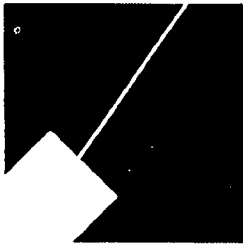


31/6-98H 3940 Baltimore Street
(Kensington Historic District)

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: September 24, 1998

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Gwen Wright, Coordinator *GW*
Historic Preservation

SUBJECT: Historic Area Work Permit

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

Approved Denied **Approved with Conditions:**

1. The applicant will plant a new "urban canopy" tree in the approximate vicinity of the existing black walnut tree to be removed.
2. The applicant will plant an ornamental understory tree in the approximate vicinity of the black walnut tree to be removed.
3. The applicant will provide a drawing indicating the species, caliper and location of the new trees to be planted, along with certification that they have been planted.
4. HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS; and

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (301) 217-6240 prior to commencement of work and not more than two weeks following completion of work.

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

Applicant: Alan & Donna Spealman

Address: 3940 Baltimore Street, Kensington MD 20895



R 170 DEPARTMENT OF PERMITTING SERVICES
250 HUNGERFORD DRIVE, 2nd FLOOR ROCKVILLE, MD 20850
301/217-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: Donna Spelman
Daytime Phone No.: 301-949-3949

Tax Account No.: _____
Name of Property Owner: Alan/Donna Spelman Daytime Phone No.: 301-949-3949
Address: 3940 Baltimore St Kensington 20875
Street Number City Street Zip Code
Contractor: to be decided Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 3940 Baltimore St Street: Baltimore
Town/City: Kensington Nearest Cross Street: Detrick
Lot: _____ Block: _____ Subdivision: _____
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Remove CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Flaze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: Trees
1B. Construction cost estimate: \$ 2000 → 2000
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.

Signature of owner or authorized agent

Date 8/3/98

Approved: X w/conditions For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: [Signature] Date: 9/23/98
Application/Permit No.: 01809030065 Date Filed: 9/3/98 Date Issued: _____

**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:

Black walnut tree located at rear of property, not seen from street, bordering neighbors at 3929 Prosperity. Requesting removal, which will cause both physical and historic damage, and damage to homes.

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

This tree is located in many areas, and will not affect the environmental setting in any way.

2. **SITE PLAN**

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

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- 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.

- 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.
- 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**

- 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.
- 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**

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. **ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

For **ALL** projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301/279-1355).

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: *Sept. 24, 1998*

TO: Local Advisory Panel/Town Government *Kensington*

FROM: Historic Preservation Section, M-NCPPC
RDZ Robin D. Ziek, Historic Preservation Planner
Perry Kephart, Historic Preservation Planner

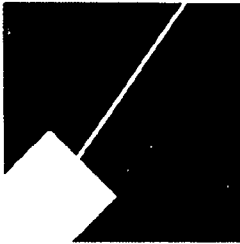
SUBJECT: Historic Area Work Permit Application - HPC Decision

The Historic Preservation Commission reviewed this project on *Sept. 23, 1998*.
A copy of the HPC decision is enclosed for your information.

Thank you for providing your comments to the HPC. Community involvement is a key component of historic preservation in Montgomery County. If you have any questions, please do not hesitate to call this office at (301) 563-3400.

G\wp\laphawp.ltr

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: September 24, 1998

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Gwen Wright, Coordinator *GW*
Historic Preservation

SUBJECT: Historic Area Work Permit

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

Approved Denied **Approved with Conditions:**

1. The applicant will plant a new "urban canopy" tree in the approximate vicinity of the existing black walnut tree to be removed.
2. The applicant will plant an ornamental understory tree in the approximate vicinity of the black walnut tree to be removed.
3. The applicant will provide a drawing indicating the species, caliper and location of the new trees to be planted, along with certification that they have been planted.
4. HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS; and

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (301) 217-6240 prior to commencement of work and not more than two weeks following completion of work.

