$\frac{MONTGOMERY\ COUNTY\ HISTORIC\ PRESERVATION\ COMMISSION}{STAFF\ REPORT}$

Address: 7801 Hampden Lane, Bethesda Meeting Date: 9/4/2024

Resource: Contributing Resource **Report Date:** 8/28/2024

(Greenwich Forest Historic District)

Applicant: Thomas Frank & Wendy Edelberg **Public Notice:** 8/21/2024

(Luke Olson, Architect)

Review: Historic Area Work Permit Tax Credit: n/a

Permit No.: 1082060 Staff: Dan Bruechert

Proposal: Tree Removal

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Greenwich Forest Historic District

STYLE: Tudor Revival

DATE: 1933



Figure 1: The subject property is located near the south boundary of the Greenwich Forest Historic District.





7801 Hampden Lane

The quaint charm of early English architecture is blended with the natural beauty of a secluded woodland setting...(8)

This house, at the entrance to Greenwich Forest was designed by Alvin Aubinoe. It was one of the first, if not the first of the model homes constructed by the Cafritz Company in the Greenwich Forest Project. The wall dormer, multi-paned casement windows, steeply sloped roofs, and eave lines of varying height identify this house as an example of Tudor Revival architecture. The two-story, stone clad, front entry tower with its diamond paned window give a distinctive appearance to the façade.

7801 Hampden won the Silver Star architectural award from the Evening Star, Washington's leading newspaper from 1852 to 1945 (8). The judges for the award included an architect, a home economist from the federal Agriculture Department, the president of the Washington Real Estate Board, a federal housing official, and a city planner from the National Capital Park and Planning Commission. The judging occurred over time as the judges followed the actual construction and examined the final result. An article on the front page of the real estate section said that "The high standards of building and planning followed in the creation of this residence were the guiding factors in its selection by The Star's committee of experts" (8).

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BACKGROUND

On March 6, 2024, the HPC approved a HAWP for a Building addition, areaway construction, retaining wall construction, hardscape alteration, and gutter replacement.¹ The HPC concurred with the Staff's two

¹ The Staff Report and HAWP application for the March 6, 2024 HAWP approval for 7801 Hampden Lane, Bethesda is available here: https://montgomeryplanning.org/wp-content/uploads/2024/02/II.I-7801-Hampden-Lane-Bethesda-1058892.pdf.

recommended conditions that required Staff to verify the proposed replacement brick on the addition and to screen the proposed areaway with greenery, as recommended in the *Design Guidelines*.

The HPC approved an amendment to the original HAWP on July 24, 2024 by consent. The revised proposal reduced the size of the proposed addition and eliminated some of the proposed hardscaping.²

PROPOSAL

The applicant proposes to remove one tree and plant two additional trees on site.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Greenwich Forest 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 *Greenwich Forest Historic District (Guidelines)*, *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.

Greenwich Forest Historic District Guidelines

A. PRINCIPLES

The preservation of the following essential elements of Greenwich Forest is the highest priority in making decisions concerning applications for work permits. These Principles are not meant to stop or create unreasonable obstacles to normal maintenance, reasonable modifications, and the evolving needs of residents.

A2. The houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. These Guidelines are intended to preserve this environment by ensuring that approved work permits include appropriate safeguards that protect the following three essential elements of this fabric:

b. The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way. The original developers made decisions on these three elements to understate the presence of structures relative to the forest. For example, minimum side setbacks at the time were 7' but placement and spacing produced distances between houses that far exceeded the minimum 14'. Additions and new houses have, in almost all cases, preserved generous space between houses and minimized visual crowding with plantings.

c. High quality building materials and high level of craftsmanship.

B. BALANCING PRESERVATION AND FLEXIBILITY

Greenwich Forest represents a period in the evolution of Montgomery County worthy of preservation, but it has also changed in response to the needs of residents since it was created in the 1930s. These Guidelines seek a reasonable compromise between preservation and the needs of residents in several ways.

² The Staff Report and application for the HAWP revision approved on July 24, 2024 is available here: https://montgomeryplanning.org/wp-content/uploads/2024/07/I.B-7801-Hampden-Lane-Bethesda-1058892-REVISION.pdf.

