



## HISTORIC PRESERVATION COMMISSION

Marc Elrich  
*County Executive*

Robert K. Sutton  
*Chairman*

Date: June 17, 2022

### MEMORANDUM

TO: Mitra Pedoeem  
Department of Permitting Services

FROM: Michael Kyne  
Historic Preservation Section  
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit # 993409 RETROACTIVE: Retroactive fence installation

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The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** at the June 8, 2022 HPC meeting.

The HPC staff has reviewed and stamped the attached construction drawings.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Maria Romero  
Address: 15020 Clopper Road, Boyds

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made. Once work is complete the applicant will contact Michael Kyne at 301.563.3403 or [michael.kyne@montgomeryplanning.org](mailto:michael.kyne@montgomeryplanning.org) to schedule a follow-up site visit.



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

**Address:** 15020 Clopper Road, Boyds

**Meeting Date:** 6/8/2022

**Resource:** Secondary Resource  
*Boys Historic District*

**Report Date:** 6/1/2022

**Applicant:** Maria Romer

**Public Notice:** 5/25/2022

**Review:** HAWP

**Tax Credit:** N/A

**Staff:** Michael Kyne

**Permit Number:** 993409 RETROACTIVE

**PROPOSAL:** Retroactive fence installation

**REVIEWED**

*By Michael Kyne at 4:01 pm, Jun 17, 2022*

**STAFF RECOMMENDATION:**

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

**ARCHITECTURAL DESCRIPTION:**

**SIGNIFICANCE:** Secondary Resource within the Boyds Historic District

**DATE:** 2012

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Historic Preservation Commission



*Fig. 1: Subject property south of Clopper Road, as marked by the blue star*

**PROPOSAL:**

The applicant proposes retroactive fence installation at the subject property.

**APPLICABLE GUIDELINES:**

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

(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 subject to such conditions as are found to be necessary to ensure the preservation, enhancement or ultimate protection of this chapter, if it finds that:

**REVIEWED**  
By Michael Kyne at 4:01 pm, Jun 17, 2022

(1) The proposal will not substantially alter the exterior features of the historic site or historic resource within an historic district; or

(2) The proposal is compatible in character and nature with the historic site or historic resource located and would not be detrimental thereto or to the purposes of this chapter; or

(3) The proposal would enhance or aid in the protection, preservation, or utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural, or archaeological values 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.

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

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The *Standards* are as follows:

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 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 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.

**REVIEWED**

By Michael Kyne at 4:01 pm, Jun 17, 2022

**STAFF DISCUSSION:**

The subject property is a Secondary Resource within the Boyds Historic District. The Commission approved the construction of the current house and detached garage with demolition of the previous house (a c. 1940s 1 ½-story stucco over cement block) in 1989. The one condition of approval was related to the proposed new carriage-style or similar door. The current house and garage were constructed using traditional materials and alternative materials, including fiber cement siding, fiberglass doors, and windows on the rear.

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**Fig. 2: North/northeastern boundaries of the historic district, with the subject property marked by the blue star.**

The subject property is directly opposite the Boyds Station MARC Train parking lot to the north, which, along with Hoyles Mill on the other side of the train tracks, define the northern boundary of the historic district. The immediately adjacent house to the east (left, as viewed from the public right-of-way of Clopper Road) is considered a Spatial Resource, as it was constructed in 1989, four years after the historic district was designated to the Master Plan for Historic Preservation. Farther east (left), on the opposite



side of the Spatial Resource and at the northeastern boundary of the historic district, is a c. 1880s Gothic Revival-style Primary Resource. The house immediately adjacent at the west (right) side of the subject property is also a c. 1880s Gothic Revival-style Primary Resource.

The applicant proposes to install a new 96 LF, 6' high wood privacy fence at the south (rear) property line. As noted, this is a retroactive application, and the fence has already been installed. The fence posts are currently 8' high, but they will be reduced to 6' once the HAWP is approved and the work can proceed.