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

Applicant: Alan & Donna Spealman

Address: 3940 Baltimore Street, Kensington MD 20895

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 3940 Baltimore Street Meeting Date: 9/23/98
Resource: Kensington Historic District Review: HAWP
Case Number: 31/6-98H Tax Credit: No
Public Notice: 9/9/98 Report Date: 9/16/98
Applicant: Alan & Donna Spealman Staff: Robin D. Ziek
PROPOSAL: Remove Black Walnut Tree RECOMMENDATIONS: APPROVAL
w/CONDITIONS

PROJECT DESCRIPTION

RESOURCE: Primary Resource in the Kensington Historic District
STYLE: Late Victorian/Transitional
DATE: 1880-1910 (c1900)

The resource is located on the radius of Baltimore Street, on a large single lot with a trapezoidal shape. The house has a mature garden with numerous trees over 20" in diameter on the lot. The drawing on Circle 9 indicates the locations and diameters of trees in the backyard only; there are also numerous trees in the front yard.

PROPOSAL

The applicant proposes to remove the mature black walnut tree (30" caliper) at the back of their property and replace it with an ornamental tree which has not been specified.

STAFF DISCUSSION

The proposed removal of a healthy mature tree in the Kensington Historic District is an unusual request; typical requests involve trees which are dead or dying. However, the tree in question is considered a nuisance by the applicant and the immediate neighbor (see Circle 7, 8). Staff notes that the property, as viewed from Baltimore Street, is heavily screened with vegetation. All of this vegetation, including the trees in the backyard, add to the urban forest canopy in Kensington and contribute to the garden character which is central to the district.

That said, staff feels that the proposed removal of the black walnut tree at the back edge of this property will have little effect on the historic district. There are numerous trees on the applicant's property and on the neighboring property. The removal of this one tree which is in the

middle of the "block" will have the greatest impact on the two neighbors who are participating in the application.

Recognizing the growth cycle of the garden and the trees, staff feels that the removal of a tall tree which contributes to the forest canopy in Kensington could be approved by the HPC because there are other existing trees on the site which also contribute to the canopy. Staff is concerned, however, that the proposed replacement with a single ornamental tree which is typically an understory tree, will not make a similar contribution in the future when the existing mature trees begin to decline. In other words, staff supports the removal of this mature tree, but would recommend the replacement of this tree with a new tree which will provide a comparable tree canopy in the future. The applicant could certainly plant an ornamental understory tree in the same vicinity and thereby address both shortterm landscaping concerns and longterm urban concerns at the same time.

STAFF RECOMMENDATION

Staff recommends that, **with the following conditions**, the Commission find this proposal consistent with the purposes of Chapter 24A-8(b)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;

and with 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.

CONDITIONS:

1. The applicant will plant a new "urban canopy" tree in the approximate vicinity of the existing black walnut tree to be removed.
2. The applicant will plant an ornamental understory tree in the approximate vicinity of the black walnut tree to be removed.
3. The applicant will provide a drawing indicating the species, caliper and location of the new trees to be planted, along with certification that they have been planted.

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (301) 217-6240 prior to commencement of work and not more than two weeks following completion of work.

APPLICATION FOR HISTORIC AREA WORK PERMIT

DEPT. OF PERMITTING SERVICES

Contact Person: Donna Spealman
 Daytime Phone No.: 301-949-3949

Tax Account No.: _____

Name of Property Owner: Alan/Donna Spealman Daytime Phone No.: 301-949-3949
 Address: 3940 Baltimore St Kensington 20895
Street Number City State Zip Code

