

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	19924 White Ground Road, Boyds	Meeting Date:	9/16/2023
Resource:	Primary (1850-1935) Resource Boyds Historic District	Report Date:	8/30/2023
Applicant:	John S. King and Maria C. Jackson	Public Notice:	8/23/2023
Review:	HAWP	Tax Credit:	No
Permit Number:	1041891	Staff:	John Liebertz

PROPOSAL: After-the-fact fence installation and tree removal.

STAFF RECOMMENDATION

Staff recommends that the Historic Preservation Commission (HPC) **approve with two (2) conditions** the HAWP application with final approval of all details delegated to staff:

1. The applicant shall paint the new post and board fence white or black and the new sections of picket fence white.
2. The applicant shall plant two canopy trees on the property.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary Resource within the Boyds Historic District
STYLE: Gothic Revival
DATE: Ca. 1880

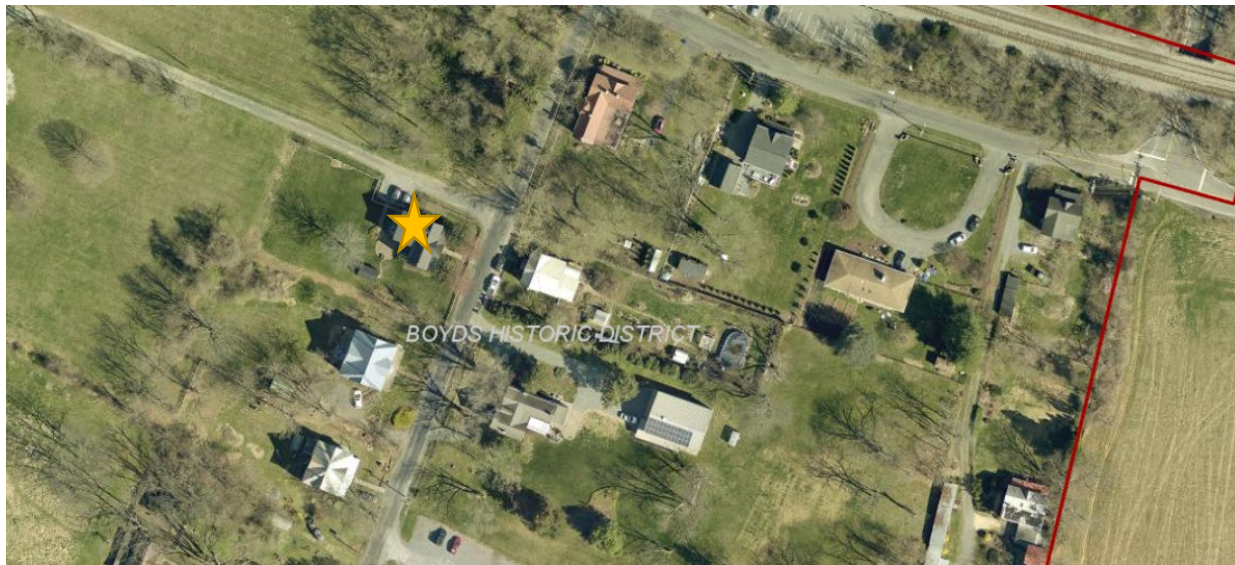


Figure 1: The subject property (noted by the yellow star) at 19924 White Ground Road. The red outline is the boundary of the Boyds Master Plan Historic District.

PROPOSAL

The applicant requests an after-the-fact approval for the following work completed on the property without a HAWP: 1) demolition of a wire fence along the southern and western extents of the property; 2) installation of 290 linear feet of a 4'-tall, wood, post and board fence (single rail) finished with an interior wire liner along the southern and western extents of the property; 3) installation of 6 linear feet of 3'-tall, colonial gothic, wood picket fence (that extends the existing picket fence by 3' at its southern and western extents); and 4) the removal of approximately sixteen (16) trees of varied sizes (some of which may have been less than 6" diameter at base height).

APPLICABLE GUIDELINES

The Historic Preservation Office and Historic Preservation Commission (HPC) consult several documents when reviewing alterations and new construction within the Boyds Historic District. These documents include the *Montgomery County Code Chapter 24A (Chapter 24A)*, the *Vision of Boyds: A Long-Range Preservation Plan (Vision)*, 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

The following guidance which pertains to this project are as follows:

- (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;
 - (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

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 will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will 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 will 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.

