

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	28 High Street, Brookeville	Meeting Date:	1/10/2024
Resource:	Noncontributing Resource Brookeville Historic District	Report Date:	1/03/2024
Applicant:	Stephen Syski	Public Notice:	12/27/23
Review:	HAWP	Tax Credit:	No
Permit Number:	1051303	Staff:	Chris Berger

PROPOSAL: Removal of 10 trees.

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Noncontributing Resource within the Brookeville Historic District
STYLE: Cape Cod
DATE: Ca. 1946



Figure 1: The subject property (noted by the yellow star) at 28 High Street with the trees to be removed in red. The black outline is the boundary of the Brookeville Master Plan Historic District.

PROPOSAL

The applicant proposes to remove a stretch of ten white pine trees at the south end of the subject property. According to the applicant, half of the white pines are dead and measure from 30 to 60 feet tall. The trees were planted approximately five to seven feet apart from each other by a previous owner, likely to screen the subject property from its adjacent property to the south at 19500 Georgia Avenue, which is not within the Brookeville Historic District.

According to the applicant, the pines have been dying over the past decade, and two arborists said the roots of the trees are planted so closely together that they are likely intertwined and removal of any dead trees could potentially weaken any trees left standing. Therefore, the applicant seeks to remove all the pine trees.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Brookeville Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Brookeville Historic District Master Plan Amendment (Amendment)*, *Montgomery County Code Chapter 24A-8 (Chapter 24A-8)*, 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

- (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 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.

STAFF DISCUSSION:

The subject property is a two-story Cape Cod style residence built ca. 1946 at 28 High Street. It is the southernmost property in the Brookeville Historic District and is noncontributing to the district.

The applicant proposes to remove 10 white trees that were likely intentionally planted along the south property line. While only five of the trees are dead, the applicant said they have been advised by arborists that pines are planted so closely together that their roots are likely interconnected. It is feared the living trees will be compromised if only the surviving trees are removed, so the preference is to remove all 10 pine trees. The cherry, red maple, and sugar maple trees, which also are located near the subject property’s southern boundary, will be retained.

