

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	12810 Wisteria Drive, Germantown	<b>Meeting Date:</b>	2/21/2024
<b>Resource:</b>	Master Plan Site #19/13 ( <i>Madeline V. Waters House</i> )	<b>Report Date:</b>	2/14/2024
<b>Applicant:</b>	Lidl US, LLC (Daniel Goodman, Agent)	<b>Public Notice:</b>	2/7/2024
<b>Review:</b>	Historic Area Work Permit	<b>Tax Credit:</b>	No
<b>Permit Number:</b>	1056334	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Building Demolition		

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**STAFF RECOMMENDATION**

Staff recommends the HPC approve the HAWP application.

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Master Plan Site #19/13, *Madeline V. Waters House*  
**STYLE:** Commercial  
**DATE:** c.2000

Excerpt from *Places from the Past*:

A linear park along Wisteria Drive, at Rt. 118, commemorates the Madeline Waters House that was destroyed by arson in 1986. Built in 1899-1902, this roomy frame Colonial Revival house belonged to the owner of Germantown's general store, Horace D. Waters. His stepson Lloyd Dorsey built the house, which was the long-time dwelling of Madeline Waters, daughter of Horace. The residence was the most elaborate house in Germantown, featuring a three-story projecting pavilion with palladian windows, a broad hipped roof with dormers, cornice with dentil molding, and pedimented wrap-around porch with classical columns.



*Figure 1: The Master Plan site comprises three non-historic buildings. The applicant proposes to demolish the starred building.*

## **BACKGROUND**

The HPC held a Preliminary Consultation on March 23, 2022, to evaluate the proposed demolition of the existing buildings and construction of a grocery store on the site, including associated hardscape and landscape alterations and other changes.<sup>1</sup>

The HPC voiced its support for the proposed redevelopment, finding it was compatible with the approved sector plan and applicable Standards.

## **PROPOSAL**

The applicants propose to demolish the existing building in anticipation of future development on 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. In this case, these documents include *Montgomery County Code Chapter 24A (Chapter 24A)*, the *MARC Rail Communities Sector Plan (Sector Plan)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*; and the HPC's adopted policy for demolished/destroyed Master Plan Sites (Policy No. 21-01). The pertinent information

<sup>1</sup> The Staff Report and application for the Preliminary Consultation are available here: <https://montgomeryplanning.org/wp-content/uploads/2022/03/II.C-12820-Wisteria-Drive-Gaithersburg-Preliminary-Consultation.pdf>. The recording of the hearing is available here: [http://mncppc.granicus.com/MediaPlayer.php?publish\\_id=0985dd46-aba5-11ec-8a90-0050569183fa](http://mncppc.granicus.com/MediaPlayer.php?publish_id=0985dd46-aba5-11ec-8a90-0050569183fa).

in these documents is outlined below.