STAFF DISCUSSION

Background Information

The subject house is a Primary Resource in the Boyds Historic District. The two-story, wood-frame, side-gable house with a central front gable on the façade was built ca. 1880. Relevant Historic Area Work Permits (HAWPs) include the removal of the double loop wire fence along the eastern (front) and northern (side) edges of the property and its replacement with a wood picket fence (*Figure 2*).¹



Figure 2: View of the façade of 19924 White Ground Road ca. 1980 (left) and 2023 (right). Note the previous double loop wire fence that enclosed the entire property and its partial replacement with a wood picket fence installed in 1996.

¹ For more information,

https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640003/Box015/98060500_Boyds_19924%20White%20Ground%20Road_07-06-1996.pdf.

Fence

Staff finds the installed fence to be consistent with the applicable guidelines and recommends approval with conditions. The Boyds Historic District, a rural village, historically and presently exhibits an eclectic variety of fence materials and styles. Historic images of the village reveal decorative metal picket fence, wood picket fence, wire fence, and post and board (single rail) fence with a wire liner (Figures 3 and 4). The ca. 1900 photograph of the Boyds Presbyterian Church located in the historic district shows a fence similar to the one installed at the subject property (Figure 5). Presently, the historic district contains chainlink fences, aluminum fences, and privacy fences in addition to the traditional metal and wood picket, post and board (two rail), and post and wire fences. Therefore, staff finds that the proposed fence is generally compatible with subject property and with the eclecticism of the district. Staff, however, recommends that the applicant paint the new post and board fence either white or black and the new section of the picket fence white. The unfinished wood juxtaposed with the existing painted white picket fence is not consistent with the character of the rural village (Figure 6).

In addition, the open nature of the post and board fence allows for the visual porosity that defines the streetscape. The proposal will not remove or alter character defining materials, features, or spaces of the subject property or surrounding resources, per Standards # 2 and #9. The fence could also be removed in the future, leaving the essential form and integrity of the historic property and its environment unimpaired, in accordance with Standard #10.

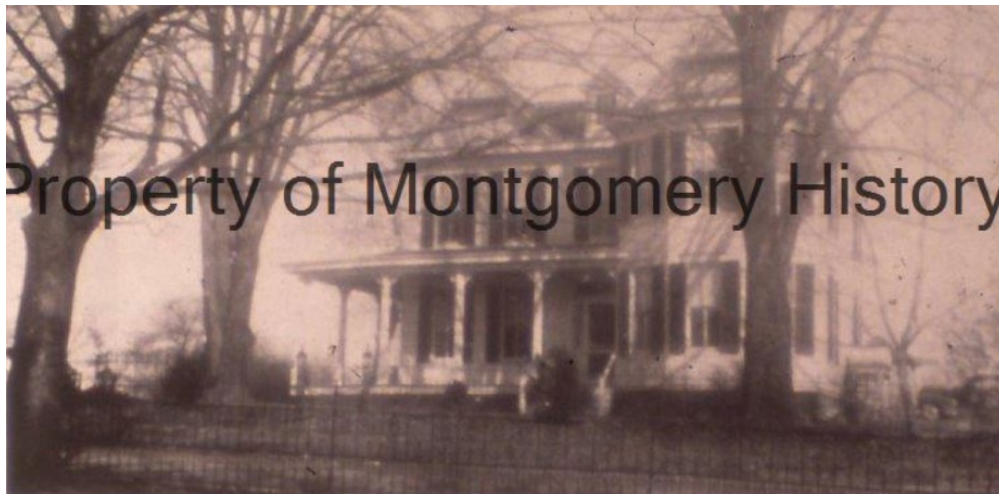


Figure 3: View of 1921 White Ground Road with its metal picket fence, date unknown (upper left), with a metal picket fence. Source: Montgomery History.