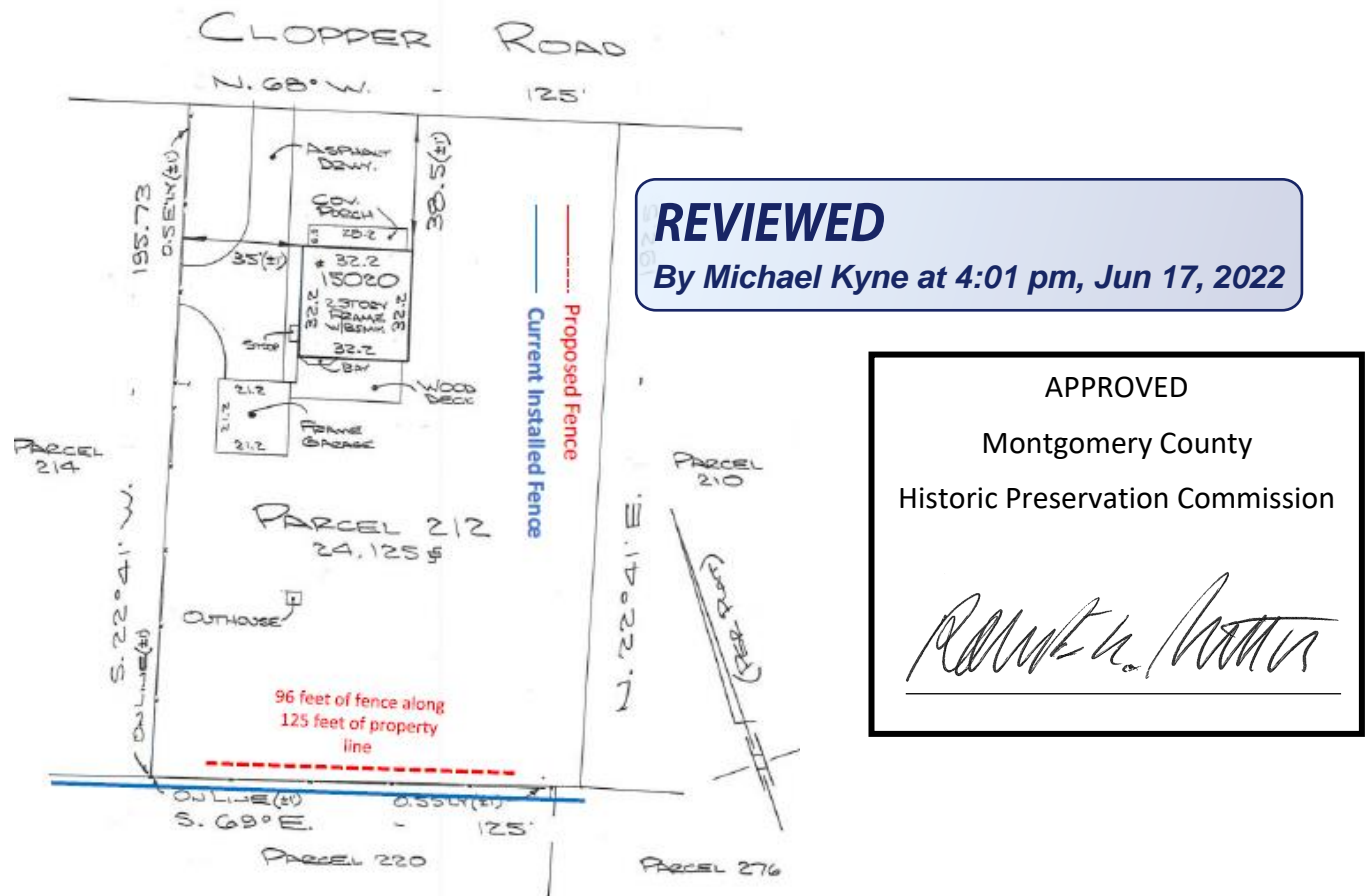


Fig. 3: Proposed fence location, as indicated by the red dashed line; neighbor's existing fence to the south indicated by the solid blue line.

The Commission typically requires fences forward of the rear plane of the historic house to be no higher than 4' and to have an open appearance (i.e., picket), preserving the visibility, interaction, and perceived openness of the properties and streetscape. However, fences behind the rear plane are typically allowed to be as high as 6'-6'' high, with a closed (i.e., privacy) appearance. The Commission has taken views of the rural village historic districts into account in a different manner than the residential suburban historic districts when considering the visual impact of privacy fences. This portion of the Boyds district does have a more open aspect between the properties that should also be considered when reviewing the visual impact of the fence.

The historic district exhibits a variety of fence materials and styles (i.e., metal picket, split rail wood, wood picket, and chain link fences), including those at the front and sides of properties. Accordingly, staff finds that the proposed fence is generally compatible with subject property and with the eclecticism of the

surrounding streetscape.