***Montgomery County Code; Chapter 24A-8***

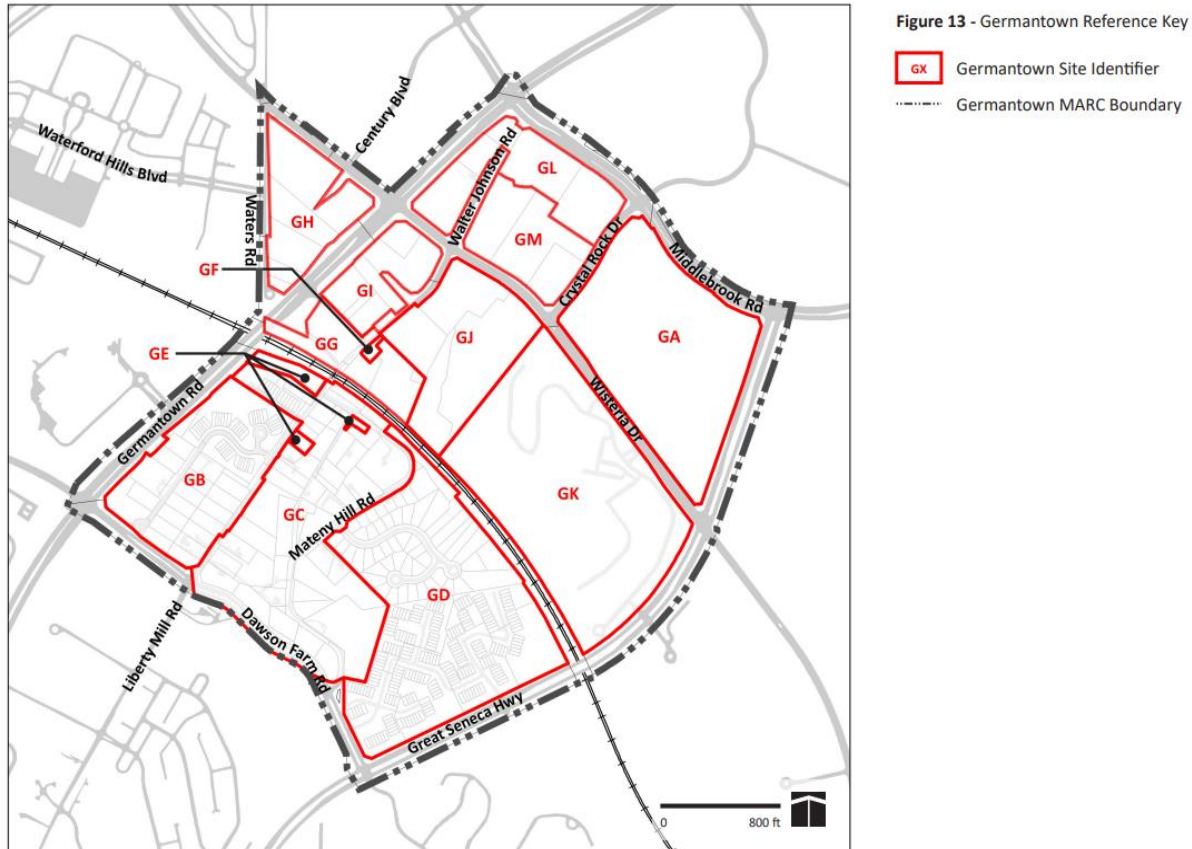
- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate 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.

***MARC Rail Communities Sector Plan (Approved and Adopted April 2019)***

The *Sector Plan* recommends the following for the Madeline V. Waters House Master Plan Site:

- Maintain the entire Madeline V. Waters House (MP 19/13-1) historic site (Sites GH and GI) [see Reference Key below] and all rights-of-way, including Germantown Road and Wisteria Drive within its designated environmental setting as follows:
  - The portion of the site north of Germantown Road, within the Wisteria Drive right-of-way, must maintain the existing linear park with benches, lighting, stone wall, pavers and commemorative monument/signage. Street signage should be added for Waters House Avenue.

- The portion of the site south of Germantown Road must maintain the historic row of trees (including replanting as necessary) and existing commemorative signage within a publicly accessible, grassy open space.
- For both north and south portions of the site, commemorative signage must be erected along the street frontage of every parcel and the existing environmental setting, and these requirements will remain in place even if there is parcel assemblage, resubdivision or redevelopment of the site.



**Fig. 2: Germantown Reference Key from the Sector Plan.**

**Secretary of the Interior’s Standards for Rehabilitation**

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.