Contractor: to be decided Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 3940 Baltimore St Street: Baltimore
 Town/City: Kensington Nearest Cross Street: Detrick
 Lot: _____ Block: _____ Subdivision: _____
 Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE: Remove
- | | | | | | | | | |
|------------------------------------|----------------------------------|---|--|--|--|--|-------------------------------|-------------------------------|
| <input type="checkbox"/> Construct | <input type="checkbox"/> Extend | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> A/C | <input type="checkbox"/> Slab | <input type="checkbox"/> Room Addition | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move | <input type="checkbox"/> Install | <input type="checkbox"/> Wreck/Raze | <input type="checkbox"/> Solar | <input type="checkbox"/> Fireplace | <input type="checkbox"/> Woodburning Stove | <input type="checkbox"/> Single Family | | |
| <input type="checkbox"/> Revision | <input type="checkbox"/> Repair | <input type="checkbox"/> Revocable | <input type="checkbox"/> Fence/Wall (complete Section 4) | <input type="checkbox"/> Other: <u>Trees</u> | | | | |

1B. Construction cost estimate: \$ 2000 → \$3000

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.

Donna Spealman Signature of owner or authorized agent 8/8/98 Date

Approved: _____ For Chairperson, Historic Preservation Commission (3)

**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:

Black walnut tree located at rear of property, not seen from street, bordering neighbors at 3929 Prospect St.

Requesting removal, due to injuries of both parties by falling walnuts, and damage to homes.

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

This tree is bordered by many large trees and, will not, alter the environmental setting if removed.

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 (façades), 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**

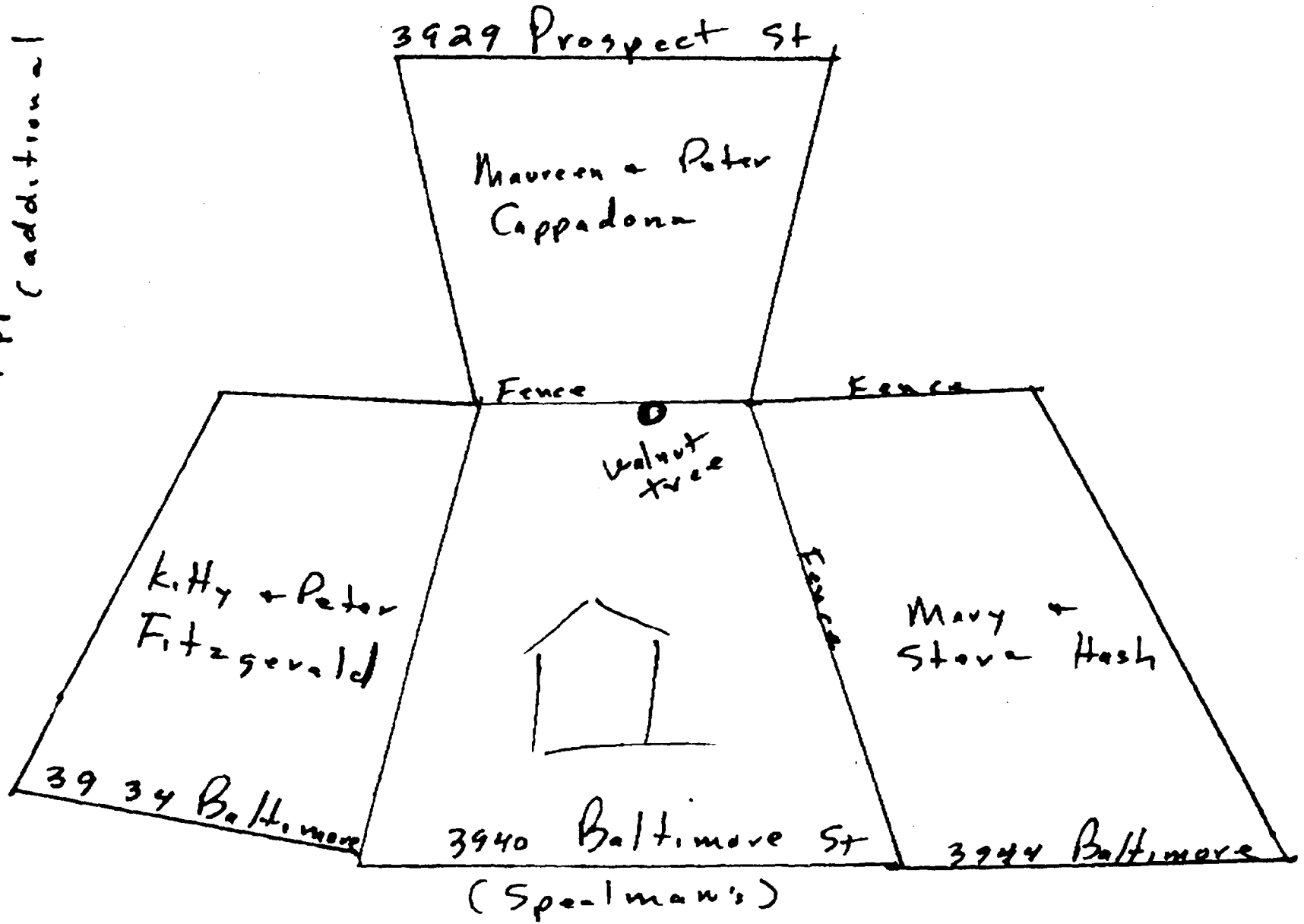
- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties.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

