

23/65-96E 318 Market Street
Brookeville Historic District)

318 Market Street
Breckenridge
HPC Case #23/65-90E
Mary L. / Felicia A. Gardner



STARLB 02102 NRM3R

Helmicks@Disney



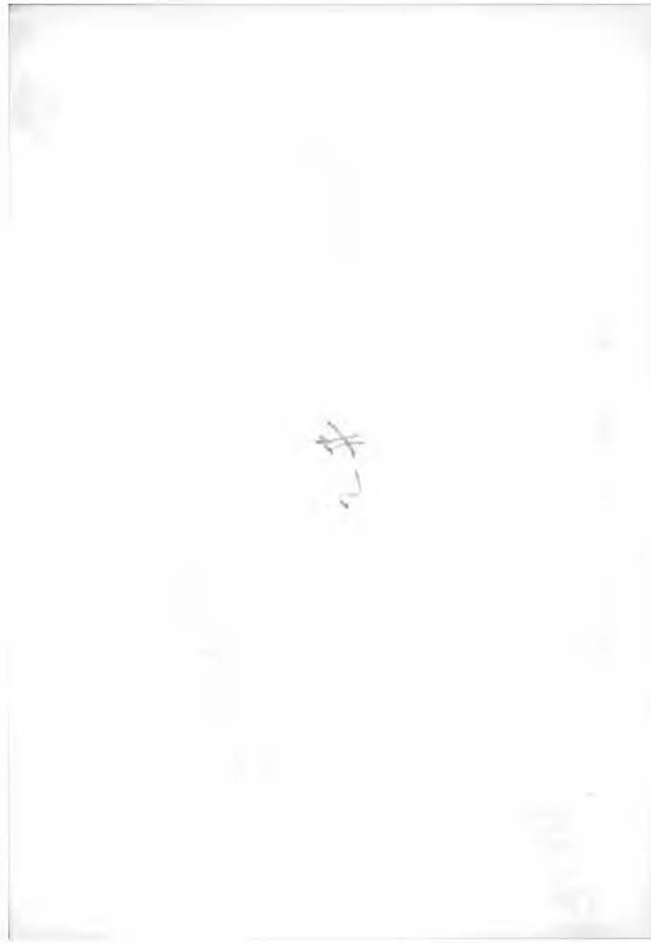
Howlocks@Dn2wly

STARLB 02202 1NN3A











#3



Headquarters Orange, Texas
w/ broken links.
near Spangher's

STARLB 02202 1A3A



Fallen Osage Orange
Tree

STARLB 02202 18A3A



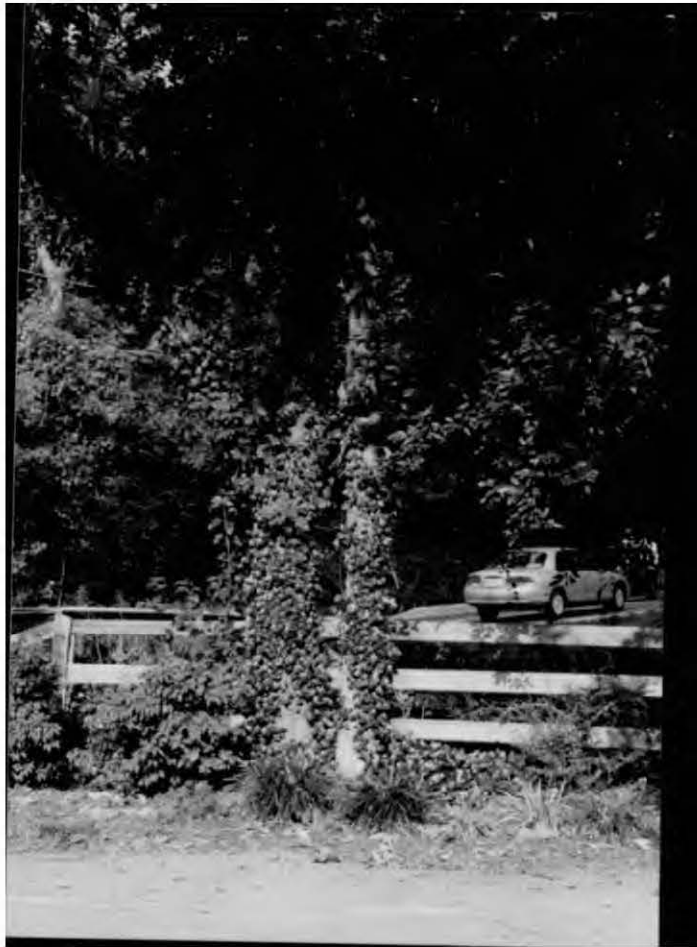
STARLB 02202 1893A

Mulberry Tree
near Spanghouse



STARLB 02202 1892R

Champion Sycamore



Osage Orange Tree (right)
next to mulberry tree.

STARLB 02202 18N5A

Brooks said:

1) Hemlock(s) are not affecting Sycamono or any structures.

So no reason to cut

(also provides screening from traffic on Market St)

2) Osage orange
has grown up into
larger tree $\frac{1}{2}$ is
intrusive -
can go

3) trim branches.
don't remove
tree

Site Visit w/ Bob Jordan 8/28/96:

at Durwin's:

1. remove split branch of the redberry tree

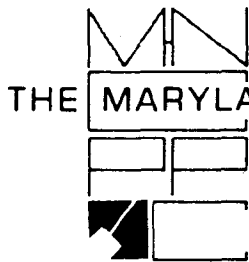
take the saw orange next to it. ←

2. neighbor's black cherry should go. no grinding of stump.

3. no - hemlocks - taking of one will mess up the other.

@ springhouse:

1. cps - remove mulberry
causing moisture damage to roof.
2. prune hedgerow of orange orange.
(the lower branches only)
3. broken stems of orange orange
could be cut lower if desired.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: September 12, 1996

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit

The Montgomery Historic Preservation Commission has reviewed the attached application for a Historic Area Work Permit. The application was:

Approved Denied

Approved with Conditions: _____

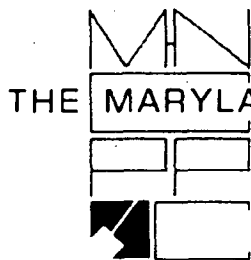
1. Split branch of a mulberry tree at driveway should be removed.
2. Remove Osage orange tree next to mulberry. Do not grind stump.
3. The hemlocks along driveway should not be removed.
4. Remove mulberry tree with overhanging branches near springhouse.
5. Prune lower branches of a hedge row of Osage orange trees behind the springhouse.
6. Cut lower broken trunks of Osage orange trees within hedge row behind springhouse.
7. Remove fallen willow tree at pond.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT (HAWP).

Applicant: Mary L. & Elmer A. Gardner

Address: 318 Market Street, P.O. Box 137, Brookeville, Md. 20833

***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: September 12, 1996

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit Application - Approval of
Application/ Release of Other Required Permits

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

You may now apply for a county building permit from the Department of Environmental Protection (DEP), at 250 Hungerford Drive, Second Floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DEP before work can begin.

When you file for your building permit at DEP, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DEP. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DEP at 217-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 495-4570.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DEP/Field Services at 217-6240 of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!



2
hemlock
trees
next to
driveway



mulberry
tree
next to
driveway

Orange
Orange
tree
next to
driveway

APPROVED
Montgomery County
Historic Preservation Commission
Patricia Parker



mul-
berry tree
overhanging
springhouse.

