

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	Beach Dr. & Rockville Pike	Meeting Date:	6/28/2023
Resource:	Master Plan Site #30/14 (<i>Linden Oak</i>)	Report Date:	6/21/2023
Applicant:	Colter Burkes/M-NCPPC Parks Dept.	Public Notice:	6/14/2023
Review:	HAWP	Tax Credit:	No
Permit No.:	1034418	Staff:	Dan Bruechert
Proposal:	Tree Removal		

STAFF RECOMMENDATION

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

1. All subsequent HAWPs at the Linden Oak Master Plan Site are designated to Staff for review and approval until the site can be considered for removal from the Master Plan for Historic Preservation.

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Master Plan Site #30/14 *Linden Oak*
DATE: c.1700

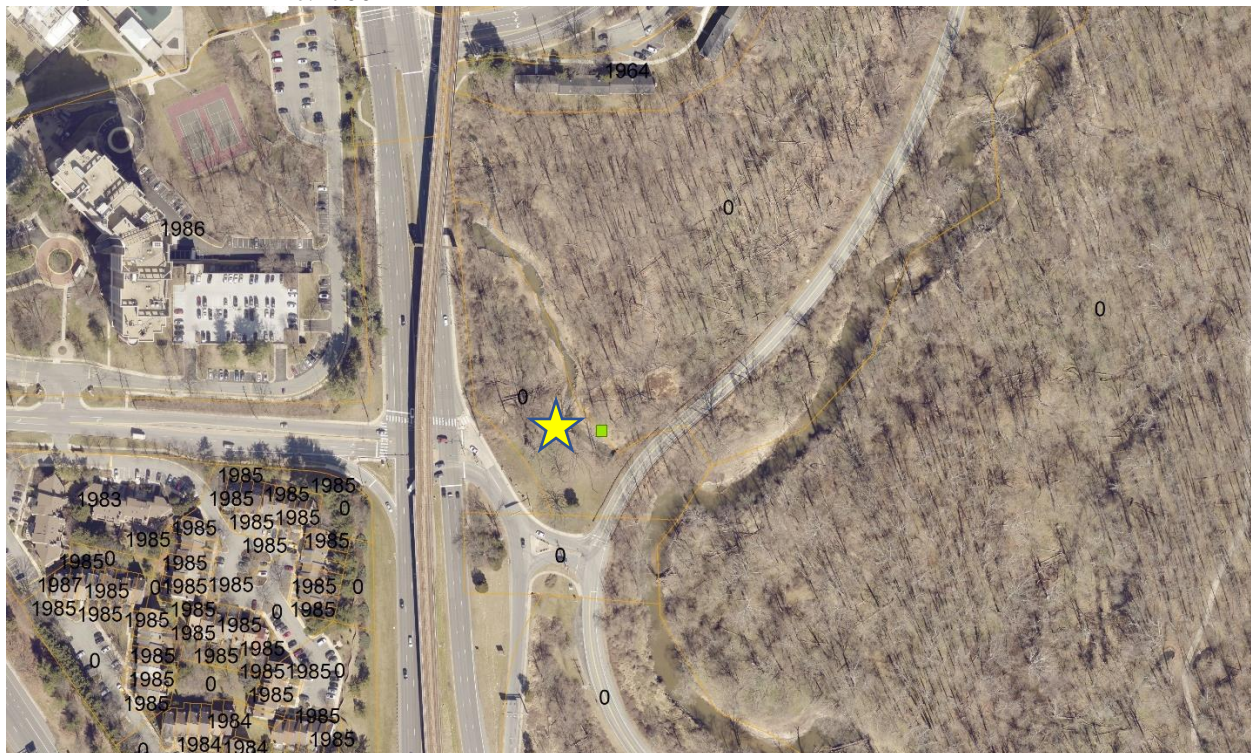


Figure 1: The Linden Oak is located at the intersection of Beach Dr. and Rockville Pike.

Excerpt from *Places from the Past*:

“While mature trees and plantings are important to the historic context of many sites and districts, the Linden Oak is the only tree in Montgomery County designated individually as a historic site. Estimated to be over 270 years old, the Linden Oak is a White Oak (*quercus alba*) standing 95-feet tall, with a five-foot diameter trunk and 132-foot crown. It was declared a Maryland Bicentennial Tree in 1976.

From its early days as a sapling in the early 1700s to an elderly tree of the 21st century, this grand oak has grown and changed with the seasons along with the surrounding countryside. Judging by its open, spreading shape, the oak probably stood on the western edge of the wooded Rock Creek valley. The land further west remained open farm fields for nearly 200 years. With the Great Estate era of the 1920s, land north of the tree became the grounds of the Charles Corby Estate and the Georgetown Preparatory School.

The oak witnessed transportation changes that fueled the transformation of the landscape, from construction, in the 1820s, of the Rockville Turnpike several feet away to the sleek Metro subway tracks of the 1970s, fifty feet away. The surrounding countryside has transformed into increasingly urban suburbs, with high-rise apartments springing up across the Pike and garden apartments to the east. The source of the tree’s name is unknown. It may have been named after the nearby Linden Hill community. Though the Linden Oak has lost a major branch, it is generally in good condition. Cables support the tree’s branches in a preventative measure.

PROPOSAL

The applicant proposes to cut down the dead tree on the site.

APPLICABLE GUIDELINES

When reviewing alterations and new construction at Master Plan Sites several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include *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.

Montgomery County Code; Chapter 24A-8

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (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.

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 Linden Oak is a designated “Bicentennial Tree” in 1976 and is the only tree individually designated as a Master Plan Site. While the tree was healthy in 2011 when Places from the Past was last revised, it died in the summer of 2022. Ordinarily, a dead tree would be approved administratively as a potential danger to public safety, but this tree’s significance, and the fact that its removal is a request to permanently removal the designated Master Plan Site, this action requires HPC review and cannot be delegated to the staff. The applicant, Montgomery Parks, proposes to remove the existing canopy tree canopy and retain approximately 20’ (twenty feet) of the trunk and the existing plaques in their location. Additional wood recovered from the Linden Oak will used for a sculpture; and, depending on the condition of the lumber, wood may be offered for sale to the public through the Montgomery Parks Urban Wood Sale. Trimmings from the Linden Oak were taken when the tree was in declining health, so a portion of the tree can live on.



Figure 2: The Linden Oak in 2007 (left), and its appearance today (right).

Staff finds the loss of the Linden Oak unfortunate, however, it is the nature of living things. Evaluating the tree removal under 24A and the Standards presents a unique challenge and Staff finds neither were developed to address this type of undertaking. Staff finds that, without any intervention, the tree will continue to rot and create a public hazard; therefore Staff recommends the HPC approve the HAWP under 24A-8(b)(4). If the HPC approves the HAWP to remove the Linden Oak, the site will have lost its historic significance. Staff will support removing the site from the Master Plan for Historic Preservation. However, because a Master Plan Amendment must be added to the work program by County Council and can take at least one year at a minimum, Staff recommends the HPC delegate the review and approval of all HAWP applications within the environmental setting to Staff until the Council approves such an amendment to the Master Plan.

Staff appreciates Parks' thoughtful consideration to retain a large portion of the tree stump and the commemorative plaques on-site and continue to maintain them. Additionally, Staff finds the sculpture project and lumber sale are the best possible outcome and would have been Staff's recommended actions had Parks not included them in the proposed narrative.

STAFF RECOMMENDATION

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

1. All subsequent HAWPs at the Linden Oak Master Plan Site are designated to Staff for review and approval until the site can be considered for removal from the Master Plan for Historic Preservation;

under the Criteria for Issuance in Chapter 24A-8(b)(4), having found that the proposal will avert a hazardous condition;

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:

- | | | |
|---|--|--|
| <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 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.

Colter Burkes

Signature of owner or authorized agent

Date

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

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	

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

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

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:




**HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS**

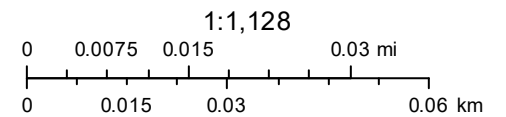
	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall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

Linden Oak



6/15/2023, 1:40:51 PM

-  Parkland outline
-  Property_poly_with_data
-  SoftLines



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri



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