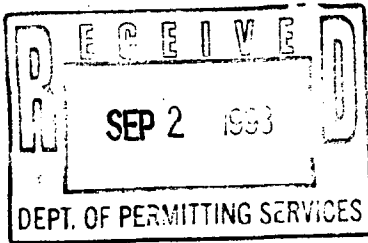
6. **TREE SURVEY**

Vonna + Alan Spelman #AWP

Application
(additional info)

5





Alan + Donna Spealman
3940 Baltimore St.
Kensington, Md, 20895
August 8, 1998

Historic Preservation Commission
250 Hungerford Drive
Rockville, Md
Attn Perry Gephard

Dear Sirs,

I am filing this HAWP requesting permission to remove a black walnut tree in my back yard. We moved into this location nine years ago and have spent these years restoring both the house and gardens. Because of our hard work, our gardens have been the host to two Kensington Historical Society Spring Garden Parties and was on the Kensington Historical Garden Tour four years ago.

We are avid gardeners and truly regret making this request to take down this tree, however in July 1998, once again, I twisted my ankle badly on a fallen walnut and required medical attention in an Emergency Room (will enclose medical report). I have three children who have all been injured by the fallen walnuts from this tree. We've had Rhododendrums, Azaleas, and other shrubs wither and die when placed by this tree. The walnuts cannot be picked up on a daily basis because of the large volume. Our relationship with our neighbors (the Cappodona's) have suffered because of the noise and damage to their home.

Please be assured when this tree is removed it will be replaced with a beautiful ornamental tree. Thank you for your consideration in this manner.

Donna Spealman
Alan Spealman

**Maureen & Peter Cappadona
3929 Prospect Street
Kensington, Md. 20895
August 5, 1998**

**Ms. Perry Gephardt
HISTORIC PRESERVATION COMMISSION
8787 Georgia Avenue
Silver Spring, Md. 20910**

Dear Ms. Gephardt,

We are writing you at the request of our neighbors Donna and Alan Spealman. The Spealmans have a black walnut tree in their rear yard, which overhangs considerably our side yard and our home. The Spealmans are asking the Historic Preservation Commission to consider their request to remove the tree from their yard.