APPROVED
Montgomery County
Historic Preservation Commission
Patricia Parker

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 318 Market Street

Meeting Date: 9/11/96

Resource: Brookeville Historic District

HAWP: Alteration

Case Number: 23/65-96E

Tax Credit: No

Public Notice: 8/28/96

Report Date: 9/4/96

Applicant: Mary L. & Elmer A. Gardner

Staff: Patricia Parker

PROPOSAL: Tree Removal

RECOMMEND: Partial
Approval w/condition

BACKGROUND

The applicant proposes to remove hemlock trees that threaten the continued good growth of a champion sycamore and other nearby flora; and to remove branches of Osage orange trees which threaten an 1800's stone spring house and are invasive to other flora. The property is an outstanding resource and is located within Master Plan Site #23/65, the Brookeville Historic District.

Subsequent to the filing of this application, HPC Staff visited the property to discuss possible solutions to the problem of the taking of live trees. The applicant understands that in the past, the HPC has been reluctant to approve the removal of live trees on a historic property. Staff reviewed the proposal with the applicant and the applicant requested some guidance in trying to arrive at a solution to divert storm water from crossing an existing paved driveway and damaging the front yard of the property - especially a stone wall of the front patio of the house.

The area of concern constantly stays damp and moist, is never dry and does not help to divert the water from crossing the driveway. The applicant felt that if one of the hemlocks growing close to the trunk of another hemlock were removed, then the remaining hemlock tree's growth actually may be improved. Staff felt that a visit to the site by an M-NCPPC arborist would offer professional advice to the applicant and would help the applicant revise the proposal if a better solution than the taking of a live tree was developed.

STAFF DISCUSSION

HPC Staff requested that an M-NCPPC Staff arborist visit the site to determine the condition of the hemlocks located close to the fence line and to evaluate their impact on a large nearby sycamore tree; and to determine if branches of the Osage orange tree that are close to the stone spring house should be removed. M-NCPPC Staff Arborist, Brooks Robinson reported that the hemlocks were not affecting the sycamore or any other structures. He also recommended that they not be removed because they provide screening to the historic property from busy traffic on Market Street.

However, he does recommend that lower branches of the Osage orange tree could be trimmed. The Osage orange tree is located near a stone spring house on the property. The tree has grown up and into a larger tree and is intrusive.

Subsequent to the arborist's site visit, the applicant requested that the scheduled date for the HPC review of this case be changed from August 14, 1996 to the next HPC meeting of September 11, 1996. The applicant wanted to continue to receive the advice of other experts concerning which trees should be removed, if any, and what measures could be put in place to alleviate substantial water run-off. Because the applicant's property is at a lower elevation than adjacent properties to the east, the property experiences substantial water running across a paved driveway, into the front yard of the property and near a stone wall of the front patio of the house.

Staff discussed this HAWP proposal and the recommendations of the M-NCPPC arborist with Commissioner Jordan, a professional landscape architect. Staff also discussed issues raised by the applicant since the filing of the Historic Area Work Permit application.

On August 28, 1996, Commissioner Jordan with staff made another site visit to the property. Commissioner Jordan's recommendations for tree removal and trimming are as follows:

In the area of the driveway

- 1) The split branch of a mulberry tree located next to the driveway should be removed.
- 2) An Osage orange tree next to the mulberry tree could be removed. However, the Commissioner was concerned about removal of this tree because it has grown up and into the mulberry situated next to it. The careful removal of the Osage orange tree next to it may damage the mulberry. If the Osage orange tree is removed, there should be no grinding of the stump because of the location of the mulberry tree.
- 3) A black cherry tree located on adjacent property near the fence line should be removed. There should also be no grinding of the stump to protect the health of other trees closely located.
- 4) The hemlocks should not be removed. The taking of one of the hemlocks will misshapen the other hemlock. He would also recommend the use of a different ground cover planted beneath the trees along the side of the driveway to offer some diversion of groundwater.

In the area of the stone spring house

- 5) A mulberry tree with branches located close to the roof of the spring house should be removed. Its branches are causing moisture damage to the roof of the springhouse.
- 6) The applicant could prune the lower branches of a hedgerow of Osage orange trees behind the spring house.
- 7) Some of the Osage orange trees within the hedgerow have only broken trunks remaining. These trunks could be cut lower if the applicant desires.