- B1. Most of the houses in the Greenwich Forest Historic District are designated "contributing" because they contribute to the architectural and historic nature of the district. Contributing structures are shown in the map of the districts. These Guidelines are more specific for contributing structures.
- B2. Other houses in the district are designated non-contributing either because (1) they were built more recently than contributing houses with other architectural styles (see Appendix 3) or (2) their original features have been significantly altered by subsequent modifications. Non-contributing structures are shown on the map of the District. The Guidelines provide greater flexibility for owners of non-contributing houses.
- B3. These Guidelines reflect the reality that nearly all houses in Greenwich Forest have been modified since their construction. Owners are not expected to return their houses to their original configurations. The modifications they are permitted to make under these Guidelines are based on the current reality in the neighborhood, provided that those modifications are consistent with the Principles in these Guidelines.
- B4. Property owners have additional flexibility under these Guidelines to make more extensive changes to the parts of their houses that are less visible from the public rights-of-way in front of their houses. The Guidelines accomplish this by stipulating different levels of review for specific elements on different parts of houses.

The Guidelines that pertain to this project are as follows:

- A2. The houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. These Guidelines are intended to preserve this environment by ensuring that approved *work permits* include appropriate safeguards that protect the following three essential elements of this fabric.
- a. An array of revival American *architectural styles* that, taken together, make a significant statement on the evolution of suburban building styles (see Appendix 2).
- b. The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way. The original developers made decisions on these three elements to understate the presence of structures relative to the forest. For example, minimum side setbacks at the time were 7' but placement and spacing produced distances between houses that far exceeded the minimum 14'. Additions and new houses have, in almost all cases, preserved generous space between houses and minimized visual crowding with plantings.
- c. High quality building materials and high level of craftsmanship.
- D4. Additions: Additions to contributing and non-contributing houses are allowed. The style of an addition must be compatible and in keeping with the prevailing styles of that house. The style of the addition must be compatible with the style of the original house, unless the owner wishes to change the architectural style of both the house and addition to another style of a contributing house in Greenwich Forest (see Changes to architectural style, below). Additions to contributing houses must preserve as a recognizable entity the outline of the original house (not including subsequent additions). Side additions to contributing houses are allowed, but the limits of the original façade must be demarcated by stepping back the front plane of the addition and by a change in the addition's roofline. Rear additions to contributing houses are allowed within limitations on height and setbacks (see D5).
 - D15. Tree removal: The preservation of the large mature trees in Greenwich Forest is a high priority of these Guidelines, but there are circumstances in which removal may be unavoidable. Trees smaller than 8" in diameter (measured at 5' height) may be removed without an application for a work permit. Larger trees may be removed without an application for a work permit if a certified arborist provides documentation to the decision-making body stating that the tree is dead, diseased,

dying, or a hazard (e.g., a threat to public safety or the structural integrity of the house). Each tree removed for these reasons should be replaced by one tree in the manner described below.

In planning landscape modifications, additions, and replacement houses, homeowners may propose the removal of trees with diameters greater than 8" (measured at 5' height). If there is an obvious alternative siting that would avoid removal of mature trees, the application for a work permit should include a brief explanation of why that alternative was rejected. In such cases, the functional needs of the homeowner should be respected. If applications propose the removal of trees larger than 8" in diameter (measured at 5' height), the site plan for the proposed modification must include the installation of two replacement trees for each tree removed as a result of the modification. These proposals are subjected to strict scrutiny (see Appendix 1) to ensure that homeowners have not overlooked viable options that would avoid tree removal and that the plan for installing new trees adheres to the following guidelines. Each tree removed from the forest canopy must be replaced with two trees chosen from canopy species already established in the region (e.g., White Oak, Nuttall Oak, Scarlet Oak, Greenspire Linden, American Beech, Ash, and Tulip Poplar). If the forest canopy is well established over the site, one of the two replacement trees can be chosen from an understory species that is already established in the region (October Glory Red Maple, Red Sunset Red Maple, Black Gum, and Sycamore). Ornamental trees such as American Dogwood, Serviceberry or Amelanchier, and Eastern Redbud are native and desirable plantings, but they cannot be counted as replacement trees because they do not contribute to the canopy.

According to the *Guidelines*, the three levels of review are as follows:

Limited scrutiny is the least rigorous level of review. With this level, the scope or criteria used in the review of applications for work permits is more limited and emphasizes the overall structure rather than materials and architectural details. The decision-making body should base its review on maintaining compatibility with the design, texture, scale, spacing and placement of surrounding houses and the impact of the proposed change on the streetscape.