We support the Spealmans request and would like to add the following concerns to their application:

- 1. The tree overhangs the back and side of our home.**
- 2. At certain times of the year the black walnuts "rain" on our roof. This has caused us to be awakened at night.**
- 3. The walnuts have damaged our cedar shingle roof, broken and stained our cedar siding and damaged our gutters.**
- 4. The walnuts, which find their way into our gutters, clog them and provide a virtual dinner table for the squirrels in the neighborhood. The squirrels, in turn, bring with them a whole other set of issues.**
- 5. The walnuts, which bypass the roof, siding and gutters, bombard the back and side yards. At times it is nearly impossible to walk through there without the possibility of getting bopped. Our children and our pets do not venture into this area. We are denied the use of the back yard for leisure or entertaining because of this.**

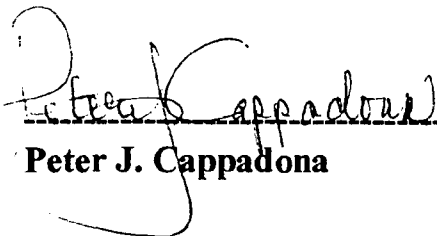
6. Even if we avoid the actual falling walnuts, we continue to be compromised in the use of our yard because the fallen walnuts litter our lawn and our garden. Walking through this area is of concern because if we get the black walnut oil on our shoes or our clothing it does not come off. If we step on a walnut we risk injury.

7. When we moved into our home in 1993 we spent a great deal of time and money planning and planting our landscaping and our garden. We moved (at great expense) eight 40-year-old azaleas from our family home. Three of these azaleas have perished and our landscapers believe it is because of the black walnut tree. We have since planted eight English boxwoods, which are not thriving and demand a daily removal of the black walnuts from their beds. Other plantings that we have made have either failed completely or fail to thrive.

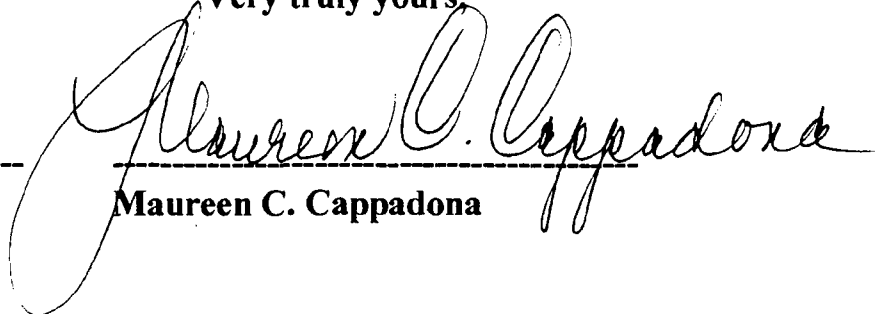
Donna and Alan Spealman are avid gardeners and committed residents of historic Kensington. They host the Annual Kensington Garden Party at their home every spring. They are neither frivolous nor cavalier about the importance of trees, landscaping or gardening. Their request to remove this tree from their yard has most certainly been made after careful consideration of the risks and the benefits to both themselves and to the community. We hope that you will give their application for removal of the tree the same consideration.

Please contact us if you have any questions or need further information.