**Policy No. 23-01 ADOPTED POLICY FOR THE REGULATORY REVIEW OF DEMOLISHED/DESTROYED MASTER PLAN SITES**

WHEREAS, if the HPC formally makes a finding of fact, on the record at a public hearing for a duly advertised HAWP at the subject property, that the resource no longer retains the historic significance for its listing on the Master Plan for Historic Preservation;

WHEREAS, the designation does not identify an archaeological site or likely archaeological site, nor after consultation with the Historic Preservation Office’s Archaeologist do staff find there is a basis to expect the site to contain any archaeological sites or burial grounds;

WHEREAS, The HPC determines the construction, reconstruction, moving, relocating, demolishing, or altering of any exterior features on the designated historic site will not impact the site's historic features, it shall be the policy of the Historic Preservation Commission that:

1. The HPC encourages owners of these sites to apply for a HAWP early in project development, so the HPC can make a formal determination on the record that the historic resource has been lost and that the proposal will not impact the historic character of the Master Plan Site and approve the HAWP. All outstanding project details can be delegated to Staff without impacting the historic character of the designated property. The HPC, at their discretion, may delegate the review and approval for all future HAWP applications at the subject property to Staff.
2. The HPC shall direct HP Staff to begin work on removing the site from the Master Plan for Historic Preservation. This should be done either through a geographic-specific or thematic master plan or batched with other demolished/destroyed master plan sites as a separate amendment to the Master Plan for Historic Preservation, whichever solution will result in a timelier removal from the Master Plan for Historic Preservation.

### **STAFF DISCUSSION**

The subject property is the *Madeline V. Waters House* Master Plan Site, which was designated to the Master Plan for Historic Preservation via amendment in May 1985. The property was designated for its architecturally significant features and its association with prominent early settlers of the Germantown area (the Horace Waters family). The historic house was destroyed by arson in 1986.

Germantown Road (Maryland Route 118) bisects the designated environmental setting. Staff notes that the 1985 amendment acknowledges that “[t]he programmed relocation and widening of Maryland Route 118 will require a portion of the eventual environmental setting but will leave sufficient ground to preserve the integrity of the Waters house and will improve opportunities for the commercial reuse of the historic structure.” The amendment also notes that the designated environmental setting “... should include the allee of trees leading to the historic structure.”



***Fig. 3: 1979 aerial image of the Madeline V. Waters House property, with the house marked by the blue star. The location of the subject property, proposed for demolition, is noted with a yellow star.***

In anticipation of the redevelopment of the site, the applicant proposes to demolish the existing c.2000 three-story commercial building located at 12810 Wisteria Drive. The subject building has a textured block first floor with EIFS covering the second and third floors. The windows and doors have aluminum frames.



*Fig. 4: The subject building proposed for demolition.*

Staff finds the subject building does not contribute to the historic character of the site, nor will its demolition impact the ale of trees identified in the MARC Rail Communities Sector Plan and discussed at the 2022 Preliminary Consultation. Additionally, Staff finds the building demolition will not impact the existing commemorative signage, a requirement of the approved Sector Plan. Staff recommends the HPC approve the demolition under Standard #2, 24A-8(b)(2), and the MARC Rail Communities Sector Plan.



*Figure 5: The subject building is on the west side of the property.*

### **STAFF RECOMMENDATION**

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

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

and with the *MARC Rail Communities Sector Plan*;

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](mailto: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: Lidl US Operations, LLC Address: 12810 Wisteria Dr Daytime Phone: 703-851-7492

E-mail: daniel.goodman@lidl.us City: Germantown Zip: 20874 Tax Account No.: 03582450

AGENT/CONTACT (if applicable):

Name: Daniel Goodman Address: 3500 S Clark Street Daytime Phone: 703-851-7492

E-mail: daniel.goodman@lidl.us City: Arlington Zip: 22202 Contractor Registration No.:

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property 19/013-001A

Is the Property Located within an Historic District? Yes/District Name No/Individual Site Name Madeline V. Waters House

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:

- Checklist of work types: 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 1/18/2024 9