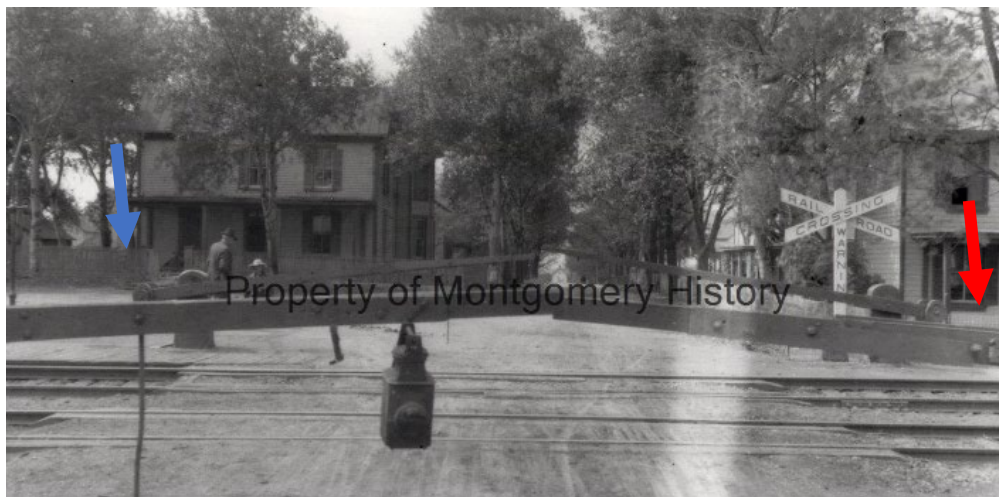
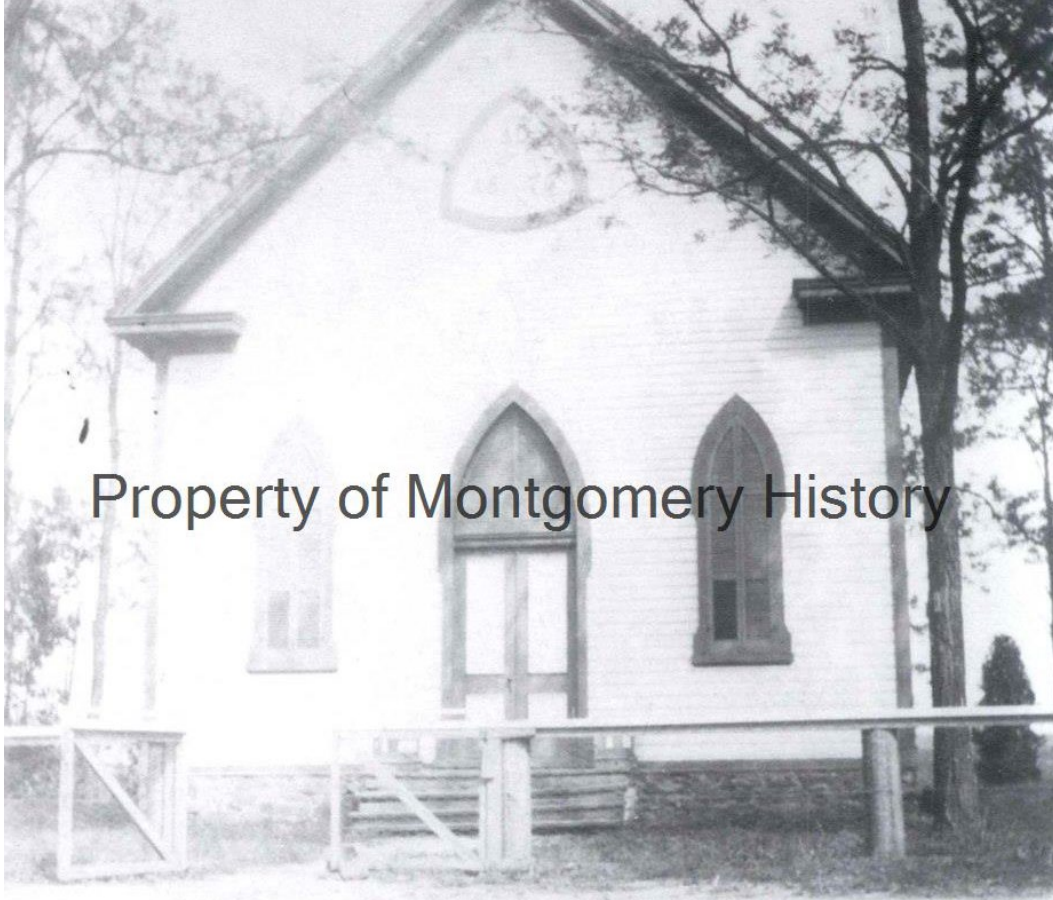


Figure 4: View of Railroad Crossing at White Ground Road, 1906. Visible is a wood picket fence (blue arrow) and double loop wire fence (red arrow). Source: Montgomery History.



Property of Montgomery History

Figure 5: View of Boyds Presbyterian Church prior to the construction of the bell tower and vestibule on the facade, ca. 1900. The church had a post and rail (single rail) fence finished with wire similar to the fence installed by the applicant.

Source: Montgomery History.



Figure 6: View of the existing wood picket fence fronting White Ground Road (foreground) and the new post and board fence delineating the southern and western edges of the property (background).

Source: Applicant.