Additionally, staff finds that the proposal will not remove or alter character defining materials, features, or spaces of the subject property or surrounding streetscape, 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*.

After full and fair consideration of the applicant’s submission, staff finds the proposal to be consistent with the Criteria for Issuance in Chapter 24A-8(b), (1), (2), and (d), and with the *Secretary of the Interior’s Standards for Rehabilitation #2, #9, and #10*, 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 district and the purposes of Chapter 24A;

**REVIEWED**  
By Michael Kyne at 4:01 pm, Jun 17, 2022

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 submission for the Montgomery County Department of Permitting Services

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and with the general condition that final project design details, not specific to the Commission, shall be approved by HPC staff or brought back to the Commission application at staff’s discretion;

and with the general condition that the applicant shall notify the Historic Preservation Commission propose to make any alterations to the approved plans. Once the work is complete, contact the staff person assigned to this application at 301-563-3400 or [michael.kyne@montgomeryplanning.org](mailto:michael.kyne@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: Maria Romero  
Address: 15020 Clopper Road  
Daytime Phone: 301-996-7203

E-mail: momero8@yahoo.com  
City: Boyd Zip: 20841  
Tax Account No.: \_\_\_\_\_

**AGENT/CONTACT (if applicable):**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_

**REVIEWED**  
By Michael Kyne at 4:01 pm, Jun 17, 2022

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property \_\_\_\_\_

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

Is there an Historic Preservation/Land Trust/Environmental Easement map of the easement, and documentation from the Easement Holder \_\_\_\_\_

Are other Planning and/or Hearing Examiner Approvals /Reviews Required (Conditional Use, Variance, Record Plat, etc.?) If YES, include information supplemental information.

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Building Number: 15020 Street: Clopper  
Town/City: Boyd Nearest Cross Street: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel: \_\_\_\_\_

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

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> New Construction   | <input type="checkbox"/> Deck/Porch          | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition           | <input checked="" type="checkbox"/> Fence    | <input type="checkbox"/> Solar                           |
| <input type="checkbox"/> Demolition         | <input type="checkbox"/> Hardscape/Landscape | <input type="checkbox"/> Tree removal/planting           |
| <input type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof                | <input type="checkbox"/> Window/Door                     |
|   |  | <input type="checkbox"/> Other: _____                    |

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

\_\_\_\_\_  
Signature of owner or authorized agent

\_\_\_\_\_  
Date



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

Single family home on parcel 212 with detached garage and installed shed.

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

Install privacy fence at the back property line, next to parcel 220. Fence to be constructed of wood, 6 feet in height.

**REVIEWED**

*By Michael Kyne at 4:01 pm, Jun 17, 2022*

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Work Item 1: Install Fence

Description of Current Condition: Property owner of Parcel 220 has a chain link fence in poor condition with wooden boards in places. Neighbor has three large dogs further jump and bark aggressively.

Proposed Work: Install 96 feet of 6 ft pine wood treated fence/dog ears style, to provide privacy along the 125 ft property line. Wood fence is constructed in sections of Height 6' by Width 8' panels connected with 13 4x4" posts. The 10' treated pine wood posts will be buried 2 feet deep into the ground and reinforced with concrete, and top post to be trimmed down to specifications, the fence is to provide visual privacy for yards.

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

Description of Current Condition:

Proposed Work:

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By Michael Kyne at 4:01 pm, Jun 17, 2022

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

Description of Current Condition:

Proposed Work:

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

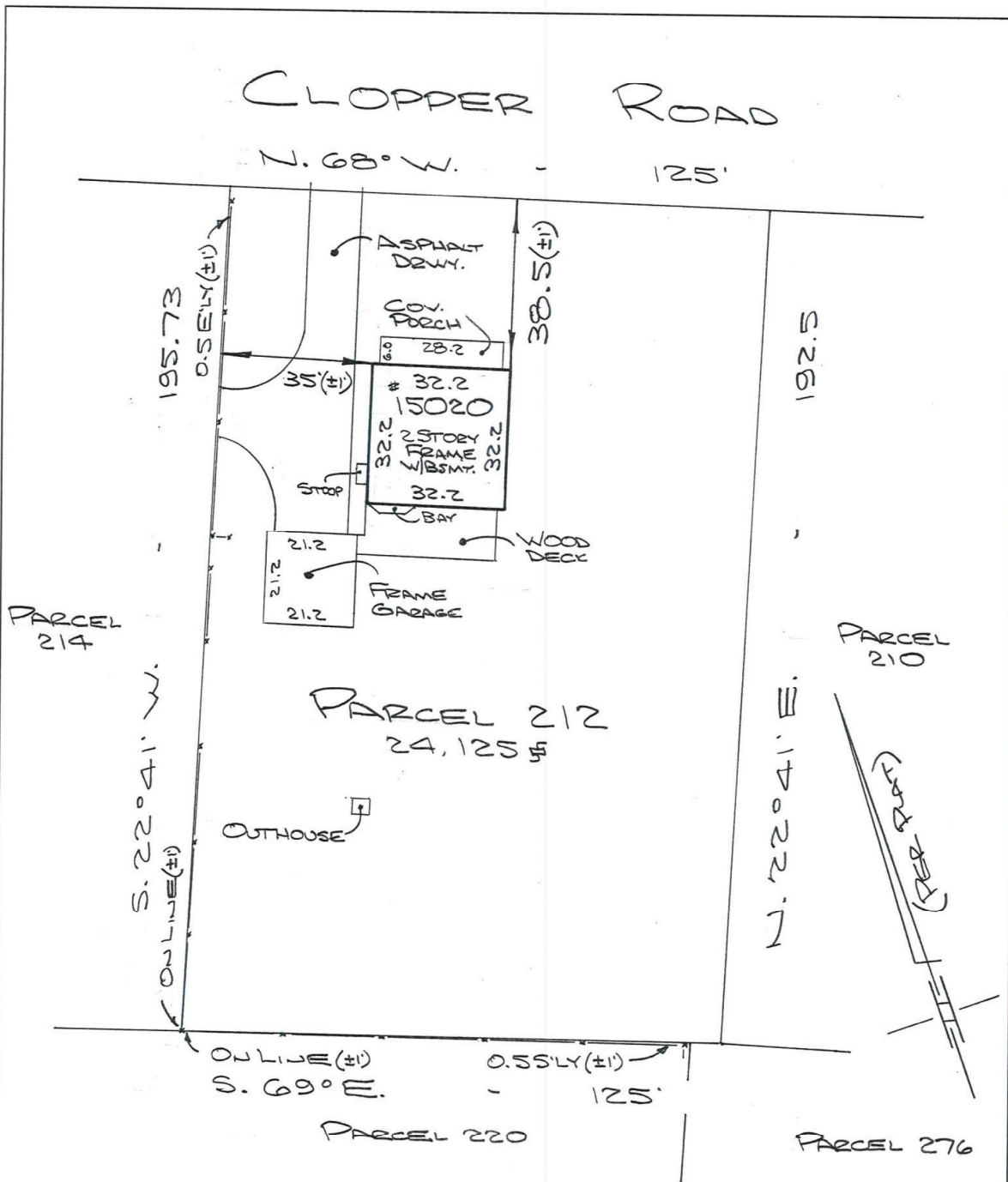
	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall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

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By Michael Kyne at 4:01 pm, Jun 17, 2022

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By Michael Kyne at 4:01 pm, Jun 17, 2022