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

<p><b>Owner's mailing address</b></p> <p>Lidl US Operations, LLC        Attn: Daniel Goodman, Director of Real Estate        3500 S Clark St        Arlington, VA 22202</p>	<p><b>Owner's Agent's mailing address</b></p> <p>Same</p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>Mid-Atlantic Federal Credit Union        12820 Wisteria Dr        Germantown, MD 20874</p>	<p>12800 Wisteria Drive, Germantown MD 20874</p>
<p>314SG LLC        2200 Pacific Coast Hwy #305        Hermosa Beach CA 90254</p>	
<p>Verizon Maryland Merge Co        PO Box 152206        Irving, TX 75015</p>	<p>3500 Clark Street, Arlington VA 22205</p>

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

There is an existing 3-story office building on the property which is not listed as historic. The historic elements of the property are associated with the approved site plan and preliminary plan and will come subsequently.

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

This is to demolish the existing office building on the property to prepare for moving forward with the planned redevelopment of the site.

Work Item 1: Demolish existing building

Description of Current Condition:

Existing 3-story office building.

Proposed Work:

Demolition to the foundations of the existing 3-story office building.

Work Item 2: \_\_\_\_\_

Description of Current Condition:

Proposed Work:

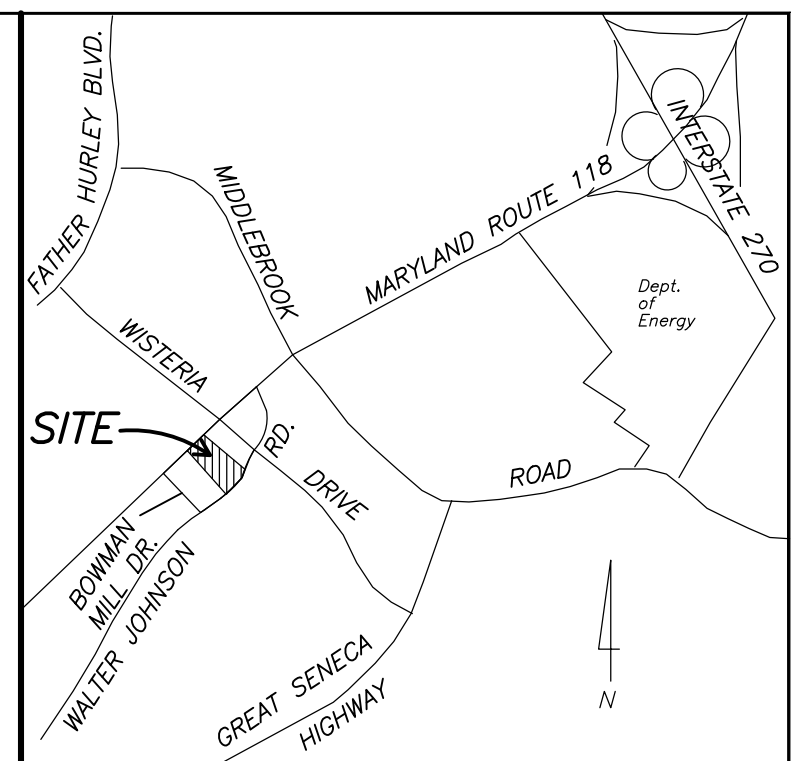
Work Item 3: \_\_\_\_\_

Description of Current Condition:

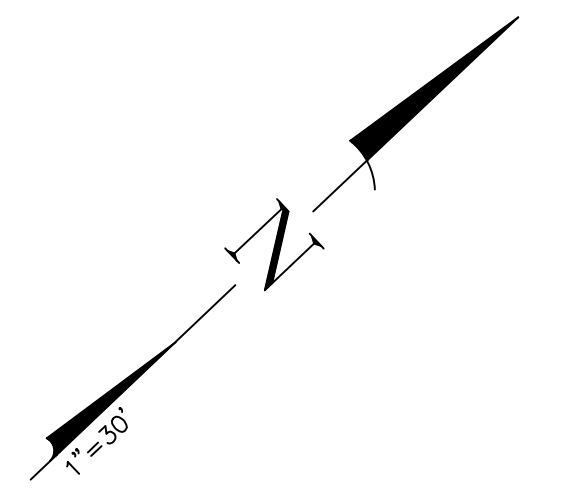
Proposed Work:

**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	*	*	*	*	*		*



VICINITY MAP  
SCALE 1" = 2,000'



LEGEND



Professional Certification  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland, Lic. No. 16905 Exp. Date 04.21.2024

- PROJECT TEAM**
- OWNER/APPLICANT:**  
LIDL OPERATIONS LLC  
3045 S CLARK STREET  
ARLINGTON VA 22201  
PHONE: (703) 611-7680  
CONTACT: DANIEL GOODMAN  
EMAIL: DANIEL.GOODMAN@LIDL.US
- CIVIL ENGINEER & LANDSCAPE ARCHITECT:**  
MORRIS, HENDRICKS & GLASCOCK, P.A.  
9220 WIGHTMAN ROAD, SUITE 120  
MONTGOMERY VILLAGE, MD 20888  
PHONE: (301) 670-0840  
CONTACT: FRANKIE CARRIER  
EMAIL: FRANKIE@MHGA.COM
- TRAFFIC ENGINEER:**  
GORMAN PLANE ASSOCIATES, INC.  
1140 CONNECTICUT AVENUE, NW, SUITE 600  
WASHINGTON, DC 20004  
PHONE: (202) 442-1807  
CONTACT: MATTHEW WAGNER, P.E. PTOE  
EMAIL: MWW@GORMANPLANE.COM
- LAND USE ATTORNEY:**  
BRISA ATTORNEYS  
7215 WISCONSIN AVENUE, SUITE 800 WEST  
BETHESDA, MD 20814  
PHONE: (301) 656-2707  
CONTACT: FRANCESCA CARRIER  
EMAIL: FCARRIER@BRISALAW.COM
- ARCHITECT:**  
ARCHITECTURE INCORPORATED  
1902 CAMPUS COMMONS DRIVE, SUITE 101  
RESTON, VA 20190  
PHONE: (703) 961-8846  
CONTACT: NICHOLAS CROWLEY  
EMAIL: NICHOLAS@ARCHINC.COM