Trees

Staff finds the removal of the sixteen (16) trees to be consistent with the applicable guidelines and recommends approval with conditions. The applicant does not have an arborist report or photographic documentation of the trees prior to their removal, but noted several species types and poor health. Staff included oblique aerial photographs from 2021 and 2023 that shows the removed trees along the southern and western extents of the property (*Figure 7 and 8*). Due to the lack of documentation, staff recommends the planting of two native canopy trees on the property as mitigation for the loss of trees.



Figure 7: Oblique aerial showing the subject property prior to tree removal, 2021.
Source: Connect Explorer.

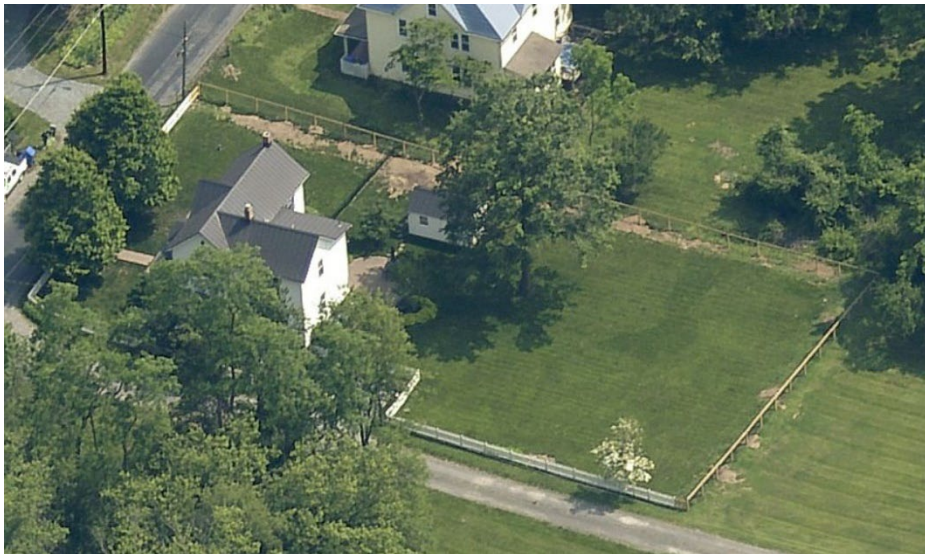


Figure 8: Oblique aerial showing the subject property after tree removal, 2023.
Source: Connect Explorer.

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

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with two (2) conditions** the HAWP application:

1. The applicant shall paint the new post and board fence white or black and the new sections of picket fence white.
2. The applicant shall plant two canopy trees on the property.

under the Criteria for Issuance in Chapter 24A-8(b), (1), (2) & (d), having found that the proposal, as modified by the condition will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the *Secretary of the Interior's Standards for Rehabilitation* #2, #9, and #10.

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make any alterations to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or john.liebertz@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:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Tax Account No.:

AGENT/CONTACT (if applicable):

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Contractor Registration No.:

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? Yes/District Name
No/Individual Site Name

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

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

Building Number: Street:

Town/City: Nearest Cross Street:

Lot: Block: Subdivision: Parcel:

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

- New Construction
Addition
Demolition
Grading/Excavation
Deck/Porch
Fence
Hardscape/Landscape
Roof
Shed/Garage/Accessory Structure
Solar
Tree removal/planting
Window/Door
Other:

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

Signature of owner or authorized agent

Date

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/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*



old wire fence

note: in backyard wire was rusted, patched welded wire



side farm fence



side farm fence



backyard farm fence

TERMS

ACCEPTANCE: The above proposal when accepted by **TRI COUNTY FENCE AND DECKS** at the main office becomes a contract between two parties.

All materials remain the property of **TRI COUNTY FENCE AND DECKS** until payment of this contract is made in full and any recovery, including Attorney and Court costs will be borne by the contractee in the event of collection by litigation. No warranty is honored unless the contract is paid in full. In case Payment is not made as specified in **TERMS OF PAYMENT, TRI COUNTY FENCE AND DECKS** reserves the right to repossess all materials used on this job without recourse. Also, finance charges will be added to the prevailing rates. (Annual percentage rate is 24%. Deposits are used for planning, engineering, administrative and procurement costs and are taken on good faith and are not refundable.)