Capital Surveys, Inc.  
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Belts  
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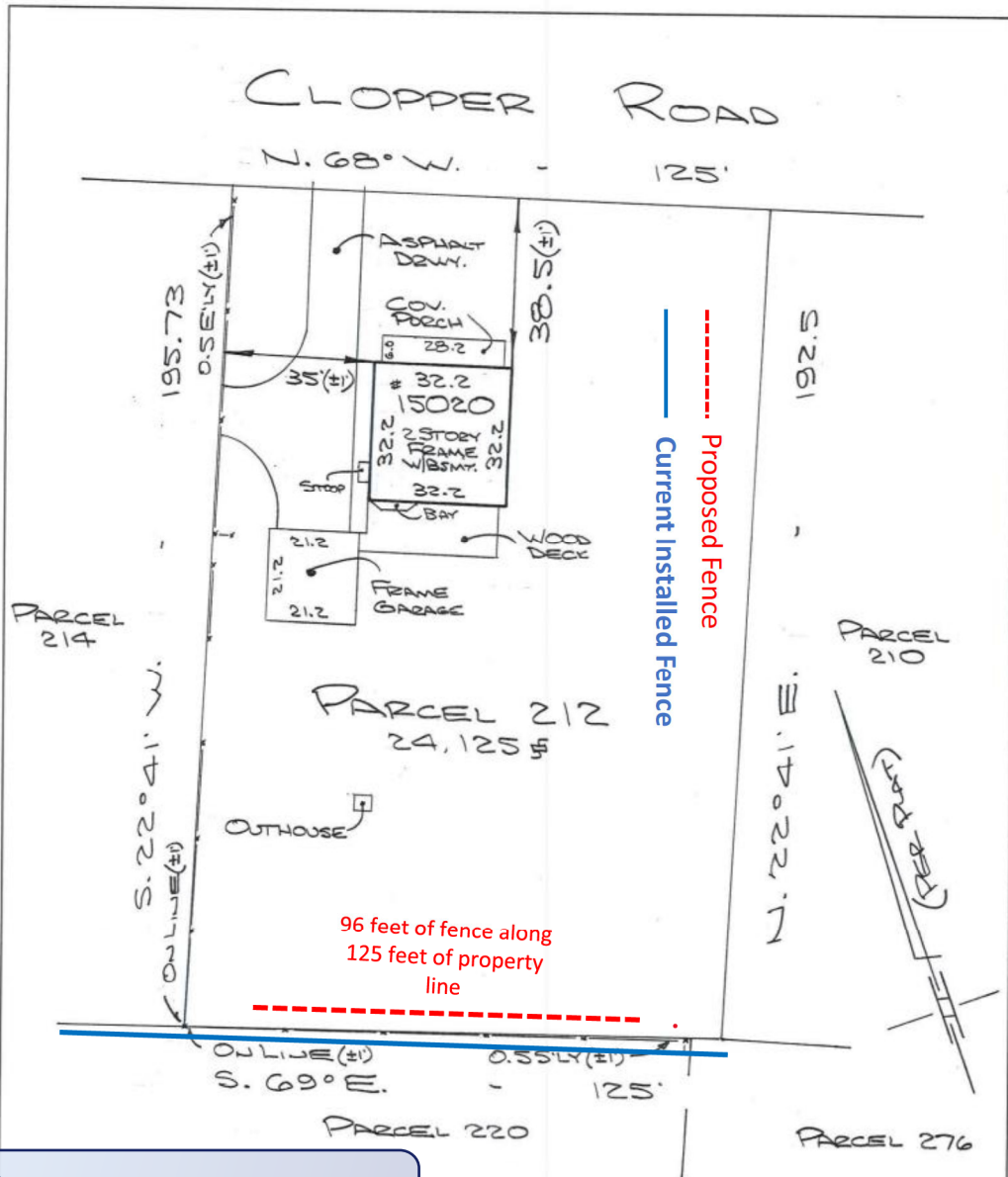
*Robert A. [Signature]*

Recorded in Plat Book  
CASE: 6013-00003 FILE: 96825  
DATE: JANUARY 10, 2013

NOTES: This plat is for the benefit of a consumer only insofar as it is required by an insurance company or its agent in connection with contemporary financing or re-financing; the plat is not to be relied upon for the determination or location of fences, garages, buildings, or other improvements; and the plat does not provide for the verification of property boundary lines, but such identification is required for the transfer of title or securing financing or

I hereby certify this location drawing was prepared in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

*Edward L. Lopez, Jr.*  
Edward L. Lopez, Jr.  
Maryland Property Line Surveyor No. 522  
License Current Through February 13, 2013



**REVIEWED**  
 By Michael Kyne at 4:01 pm, Jun 17, 2022

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 Historic Preservation Commission

*[Signature]*

DATE: JANUARY 10, 2013

Plat is of benefit to a consumer only insofar as it is required by a title insurance company or its agent in connection with conveyance, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other improvements; and the plat does not provide for the identification of property boundary lines, but such identification may be required for the transfer of title or securing financing or insurance.