The issue of storm water management is not a part of this HAWP proposal. However, Commissioner Jordan considered this problem during his visit to the property. He would recommend that the applicant consult with a professional. The area of concern is very near a champion sycamore tree. He cautions the applicant that measures such as trenching should be not be implemented in this area for continued protection of the champion tree.

STAFF RECOMMENDATION

The Historic Preservation Commission has consistently shown great care in reviewing the removal of live trees and the adverse impact on the historic property and the historic district as a whole. In the past, the Commission has promoted the retention of live trees.

Staff feels that Commissioner Jordan's evaluation is similar to that of the M-NCPPC arborist. However, Commissioner Jordan's evaluation is more detailed and responsive than that of the arborist. The Commissioner, along with HPC Staff marked each tree that could be removed without damage to other existing trees or flora. With this information, the applicant can now revise the HAWP application to address those trees that would represent a hazard, plant new materials to aid in the diversion of water and trim branches of certain trees to improve their growth. After considering all of the recommendations by both the M-NCPPC arborist and Commissioner Jordan and with the following condition:

(1) Staff recommends that the Commission find the proposal to trim the Osage orange tree near the spring house **consistent** with the purposes of Chapter 24A-8(b)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;

and with the 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;

Condition:

1. The applicant will revise and re-submit the remaining portion of the HAWP proposal to reflect advice received subsequent to the initial filing.

and with the general condition applicable to all Historic Area Work Permits that the applicant shall arrange for a field inspection by calling the Montgomery County Department of Environmental Protection (DEP), Field Services Office, five days prior to commencement of work and within two weeks following completion of work.

APPLICATION FOR HISTORIC AREA WORK PERMIT

CONTACT PERSON MARY L. GARDNER
 DAYTIME TELEPHONE NO. (301)924-5507

TAX ACCOUNT # 1751863

NAME OF PROPERTY OWNER Mary L & Elmer A. Gardner DAYTIME TELEPHONE NO. (301)924-5507

ADDRESS 318 Market St. P.O. Box 137 Brookeville MD 20833
CITY STATE ZIP CODE

CONTRACTOR ALL SEASON TREE SPECIALISTS TELEPHONE NO. (301) 924-3738
 CONTRACTOR REGISTRATION NUMBER # 347 MD

AGENT FOR OWNER Mary Gardner DAYTIME TELEPHONE NO. (301)924-5507

LOCATION OF BUILDING/PREMISE

HOUSE NUMBER 318 Market St. STREET

TOWN/CITY Brookeville NEAREST CROSS STREET Brookeville Rd

LOT _____ BLOCK _____ SUBDIVISION Dist. 8 Sub 5

LIBER L4894 FOLIO 518 PARCEL 543

RECEIVED
 JUL 05 1996

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CIRCLE ALL APPLICABLE: CIRCLE ALL APPLICABLE: PERMITS DDSR/DEP
Room Addition Slab
- Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
 Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other Tree work
- 1B. CONSTRUCTION COST ESTIMATE \$ 500.00
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

- 2A. TYPE OF SEWAGE DISPOSAL 01 () WSSC 02 () SEPTIC 03 () OTHER _____
- 2B. TYPE OF WATER SUPPLY 01 () WSSC 02 () WELL 03 () OTHER _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 3A. HEIGHT _____ feet _____ inches
- 3B. INDICATE WHETHER THE FENCE OR RETAINING WALL IS TO BE CONSTRUCTED ON ONE OF THE FOLLOWING LOCATIONS:
 On party line/property line _____ Entirely on land of owner _____ On public right of way/easement _____

I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO MAKE THE FOREGOING APPLICATION, THAT THE APPLICATION IS CORRECT, AND THAT THE CONSTRUCTION WILL COMPLY WITH PLANS APPROVED BY ALL AGENCIES LISTED AND I HEREBY ACKNOWLEDGE AND ACCEPT THIS TO BE A CONDITION FOR THE ISSUANCE OF THIS PERMIT.

