE YEAR FROM DATE OF ISSUE

The property owner is responsible for obtaining all required permits from Montgomery County and the City of Takoma Park. If this property is in the **Takoma Park Historic District**, it is subject to Montgomery County Historic Preservation requirements.

Representative/email: Ryan Doyle / rdoyle@solarenergyworld.com / 410-579-5172

Location of Project: 28 Pine Ave, Takoma Park, MD 20912

Proposed Scope of Work: Install 19 roof mounted solar panels, 6.84 KW.

The purpose of this municipality letter is to inform you that the City of Takoma Park has regulations and city permit requirements that may apply to your project. This municipality letter serves as notification that, in addition to all Montgomery County requirements, you are required to comply with all City permitting requirements, including:

- Tree Impact Assessment/Tree Protection Plan
- Stormwater management
- City Right of Way

Failure to comply with these requirements could result in the issuance of a Stop Work Order and other administrative actions within the provisions of the law. Details of Takoma Park's permit requirements are attached on page 2.

The issuance of this letter does not indicate approval of the project nor does it authorize the property owner to proceed with the project. The City retains the right to review and comment on project plans during the Montgomery County review process.

City Of Takoma Park

The City of Takoma Park permits for the following issues:

Tree Impact Assessment/Tree Protection Plan/Tree Removal Application:

Construction activities that occur within 50 feet of any urban forest tree (7 and 5/8" in trunk diameter or greater), located on the project property or on an adjacent property, may require a Tree Impact Assessment and possibly a Tree Protection Plan Permit. Make sure to submit a request for a Tree Impact Assessment and schedule a site visit with the City's Urban Forest Manager if any urban forest tree is in the vicinity of proposed construction activities. See the Tree Permits section of the City website for the specific conditions in which a Tree Impact Assessment is required. Depending on the Urban Forest Manager's conclusion following the Tree Impact Assessment, you may need to prepare a full Tree Protection Plan and apply for a Tree Protection Plan Permit as well. Separately, the removal of any urban forest tree will require a Tree Removal Permit application. The tree ordinance is detailed in the City Code, section 12.12. For permit information check: <https://takomaparkmd.gov/services/permits/tree-permits>. The City's Urban Forest Manager can be reached at 301-891-7612 or UrbanForestManager@TakomaParkMd.gov.

Stormwater Management:

If you plan to develop or redevelop property, you may be required to provide appropriate stormwater management measures to control or manage runoff, as detailed in City Code section 16.04. All commercial or institutional development in the city must apply for Stormwater Management Permit regardless of the size of the land disturbance. Additions or modifications to existing detached single-family residential properties do not require a Stormwater Management permit if the project does not disturb more than 5,000 square feet of land area. For more information: <https://takomaparkmd.gov/government/public-works/stormwater-management-program/>. The City Engineer should be contacted to determine if a City permit is required at 301-891-7620.

City Right of Way:

- To place a **construction dumpster or storage container** temporarily on a City right of way (usually an adjacent road), you will need to obtain a permit. A permit is not required if the dumpster is placed in a privately-owned driveway or parking lot.
- If you plan to install a new **driveway apron**, or enlarge or replace an existing driveway apron, you need a Driveway Apron Permit.
- If you plan to construct a **fence** in the City right of way, you need to request a Fence Agreement. If approved, the Agreement will be recorded in the Land Records of Montgomery County.

For more information and applications for City permits, see <https://takomaparkmd.gov/services/permits/> or contact the Takoma Park Department of Public Works at 301-891-7633.

Failure to comply with the City's permitting requirements could result in the issuance of a Stop Work Order and other administrative actions within the provisions of the law.