Very truly yours,

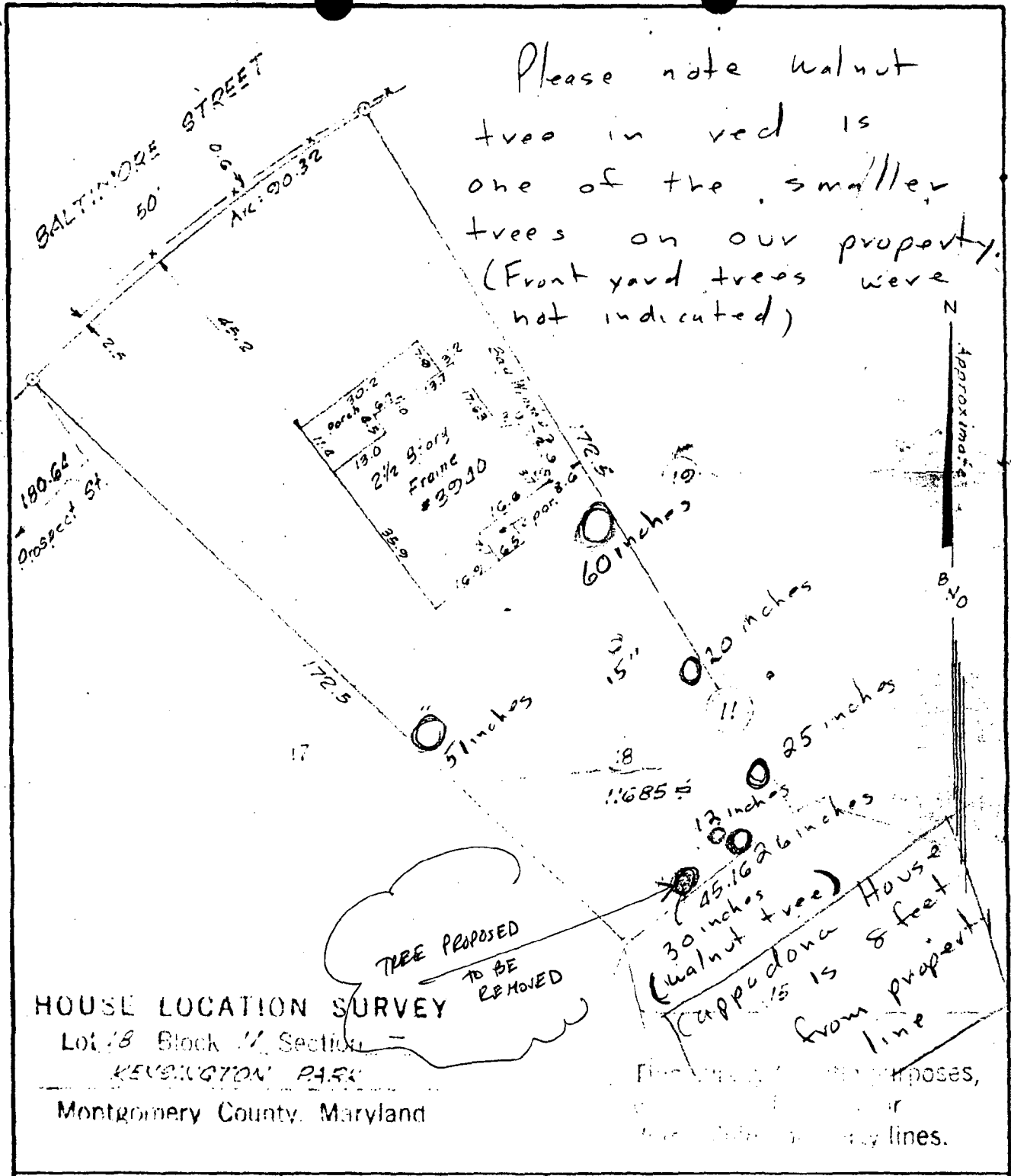


Peter J. Cappadona



Maureen C. Cappadona

Please note walnut tree in red is one of the smaller trees on our property. (Front yard trees were not indicated)



HOUSE LOCATION SURVEY
 Lot 18 Block 11 Section 1
 KEESLINGTON PARK
 Montgomery County, Maryland

PLAT BOOK 9 PLAT NO. 4

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, UNLESS OTHERWISE SHOWN.