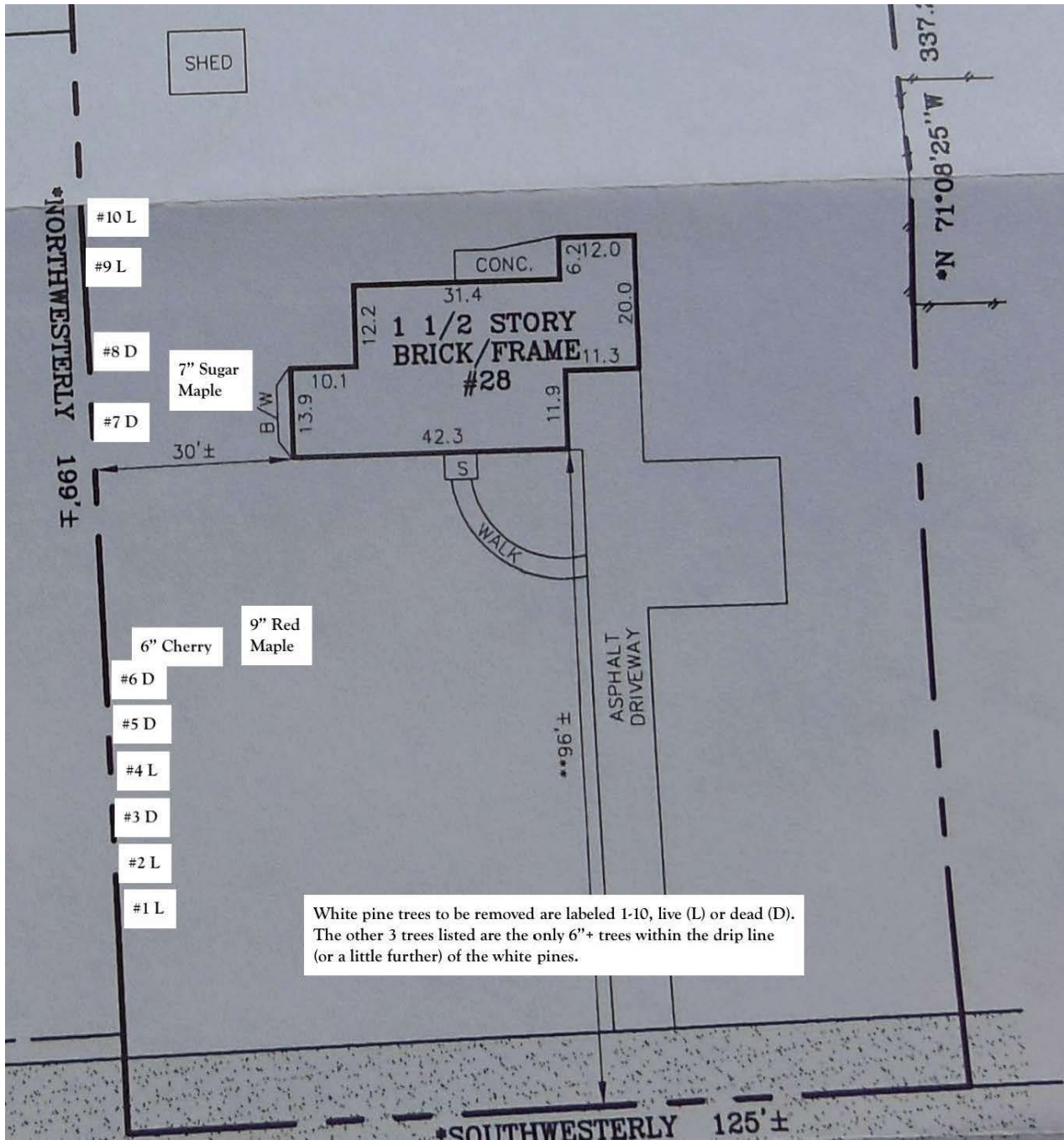


Figure 2. The applicant provided this site plan to show the location of the 10 white pine trees to be removed. The cherry, red maple, and sugar maple trees will remain.



Figure 3. The applicant provided this photo to show the six white pines in the front yard, indicated with stars at the base of each tree.



Figure 4. The applicant provided this photo to show the four white pines in the side yard, indicated with stars at the base of each tree.

Staff supports the applicant's proposal, finding that it will not remove or alter materials, features, or spaces that characterize the property, per *Standard #2*, and Chapter 24A (b) (1), (2), and (d).

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

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b) (1), (2), and (d), having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the purposes of Chapter 24A;

and with the *Secretary of the Interior's Standards for Rehabilitation #2*;

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to 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 HPC as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the HPC 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 chris.berger@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# 1051303
DATE ASSIGNED

APPLICANT:

Name: Stephen Syski
Address: 28 High St
Daytime Phone: 301-774-0337

E-mail: ssyski@gmail.com
City: Brookeville Zip: 20833
Tax Account No.: 00731847

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? X Yes/District Name Brookeville
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: High St
Town/City: Brookeville Nearest Cross Street: Georgia Ave/MD-97
Lot: Block: Subdivision: 0005 Parcel: P856

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.

Stephen Syski 11/22/2023
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
Valerie & Stephen Syski
28 High St.
Brookeville, MD 20833

Owner's Agent's mailing address

Adjacent and confronting Property Owners mailing addresses

To the south:
Margaret & Leszek Syski
19500 Georgia Ave.
Brookeville, MD 20833

To the north:
Carmen & Wayne Harding
26 High St.
Brookeville, MD 20833

Across High street (to the east):
19501 GEORGIA LLC
9204B Baltimore Ave.
College Park, MD 20740
d/b/a Silo Falls, located at
19501 Georgia Ave.
Brookeville, MD 20833

19331 Georgia Avenue, Brookeville MD 20833

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

28 High Street is the southern end of the Town of Brookeville. On the southern border of my property, that is, the border between 28 High Street in the Town and 19500 Georgia Avenue outside of Town, there is a row of mature white pines. The pines were planted by the previous owner of 28 High Street (Grace Bryan, who passed away in 2012, may she rest in peace). It appears that they were planted as a sort of privacy barrier, because they are planted very close to each other, approximately 5-7 feet apart. The pines were planted many years ago and over the past decade have been dying, with each year increasing their death-pace. A number have already fallen over in the past several years. There are now 10 pines standing, 5 of which are dead (no needles, or only brown needles). The dead pines, and a few live pines that are falling over, present a danger (especially during wind storms) to our home at 28 High St and to my neighbors' parking area and all the people that pass back and forth through the area.

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

I propose to remove all of the 10 pines on the southern border of 28 High St. I have been advised by two different arborists that, because the trees were planted too close to each other and the root systems are intertwined, removal or death of any of the trees will weaken their neighbors. In other words, given the current trend of dying trees, it is likely that all of the trees will die in the near future, so the wisest course is to remove all of them now.

There are other trees (4 of which I planted) in the area of the pines, but none will be affected by the removal of the pines.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 11/22/2023

Application No: 1051303
AP Type: HISTORIC
Customer No: 1400866

Affidavit Acknowledgement

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

Primary Applicant Information

Address 28 HIGH ST
BROOKEVILLE, MD 20833

Homeowner Syski (Primary)

Historic Area Work Permit Details

Work Type DEMO

Scope I would like to remove 5 live and 5 dead white pines from my property. The pines are 30-60 feet tall and are dying relatively rapidly (it seems about a couple every year), with several now presenting dangerous conditions to our home, our neighbor's driveway/parking area, and the people and cars that pass through that area.

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 10 feet to deed lines as shown, no corners confirmed.
2. Fences, if shown, have been located by approximate methods.
3. * Denotes online shown based on approximate information. Property shown is the remainder of lands described in L.990 f.58
4. All lines shown should be considered approximate based upon adjoining information and field location of lines of apparent occupation.
5. A boundary survey with more up to date metes & bounds description is recommended to all concerned.
6. ** Front property tie is subject to current or future R/W considerations.