REVISIONS

NO.	DESCRIPTION	DATE

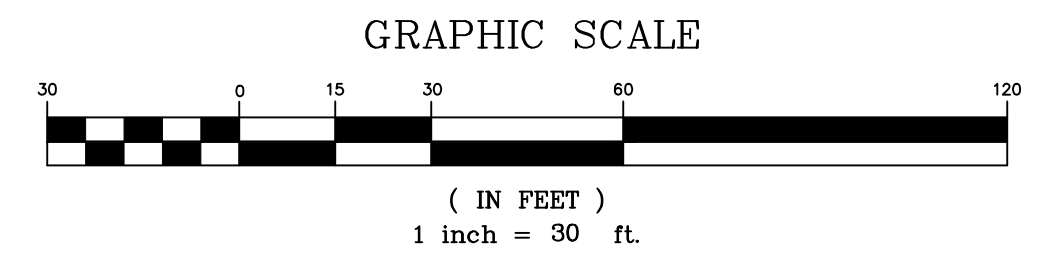
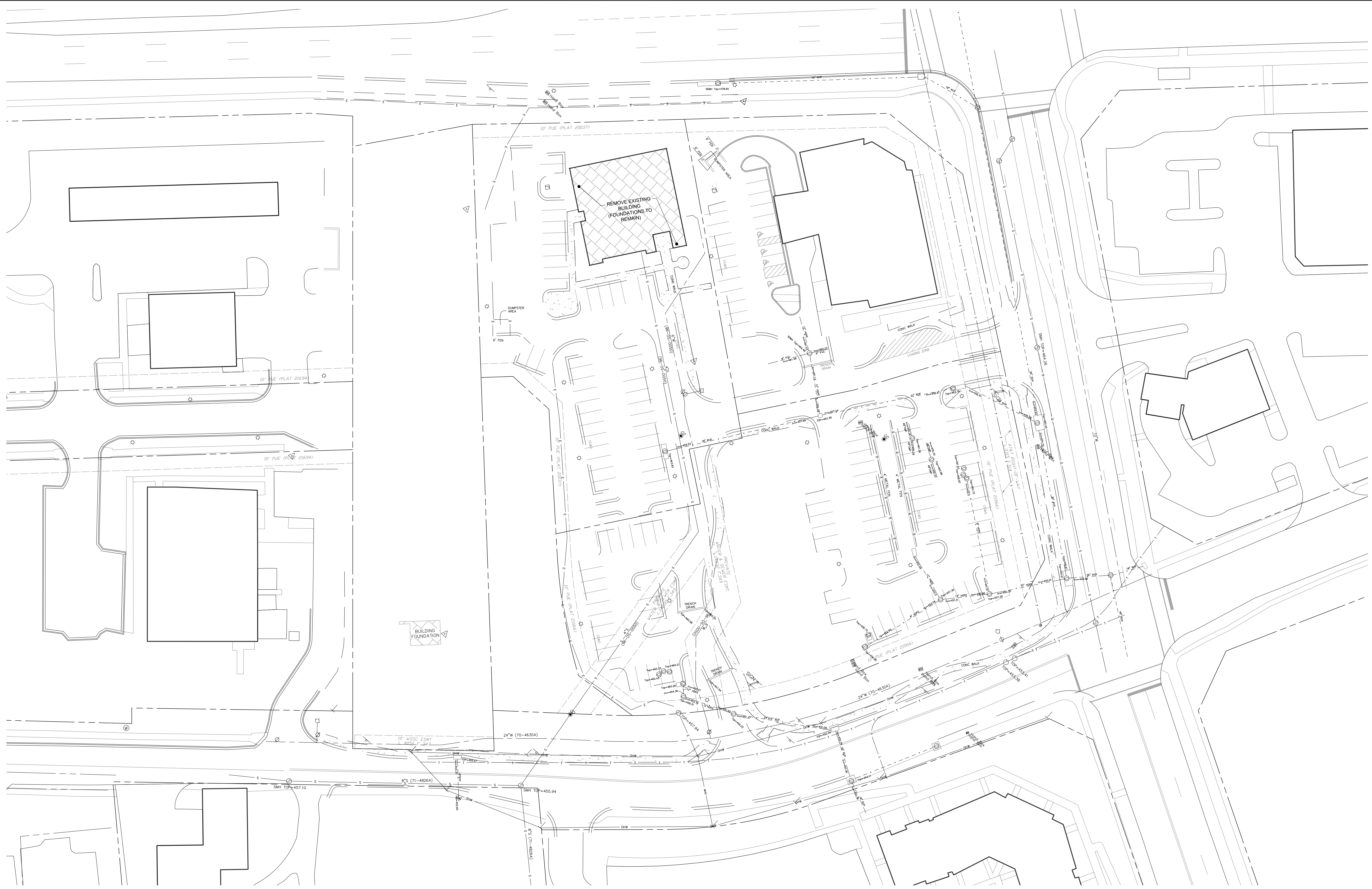
TAX MAP EU341.342 WSSC 228N/13, 227N/13  
PLATS 20037, 21066 & L.23973 F.138  
2ND ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

**LOT 1 & PART OF LOT 3  
WISTERIA BUSINESS PARK  
& PARCEL P965  
L.23973 F.138**

PROJ. MGR	PGL
DRAWN BY	TKH
SCALE	As Noted
DATE	03.06.2023

**LIDL GERMANTOWN  
BUILDING  
DEMOLITION PLAN**

**C1.11**  
PROJECT NO. 85.136.53  
SHEET NO. 1 OF 1



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