I hereby certify this location drawing was prepared in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

*[Signature]*  
 Edward L. Lopez, Jr.  
 Maryland Property Line Surveyor No. 522  
 License Current Through February 13, 2013





**REVIEWED**

*By Michael Kyne at 4:03 pm, Jun 17, 2022*

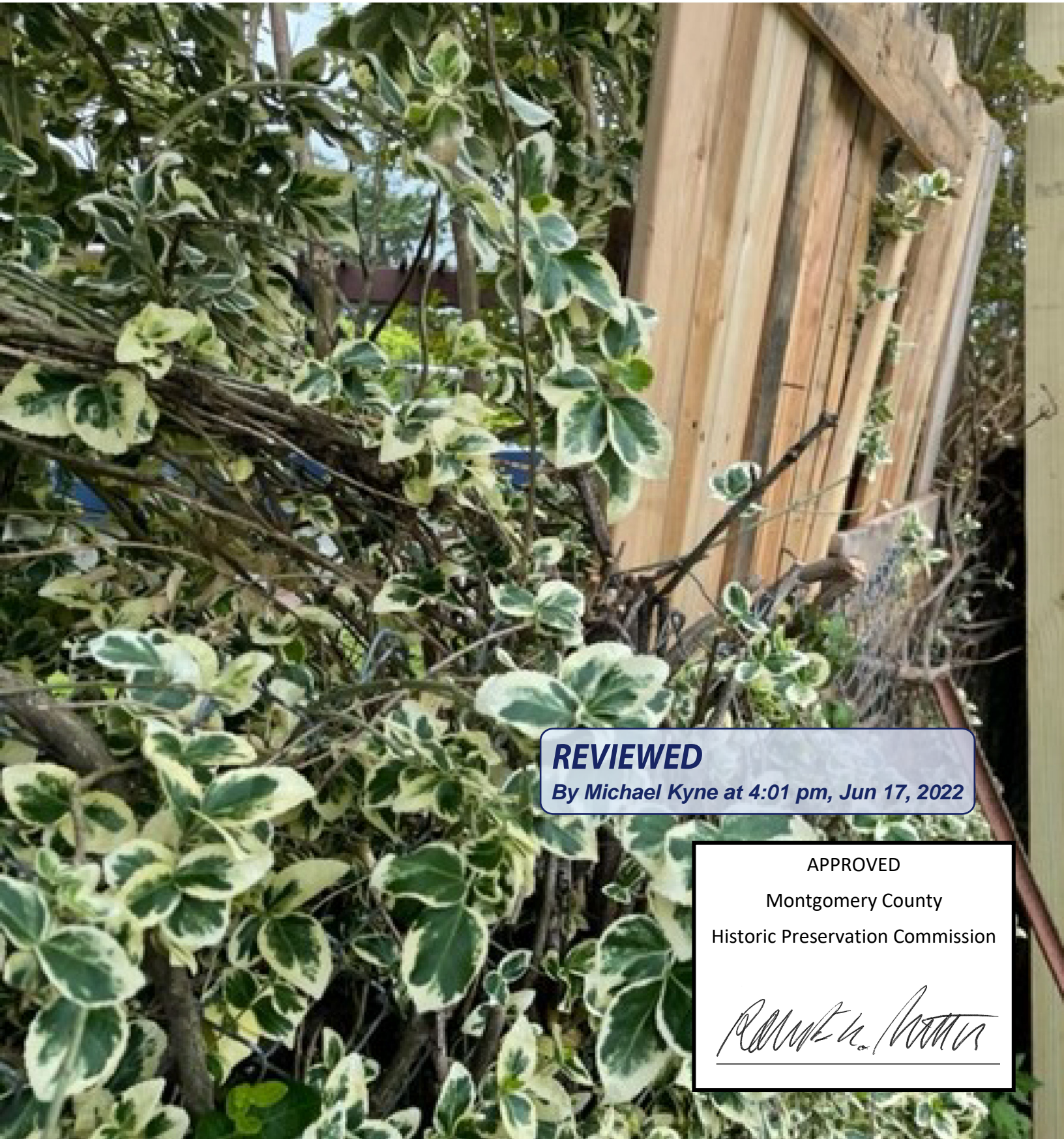
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*Robert H. [Signature]*





**REVIEWED**

*By Michael Kyne at 4:01 pm, Jun 17, 2022*

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*Robert H. Norton*





**REVIEWED**

*By Michael Kyne at 4:03 pm, Jun 17, 2022*

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*Ronald H. [Signature]*





**REVIEWED**

*By Michael Kyne at 4:01 pm, Jun 17, 2022*

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**REVIEWED**  
*By Michael Kyne at 4:03 pm, Jun 17, 2022*

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*Ronald L. ...*





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*By Michael Kyne at 4:01 pm, Jun 17, 2022*

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*Ronald A. Trotter*





**REVIEWED**

*By Michael Kyne at 4:03 pm, Jun 17, 2022*

APPROVED

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*Ronald H. [Signature]*