EXTRAS:

In consideration of the price herein quoted, the purchaser agrees that the fence area will be clear of all obstructions. The price herein named does not contemplate the encountering of rock, swampy conditions, or boulders larger than the hole to be dug. If these conditions are encountered and it is necessary to drill for the setting of posts or to furnish extra large or deep foundations for the posts or to perform any extra labor such as clearing the area, etc., a charge of such extra materials or labor will be made. If hard digs are necessary, a charge of \$25 per hole will be charged. **TRI COUNTY FENCE AND DECKS** is not responsible for any underground obstructions such as pipe, cables, septic tanks and fields, sprinkler lines or heads, waterlines that feed a swimming pool or other structures, unmarked underground electric wires such as power to lamp posts, yard/walkway lighting, wiring for pools, sheds, etc., or any damage to pool covers.

DELAYS:

Contracts which include erection are taken on condition that the entire work be erected without interruption. **If it is necessary to make more than one trip to complete the erection on account of changes or delays on the part of purchaser, an extra charge will be made to cover the additional expense involved.** Completion of contracts is largely altered by weather, soil conditions, seasonal business trends, availability of materials and labor, and inspections. Inclement weather can delay an installation and result in the installation being rescheduled, even if the project has begun. All work, as nearly as possible, will be completed to the wishes of the customer, however, the Contactor cannot be held responsible for unavoidable delays.

MEASUREMENTS:

Measurements of the fence, together with a diagram, shall be furnished by **TRI COUNTY FENCE AND DECKS** unless other arrangements are made at the time of signing this proposal. More or less, materials other than the amount contracted for will be debited or credited at current rates. **TRI COUNTY FENCE AND DECKS** does not assume any responsibility for any infraction whatsoever of property lines. If you do not know the exact markers of your property, it is advisable, where necessary, to have your lot surveyed and marked prior to start of work.

CHANGES:

No change in measurement will be allowed except at prices mutually agreed upon, in writing, at the time these changes are made. Proposal is only for work according to the original specifications herein. Alteration in plans or additional work must be agreeable to both parties and any extra work or materials will be charged additionally according to accepted rates for such work and materials. All changes must be approved by the office of the Company. This agreement as set forth constitutes the entire contract and no other agreement either expressed or implied will be validated. No Employee other than an Officer of **TRI COUNTY FENCE AND DECKS** is authorized to make any exceptions herein.

GENERAL:

Proper insurance is carried by this Company to cover the workmen and equipment. We cannot, however, recommend too strongly that children or unauthorized personnel be kept away from tractors and trucks and away from the area of work to avoid any unnecessary injury, as we do not assume liability. All agreements are contingent upon strikes, lockouts, riots, fires, acts of God, floods, war, insurrection, embargo restrictions, carrier delays or failure to receive raw material deliveries, or by other causes, whether of like or different nature beyond our control.

TRI COUNTY FENCE AND DECKS shall be excluded from any and all suits, prosecutions and claims for alleged injury to persons on property.

Fence to follow grade unless otherwise noted. All gates to be squared unless specifically ordered to follow grade.

This proposal embodies the entire understanding between the parties, and there are no verbal agreements or representations in connection therewith. No employee is authorized to make any exceptions herein to either contract or warranty. An oral statement by any company employee does not constitute a warranty and will not be relied upon by owner as part of contract.

All dimensions, spacing, depths or any other general mention of construction are approximate and will vary per job.

WARNING:

Purchaser agrees to keep children and pets away from work area and to inspect and clean area of debris, wire scraps, nails, etc before permitting people and pets to use the area, especially before using rotary lawnmowers, which could propel a nail or scrap into a lethal missile.

CONTRACTORS LIMITED WARRANTY:

TRI COUNTY FENCE AND DECKS warrants that all work will be performed in a workmanlike manner in accordance with standard practices. Property owner hereby acknowledges that wood materials are subject to cracking, splitting, checking, warping, and bowing when exposed to the sun, rain, humidity and weather, and the Contractor makes no warranties against the occurrence of such changes in wooden materials. **TRI COUNTY FENCE AND DECKS** signs are installed for the Company verification and warranty verification. All signs must remain in place. Removal of signs may void warranty. Wind damage is excluded from warranty.

PERMITS AND COVENANTS:

Seller will comply with all local requirements for building permits, inspections, and zoning. Purchaser is to obtain HOA or other requisite approval for the work, and hold harmless Seller in the event of conflict with the restrictive covenants. Purchaser may grant **TRI COUNTY FENCE AND DECKS** authorization to obtain permits on their behalf.

SUBSTANTIAL COMPLETION:

Purchaser agrees to consider the contract substantially complete when Purchaser has beneficial use of the product or final inspection is granted when required by local code. Service and punch list work will be performed under the condition of the warranty.

NON-COMPLETION OF AGREEMENT:

In the event Buyer prevents Seller from performing the work or otherwise breaches this Agreement after Purchaser's right to rescission has expired, Buyer shall be responsible for all cost of materials, fabrication, labor and administrative expenses associated with preparation and/or performance of the work.

Customer acknowledges the above written terms

Initial



Notice of Maryland House Bill 439 Changes to the "Door-to-Door Sales Act"

NOTICE TO HOMEOWNER

You may not be charged more than one-third of the total amount of the sale before You sign the Agreement. All home improvement contractors and subcontractors must be licensed by the Maryland Home Improvement Commission. Inquiries about the contractor should be transmitted to the Home Improvement Commission, 500 North Calvert Street, Baltimore MD 21202-3651. Telephone (410) 230-6309. www.dllr.state.md.us/license/mhic/

You, the buyer, have the right to rescind this contract any time prior to midnight of the fifth business day or seventh business day if the buyer is at least 65 years old, after the date of signing, by notifying the contractor in writing that you are rescinding the contract. Notification should be sent to: Tri County Fence and Deck, 24520 Frederick Road, Clarksburg Maryland 20871.

Initials of Homeowner

ACKNOWLEDGMENT OF BUYERS RIGHT TO CANCEL

I, _____, HAVE BEEN PROVIDED NOTICE THAT I HAVE THE RIGHT TO CANCEL THIS TRANSACTION, WITHOUT PENALTY OR OBLIGATION, WITHIN (5) BUSINESS DAYS FORM THE DATE OF THE TRANSACTION, OR, IF I AM AT LEAST SIXTY FIVE (65) YEARS OLD, WITHIN SEVEN (7) BUSINESS DAYS FROM THE DATE OF TRANSACTION.

Check if buyer is at least Sixty Five (65) years old

(Buyers Signature)

(Date)

Tri County Fence and Decks
24520 Frederick Road, Clarksburg MD 20871
www.tricountyfence.com

#199330 WHITE GROUND ROAD
LIBER 31954 PAGE 432
JARED & DIANE JORDAN

#19924 WHITE GROUND ROAD
LIBER 13199 PAGE 576
JHON KING & MARIA JACKSON
18295.20 sq' or 0.42 ac

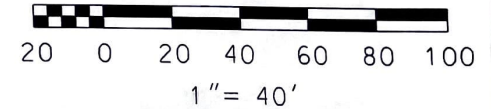
#19920 WHITE GROUND ROAD
LIBER 7648 PAGE 435
MICHAEL ABRAHAMS AND
SUSAN WHITE

Farm fence location

Picket fence location

GENERAL NOTES:

1. Survey was performed with out the benefit of a title report.
2. The property lines shown hereon were derived from plats, deeds, parole evidence and field run surveys as referenced.
3. This property is subject to all existing conveyances, easements, and right of way records.
4. No subsurface utilities were located for the creation of this plat.
5. Zoning information and/or utility information should be verified prior to and permitting activities.



SURVEYOR LEGEND:

Property Lines:	----
Building Lines:	=====
Improvements:	=====
Building Restriction Line:	-----
Easement Lines:	-----
Old Lot Lines:	-----
Fence Line (Metal, Wire):	x-----
Fence Line (Wood, Plastic):	//-----
Right of Way:	-----
100 Year Flood Plain:	-----
Forest Conservation:	-----
Septic Reserve Areas:	-----
Overhangs:	-----

Lot Stake out

19924 WHITE GROUND ROAD
11th ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND

Date: 04/25/2021

Checked By: DBM

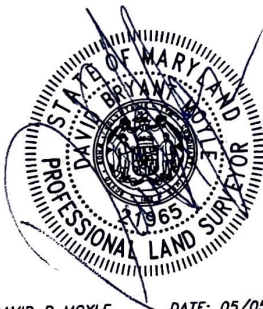
Drawn By: GZ

File No.: 220030.0120

This is to certify that the undersigned either personally prepared or was in responsible charge over the preparation of this Plat and the surveying work reflected in it, all set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.

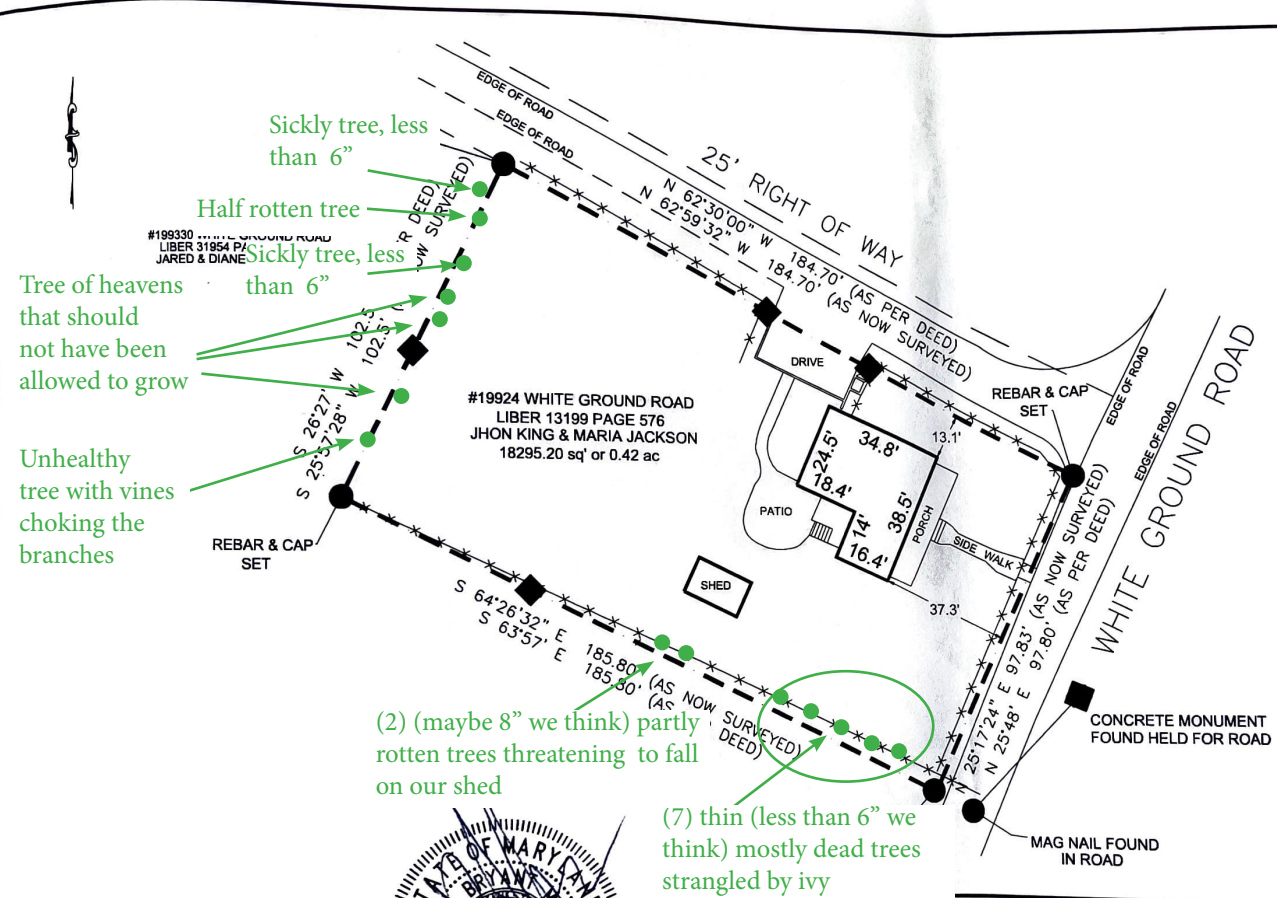
This special purpose survey is to establish, reestablish, or describe, or all of these, the physical position and extent of the real property shown hereon, being known as: 19924 White Ground Road as described in a deed recorded among the land records of Montgomery County Md. in Liber 13199 Page 576.

DAVID B MOYLE DATE: 05/05/22
PROFESSIONAL LAND SURVEYOR
LICENSE # 21965 (EXP. DATE 11/20/23)



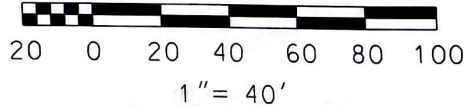
◆ DENOTES WOOD STAKE SET.

WALLACE MONTGOMERY
ENGINEERS-PLANNERS-SURVEYORS-CONSTRUCTION MANAGERS
10150 York Road, Suite 200
Hunt Valley, Maryland 21030
410.494.9093 Tel / 410.667.0925 Fax
www.WallaceMontgomery.com
A Limited Liability Partnership



GENERAL NOTES:

1. Survey was performed with out the benefit of a title report.
2. The property lines shown hereon were derived from plats, deeds, parole evidence and field run surveys as referenced.
3. This property is subject to all existing conveyances, easements, and right of way records.
4. No subsurface utilities were located for the creation of this plat.
5. Zoning information and/or utility information should be verified prior to and permitting activities.



SURVEYOR LEGEND:

Property Lines:	----
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Building Restriction Line:	-----
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Old Lot Lines:	-----
Fence Line (Metal, Wire):	-----x-----
Fence Line (Wood, Plastic):	-----//-----
Right of Way:	-----
100 Year Flood Plain:	-----
Forest Conservation:	-----
Septic Reserve Areas:	-----
Overhangs:	-----

Lot Stake out

1924 WHITE GROUND ROAD
11th ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND

Date: 04/25/2021	Checked By: DBM
Drawn By: GZ	File No.: 220030.0120

This is to certify that the undersigned either personally prepared or was in responsible charge over the preparation of this Plat and the surveying work reflected in it, all set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.

This special purpose survey is to establish, reestablish, or describe, or all of these, the physical position and extent of the real property shown hereon, being known as: 1924 White Ground Road as described in a deed recorded among the land records of Montgomery County Md. in Liber 13199 Page 576.



DAVID B MOYLE DATE: 05/05/22
PROFESSIONAL LAND SURVEYOR
LICENSE # 21965 (EXP. DATE 11/20/23)

WALLACE MONTGOMERY
ENGINEERS-PLANNERS-SURVEYORS-CONSTRUCTION MANAGERS
10150 York Road, Suite 200
Hunt Valley, Maryland 21030
410.494.9093 Tel / 410.667.0925 Fax
www.WallaceMontgomery.com
A Limited Liability Partnership

◆ DENOTES WOOD STAKE SET.

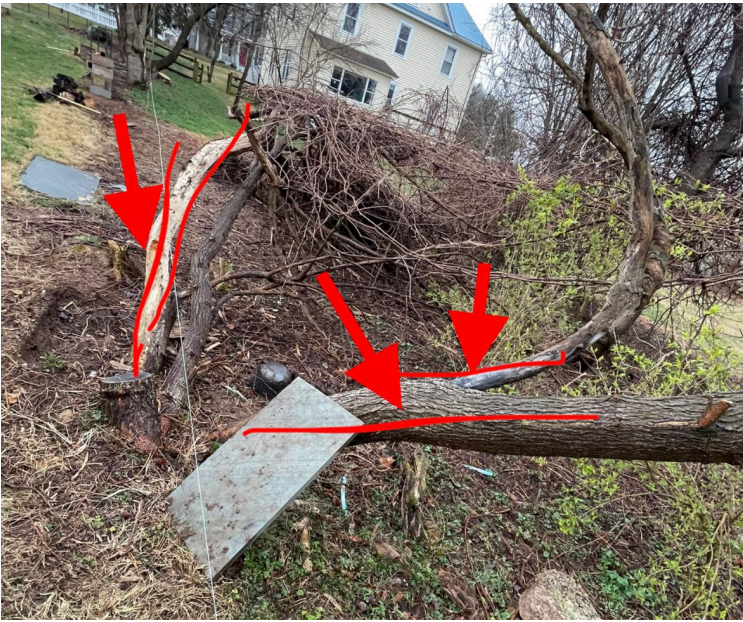




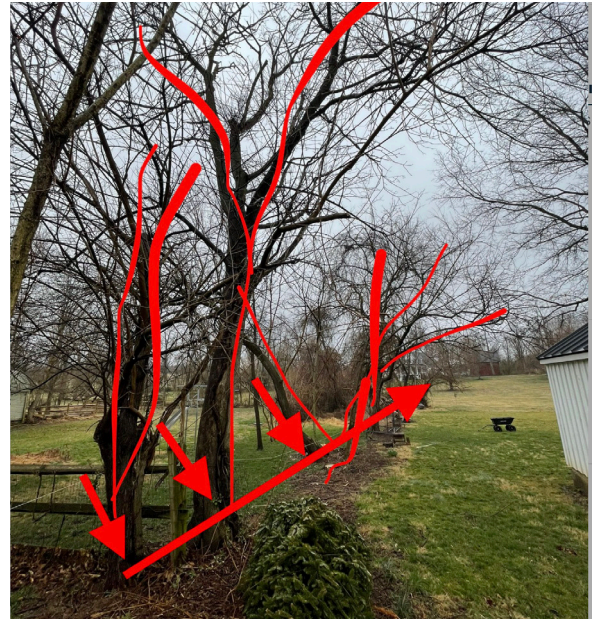
backyard circa 1997



backyard trees



rear side trees



middle side trees



front side trees

note: recent photos with red markings are from tree removal company's estimate