Moderate scrutiny is a higher level of review than limited scrutiny and adds consideration of the preservation of the property to the requirements of limited scrutiny. Alterations should be designed so the altered structure does not detract from the fabric of Greenwich Forest while affording homeowners reasonable flexibility. Use of compatible new materials or materials that replicate the original, rather than original building materials, should be permitted. Planned changes should be compatible with the structure's existing architectural designs.

Strict scrutiny is the highest level of review. It adds consideration of the integrity and preservation of significant architectural or landscape features and details to the requirements of the limited and moderate scrutiny levels. Changes may be permitted if, after careful review, they do not significantly compromise the original features of the structure or landscape.

Sec. 24A-8. Same-Criteria for issuance.

- (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 insure 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
- (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.
- (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. 94, § 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." Standards 2, 9, and 10 most directly apply to the application before the commission:

- #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 will be compatible with the historic materials, features, size, scale and proportions, and massing to protect the 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.

STAFF DISCUSSION

The subject property is a two-story brick Tudor Revival house with a two-story front gable bay at the facade. The house, like many in the corner houses in the Greenwich Forest Historic District, is oriented toward the street intersection which creates a large front yard. To the north of the house, there is a 31" (thirty-one inch) d.b.h. Tulip Poplar. The applicant proposes to remove this tree and plant two additional trees as required in the *Design Guidelines*.



Figure 2: The subject property with the tree proposed for removal is identified with an 'X'.

The applicant consulted with an arborist in compiling the documentation necessary for the minor subdivision required before proceeding with the work approved in the recently approved HAWP. The arborist recommended the removal of this tree for three reasons:

- The proximity to the existing house;
- The species of the tree; and
- The potential impact of the proposed construction work.

The *Design Guidelines* are very prescriptive when it comes to removing trees in the Greenwich Forest Historic District. The analysis requires determining if there is an alternative siting that would avoid the removal of the tree and an explanation of why that alternative was rejected. Staff notes that the construction was revised to be further from the tree in the July 24, 2024 approval, so it was less likely to have an impact on this specific tree. But Staff also recognizes that the construction vehicles and materials will be delivered from the west and north and will increase traffic above the critical root zone of this tree. Staff finds no alternative, short of installing a new curb cut and driveway from the south, which would avoid any impact on this tree.

Additionlly, Staff finds regardless of the proposed work, the existing tree will still be very close to the existing garage. Based on Staff's measurements, the tree is approximately 7' (seven feet) away from the rear corner of the existing garage. While this tree does not pose an immediate threat to the house, it has to potential to become one.

The third reason the arborist recommended the removal of this tree is because of its species. Tulip Poplars have soft wood and are known to frequently drop limbs and break, especially during intense storms. While Staff would not support clear-cutting the lot or even removing all of the Tulip Poplars on site, Staff finds this to be compelling information regarding a tree so close to the house. Staff notes there are two other Tulip Poplars within 20' (twenty feet) of the subject tree, one measuring 30" (thirty inches d.b.h.), the other 36" (thirty-six inches) d.b.h. Staff finds the removal of this one tree will not substantially impact the character of the site or surrounding district.

As required in the *Design Guidelines* the applicant proposes to plant two new trees to mitigate the loss of this one. The applicant proposes to plant either White Oaks or Greenspire Lindens in the southeast corner of the lot. Staff finds both of these species are identified as appropriate replacements in guideline D15. Staff finds the proposed tree removal and replanting are consistent with the spirit and letter of the *Design Guidelines* and recommends the HPC approve the HAWP.

STAFF RECOMMENDATION

Staff recommends that the HPC <u>approve</u> the HAWP under the Criteria for Issuance in Chapter 24A-8(b) (2), and (d), having found that the proposal is consistent with the *Greenwich Forest Historic District Guidelines* identified above, 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 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 dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

HAWP#_1082060 DATE ASSIGNED__

FOR STAFF ONLY:

APPLICANT:

| Name:Thomas Frank & Wendy Edelberg | E-mail:theodosiusX@yahoo.com | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Address:7801 Hampden Lane | City: Bethesda Zip: MD | |
| Daytime Phone:301-654-1639 | Tax Account No.:00497150 & 00497148 | |
| AGENT/CONTACT (if applicable): | | |
| Name: _LUKE OLSON | E-mail: LOLSON@GTMARCHITECTS.COM | |
| Address: 7735 OLD GEORGETOWN RD STE 700 | City: BETHESDA Zip: 20814 | |
| Daytime Phone: 240-333-2021 | Contractor Registration No.: | |
| LOCATION OF BUILDING/PREMISE: MIHP # of Historic | c Property | |
| Is the Property Located within an Historic District? X Yes/District Name Greenwich ForestNo/Individual Site Name | | |
| Town/City: Bethesda Nearest Cross | s Street: Wilson Lane & Overhill Road | |
| Lot: 14 & 15 Block: R Subdivision: | | |
| TYPE OF WORK PROPOSED: See the checklist on Parfor proposed work are submitted with this applicance be accepted for review. Check all that apply: New Construction Deck/Porch Addition Fence Demolition Hardscape/Lands Grading/Excavation Roof I hereby certify that I have the authority to make the for and accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be | Shed/Garage/Accessory Structure Solar Tree removal/planting cape Window/Door Other: oregoing application, that the application is correct h plans reviewed and approved by all necessary | |

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFING

[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

| Owner's mailing address THOMAS FRANK AND WENDY EDELBERG 7801 HAMPDEN LN Bethesda, MD 20814 | Owner's Agent's mailing address Luke Olson 7735 Old Georgetown Rd Ste 700 Bethesda, MD 20814 |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Adjacent and confronting Property Owners mailing addresses | |
| 7803 OVERHILL ROAD | 5509 WILSON LN |
| BETHESDA MD 20814 | BETHESDA MD 20814 |
| 7800 HAMPDEN LN | 5512 WILSON LN |
| BETHESDA MD 20814 | BETHESDA MD 20814 |
| 5516 WILSON LN | 7808 HAMPDEN LN |
| BETHESDA MD 20814 | BETHESDA MD 20814 |

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

EXISTING 2-STORY + BASEMENT TUDOR REVIVAL STYLE HOME CIRCA 1934 W/ ATTACHED GARAGE FRONT AND REAR PORCHES AND CLINKER BRICK. EXISTING HOUSE IS PRIMARILY BRICK WITH A SLATE ROOF, COPPER GUTTERS, AND PAINTED WOOD TRIM. THERE IS AN EXTENSIVE AMOUNT OF EXISTING LANDSCAPE AND HARDSCAPING INCLUDING STONE/BRICK RETAINING WALLS, STEPS, PATIOS AND WALKWAYS. THERE IS A STONE SCREENING WALL TOPPED WITH A WOOD PICKET FENCE RUNNING ALONG WILSON LANE THAT WAS APPROVED VIA HAWP #602545 IN 2012. THERE ARE CURRENTLY 15 TREES AT LEAST 6" DBH ON THE PROPERTY, 10 OF WHICH ARE LARGER THAN 24" DBH.

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

We have received HPC approval for a rear addition to the existing resource (HAWP # 1058892). Since the property was originally recorded as two individual lots with two individual tax numbers, we were required to go through the minor subdivision process with MNCPPC to combine the two lots before we can file a permit for the rear addition with the County. As a part of this process we submitted an inventory of trees on the property and a tree save plan for Forest Conservation exemption approval. During the tree inventory, the arborist determined that one 31" DBH tulip poplar should be removed for the following reasons:

- its proximity to the existing house
- the species of tree
- the extent to which it would be impacted by construction given the proposed construction access we believe to be least impactful to the overall lot and established trees.

We're proposing to replace this tree with two new white oaks or greenspire lindens per the requirements of guideline D15.

We looked at alternative ways to provide construction access to the rear of the lot to avoid impacting this tree, but given the heavily forested nature of the lot, this was deemed to be the least impactful option. Tulip poplars are well know to be poorly suited to smaller urban lots due to species characteristics i.e. soft wood, frequent breakage. This tree in particular has had a large branch previously fall off during a storm and damage the owner's property. There are two other large tulip poplars in the vicinity with canopies that overlap that of the tree to be removed, and several other large canopy trees on the lot, so the impact to the tree canopy on the lot is minimal. Previous Commissioners have also generally recommended removal of tulip poplars and replacement with more suitable species that are less likely to cause property damage.

As a part of the forest conservation exemption approval, we're required to replace this tree with three new 3" dia. trees. Our approved plans call for white oaks, but we'd like the option to replace with Greenspire lindens as both are acceptable per guideline D15. We had also previously received administrative approval to remove a hazardous/dying tree and replace with one new tree, so per guideline D15 we're proposing to replace the 31" DBH tulip poplar with two white oaks or greenspire lindens, and the third replacement tree would satisfy the requirement of our previous administrative approval.