N/F
PARCEL C
6941/537

*NORTHWESTERLY 191'±

*APPROX. REMAINDER
**LIBER 990
FOLIO 58**
35,263 S.F.
(PER TAX RECORDS)

N/F
6009/236

337.25' (PER ADJOINER)

*N 71°08'25"W

*NORTHWESTERLY 199'±

N/F
6336/568

SHED

30'±

B/W

13.9

10.1

12.2

31.4

6.2

2.0

CONC.

20.0

11.3

11.9

42.3

S

WALK

96'±

ASPHALT DRIVEWAY

*SOUTHWESTERLY 125'±

HIGH STREET



LOCATION DRAWING
R.W. & G.E. BRYAN PROPERTY
***LIBER 990 FOLIO 58**
28 HIGH ST. BROOKEVILLE MD.
MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Jeffrey A. Foster
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587
Expires: 04-02-2013

REFERENCES

PLAT BK.	
PLAT NO.	
LIBER	990
FOLIO	58



SNIDER & ASSOCIATES
LAND SURVEYORS

20270 Goldenrod Lane, Suite 110
Germantown, Maryland 20876
301/948-5100 Fax 301/948-1286

DATE OF LOCATIONS	SCALE: 1" = 40'
WALL CHECK:	DRAWN BY: J.T.H.
HSE. LOC.: 11-27-12	JOB NO.: 12-04720

SHED

NORTHWESTERLY 199'±

#10 L

#9 L

#8 D

#7 D

7" Sugar Maple

30'±

B/W

13.9

12.2

1 1/2 STORY BRICK/FRAME #28

CONC.

6'±

212.0

31.4

20.0

11.3

42.3

11.9

S

WALK

**96'±

ASPHALT DRIVEWAY

6" Cherry

9" Red Maple

#6 D

#5 D

#4 L

#3 D

#2 L

#1 L

337.0

N 71°08'25"W

White pine trees to be removed are labeled 1-10, live (L) or dead (D). The other 3 trees listed are the only 6"+ trees within the drip line (or a little further) of the white pines.

SOUTHWESTERLY 125'±

Work Item 1: Tree removal

Description of Current Condition:
5 dead white pines; 5 live white pines

Proposed Work:
Removal of all 10 white pines. See overview above for further details.

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	*	*	*	*	*		*





From: [Stefan Syski](#)
To: [Berger, Chris](#)
Subject: Re: 28 High Street Tree Removals
Date: Monday, December 25, 2023 4:09:33 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Chris, and Merry Christmas!

We are contracting with Steve Pupkar for the tree work at 28 High Street:

Steve Pupkar
20550 Georgia Ave.
Brookeville, MD 20833
ISA Certified Arborist MA-4425A
MD Tree Expert License # 1267
Fax (877) 393-3234 Phn (833) 252-5900
info@pupkarps.com
pupkar@aol.com

Thank you!
Stefan

On Wed, 6 Dec 2023 at 15:42, Stefan Syski <ssyski@gmail.com> wrote:

Thank you, Chris, for your help on the phone just now. I will work on contracting a tree company and getting a survey. As I mentioned, Jan. 10 at 7 pm should work fine for me.

Thanks again,
Stefan

On Wed, 6 Dec 2023 at 13:52, Berger, Chris <Chris.Berger@montgomeryplanning.org> wrote:

Hello, Stefan.

We can postpone your application to a date in which you can attend. Are you available Wednesday, January 10? The meeting begins at 7 p.m. in the Wheaton Headquarters Auditorium.

While we would prefer you to provide a survey from an arborist, it is not a necessity. However, we do need you to provide the contractor information for the arborist who will complete the removals. If you can make the January 10 meeting, we would need this information by Wednesday, December 27.

Chris Berger, AICP

Cultural Resources Planner III

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

Chris.Berger@montgomeryplanning.org

Office: 301.495.4571

From: Stefan Syski <ssyski@gmail.com>
Sent: Tuesday, December 5, 2023 6:38 PM
To: Berger, Chris <Chris.Berger@montgomeryplanning.org>
Subject: Re: 28 High Street Tree Removals

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Chris,

Thank you for your emails. I included a tree survey in my original application, which was a mark-up of my property map noting the white pines that I want to remove as well as all 6"+ trees within the drip-line of the pines. I'm guessing by your note that this was not what was meant by a "tree survey". Can you fill me in on what is required?

I don't currently have an arborist. Several years ago I had two different arborists give me quotes for taking the trees down, which they did, but they didn't provide anything beyond their quotes.

Finally, I will need to postpone my hearing date -- I hope that's ok. I am traveling with family on December 20th and won't be able to attend the HPC meeting.

Thank you for your help. I'm sorry for not responding earlier!

Sincerely,

Stefan Syski

(301) 774-0337