Joseph C. Rodgers
 JOSEPH C. RODGERS
 REGISTERED LAND SURVEYOR, MD 3485

RODGERS & ASSOCIATES
 Box 328
 Rockville, Maryland 20850
 Phone: 762-6803

CASE NO.: 15179
 DATE OF SURVEY: 12-6-65
 SCALE: 1 IN. = 30 FT



NOTE: EXISTENCE OF PROPERTY CORNER MARKERS NOT GUARANTEED BY THIS SURVEY

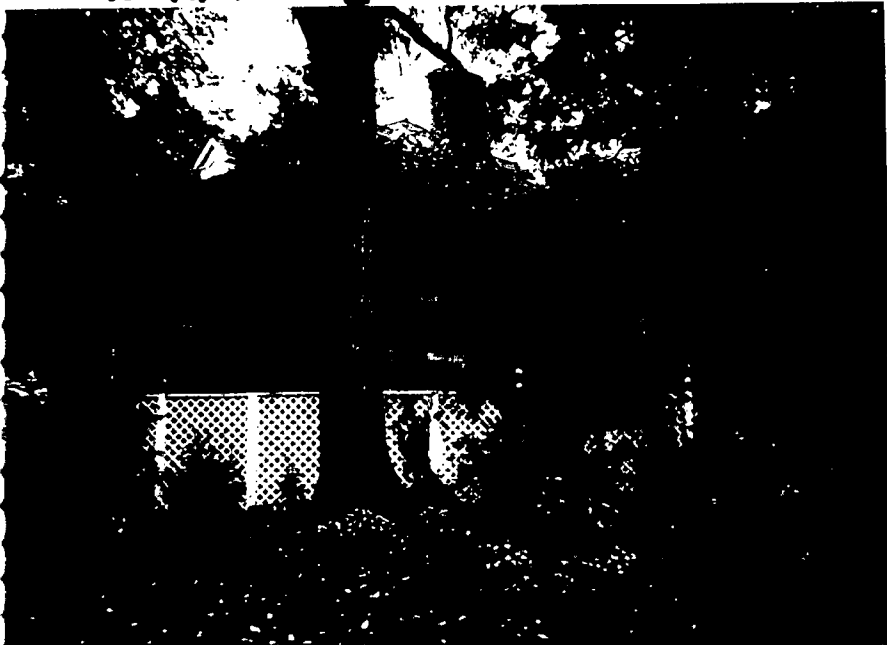
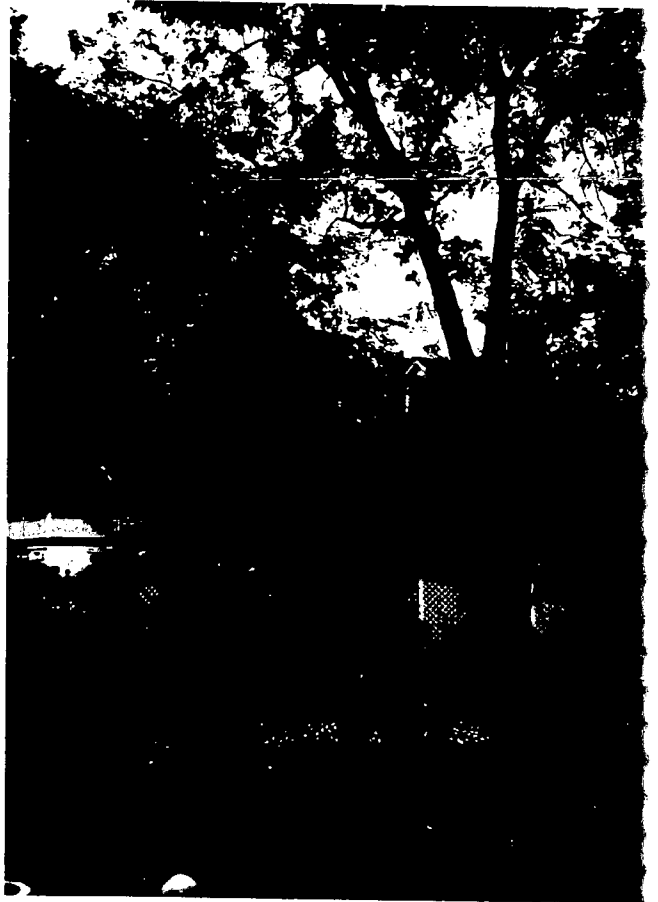


●
— walnut tree



walnut tree

walnut tree



↓
Walnut tree

SEP
DEPT. OF PERMITS AND SERVICES

10



— walnut tree



walnut tree walnut tree



walnut tree



RECEIVED
 SEP 2 1993
 DEPT. OF PERMITTING SERVICES