Mary Gardner Signature of owner or authorized agent 7/3/96 Date

APPROVED _____ For Chairperson, Historic Preservation Commission
 DISAPPROVED _____ Signature _____ Date _____

APPLICATION/PERMIT NO. 9607080061

THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

Late 18th century stone house & outbuildings, surrounded by park-land on 3 sides. House important in founding of Town and its subsequent history. Environmental setting has remained basically unchanged.

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

Request for removal of trees which have grown out of other trunks and are impeding growth of other flora and threaten the honored sycamore, named Montgomery County's "champion sycamore." Removal of branches of osage orange trees which threaten spring house and other flora. Osage orange trees are old trees but they are difficult to maintain.

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" X 17". Plans on 8 1/2" X 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. **An existing and a proposed elevation drawing of each facade affected by the proposed work is required.**

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

Mark & Anne Ennes 316 MARKET St. Brookeville, MD 20833

RECEIVED

JUL 05 1996

PERMITS
DDSR/DEP





MARY L. GARDNER
Box 158
Brookeville, Maryland 20833

Telephone 301-924-5507
Fax 301-924-0069

August 8, 1996

Ms Patricia Parker, H.P. Planner
M-NCPPC-HPC
8787 Georgia Avenue
Silver Spring, MD 20910=3760

Dear Pat:

Thank you for handling our HAWP regarding tree removal, presently scheduled for August 14th. Please defer this discussion to September 11, since I have an MPI Retreat Meeting on that evening and therefore, can not attend the HPC meeting.

I was contacted today by the Brookeville LAP who are also reviewing this application. At least over the phone, they don't seem to have a problem with the request. Since I submitted the HAWP to you, we lost one very large osage orange tree near the spring house...in fact, it missed hitting that building by only about 15 feet. Now, I notice there is another osage which I think just exceeds the 6 inch requirement which leans toward the spring house and contributes significantly to the vegetation growth on the roof. I would like to remove that at the same time. If anything, its removal will be better for the older osages which remain along the hedgerow. Please photograph that also when you visit.

Sincerely,

Mary Gardner

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A/C Slab Room Addition
 Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
 Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other Tree work

1B. CONSTRUCTION COST ESTIMATE \$ 500.00

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

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Mary Gardner
 Signature of owner or authorized agent

7/3/96
 Date

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature _____ Date _____

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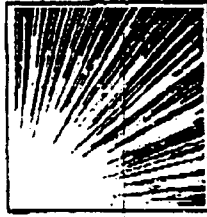
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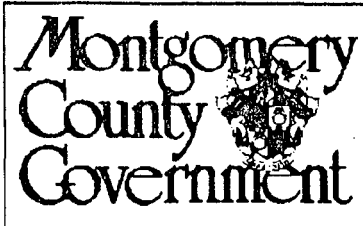
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Sincerely,

Mary Gardner



RETURN TO: Department of Environmental Protection
 Division of Development Services and Regulation
 250 Hungerford Drive, Rockville, Maryland 20850
 (301) 217-6370

Historic Preservation Commission
 (301) 495-4570

APPLICATION FOR HISTORIC AREA WORK PERMIT

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 NAME OF PROPERTY OWNER Mary L & Elmer A. Gardner DAYTIME TELEPHONE NO. (301)924-5507
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 CONTRACTOR REGISTRATION NUMBER #347 (MD)
 AGENT FOR OWNER Mary Gardner DAYTIME TELEPHONE NO. (301)924-5507

LOCATION OF BUILDING/PREMISE

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 TOWN/CITY Brookeville NEAREST CROSS STREET Brookeville Rd
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PART ONE: TYPE OF PERMIT ACTION AND USE

JUL 05 1996

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PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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Mary Gardner Signature of owner or authorized agent 7/3/96 Date

APPROVED _____ For Chairperson, Historic Preservation Commission
 DISAPPROVED _____ Signature _____ Date _____

APPLICATION/PERMIT NO: _____ DATE FILED: _____ DATE ISSUED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS