

10/59-00D 26034 Frederick Road  
(Hyaltsstown Historic District)

Caselman 1<sup>st</sup>

301-~~78~~

874-5214

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Date: 9/27/00

MEMORANDUM

TO: Robert Hubbard, Director  
Department of Permitting Services

FROM: *DZ* Gwen Wright, Coordinator  
Historic Preservation

SUBJECT: Historic Area Work Permit

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

Approved

**DENIED**

Approved with Conditions:

and HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS, and

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

Applicant: Allegheny Power + Light (Richard Osary)

Address: 421 E. Patrick St. P.O. Box 488 Frederick, MD. 21705

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 Montgomery County DPS Field Services Office at 240-777-6210 prior to commencement of work and not more than two weeks following completion of work.

Re: 26038 + 26034 Frederick Rd  
Hyattstown Historic District



HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Person: Rick Usary - Alley Paer  
Daytime Phone No.: 301-694-4491

Tax Account No.: \_\_\_\_\_

Name of Property Owner: Casselman, Patrick Daytime Phone No.: 301-253-4687  
Address: 26038 Fredrick Rd, Hyattstown MD 21871  
Street Number City Street Zip Code

Contractor: Alley Paer Power Phone No.: 301-694-4491

Contractor Registration No.: N/A

Agent for Owner: Trevor Lanham Daytime Phone No.: 301-694-4416

LOCATION OF BUILDING/PREMISE

House Number: Same as Street Above  
Town/City: Hyattstown Nearest Cross Street: Fire Tower Rd  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE:
- Construct  Extend  Alter/Renovate
  - Move  Install  Work/Repair
  - Revision  Repair  Revocable
- CHECK ALL APPLICABLE:
- AC  Sign  Room Addition  Porch  Deck  Shed
  - Solar  Fences  Woodburning Stove  Single Family
  - Fence/Wall (complete Section 4)  Other \_\_\_\_\_
3. Construction cost estimate: \$ \_\_\_\_\_
4. If this is a revision of a previously approved active permit, see Form # \_\_\_\_\_

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

1. Type of sewage disposal: 01  WSSC 02  Septic 03  Other \_\_\_\_\_
2. Type of water supply: 01  WSSC 02  Well 03  Other \_\_\_\_\_

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

1. Height \_\_\_\_\_ feet \_\_\_\_\_ inches
2. 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 reviewed by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Richard A. Usary  
Signature of owner or authorized agent

Richard A. Usary

8-18-00  
Date

Reviewed: \_\_\_\_\_  
Approved: X Signature: [Signature] Date: 9/25/00  
Commission/Permit No. \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

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**HISTORIC PRESERVATION COMMISSION**

of

**MONTGOMERY COUNTY**

**8787 Georgia Avenue  
Silver Spring, Maryland 20910**

**301-563-3400**

Case No: 10/59-00D

Received: August 18, 2000

Public Appearance: September 13, 2000

Before the Montgomery County Historic Preservation Commission

Application of Allegheny Power  
Attn: Richard Usary  
421 East Patrick Street  
P.O. Box 488  
Frederick, MD 21705-0488

RE: 26038 and 26034 Frederick Road  
Hyattstown Historic District

**DECISION AND OPINION OF THE COMMISSION**

Decision of the Commission: DENY the applicant's proposal to remove several mature trees, move a power pole and install a new one 15' higher, and install new power line to supply new homes on the east side of Frederick Road.

Commission Motion: At the September 13, 2000 meeting of the Historic Preservation Commission, Commissioner Lesser presented a motion to deny this application for a HAWP for the removal of several mature trees, to move a power pole and install a new one 15' higher, and install a new power line to supply new homes on the east side of Frederick Road.

Commissioner Watkins seconded the motion. Commissioners Breslin, Harbit, Kousoulas, Lesser, Spurlock, Velasquez, and Watkins voted in favor of the motion. The motion was passed 7-0. Commissioners DeReggi and Eig were absent.

The following terms are defined in Section 24A-2 of the Montgomery County Code:

Historic district: A group of historic resources which are significant as a cohesive unit and contribute to the historic, architectural, archaeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archaeology or culture.

## **EVIDENCE IN THE RECORD**

Copies of the applicant's Historic Area Work Permit (HAWP) application and a written report from the Historic Preservation Commission staff were distributed to Commissioners for the September 13, 2000 meeting.

HPC staffperson Robin D. Ziek presented a PowerPoint presentation from 35mm slides and prints of the property and testified that the application was for the removal of several trees in the boundary area between 26038 and 26034 Frederick Road, in order to accomplish the provision of power to two new homes currently under construction on the opposite side of the road. To do this, Allegheny Power also proposed removing an existing power pole and replacing it with a new one in a new position 3 feet to the south, and 15 feet higher.

The staff recommended approval of the application, but noted that the application was essentially under-researched, and that there were other viable options which were not being presented to the commission but which would be more in keeping with the character and feel of the district. This included burying the lines as they came across the private property, or finding another location, which would not so disturb the environmental setting of existing historic homes.

Staff noted that the contractor for the new homes had been notified about the September 13<sup>th</sup> meeting, but was not present and had not contacted staff. Staff also noted that the particular trees were not large landscape trees but had grown up in the boundary area as screening between two properties, and that they served to delineate edges and provide shade, and contributed to the developed landscape feel of the district.

Richard Usary, agent for Allegheny Power, appeared on behalf of the power company. He testified that he hadn't had time to investigate other options for providing power to the new homes, and that he had suggested the least expensive way to accomplish the job. He noted that he was looking into the possibility of providing more funding for the purchase of replacement trees, but couldn't offer anything more at this point. He also noted that the wires could be placed underground, but at a cost to the developer/contractor.

Jill Jenkins, a resident of Hyattstown, spoke in favor of saving the trees, because Hyattstown is such a small town, and 5 trees do make a difference. She also noted that the Casselmans had been spending so much time and money restoring their own home and improving their own property, and should not have to pay for power lines to someone else's house.

Jeff Fones, a resident of Hyattstown and President of Friends of Hyattstown, read a letter into the record decrying the proposed removal of the trees and staff's written support of this proposal. He noted that the loss of mature trees would be a significant loss in this district, where they provide sound deadening and privacy screening. He noted that this would be a very poor precedent in light of the great possibility of other new construction projects in Hyattstown, where additional overhead power lines could be disruptive to the historic district.

Patrick Casselman, resident at 26038 Frederick Road, noted that the process did not seem that straight forward, and that he doesn't want to pay for the impact of the new construction when there are other options which move the impact onto the shoulders of the developer rather than to the neighbors. He stated that he favors underground delivery of the power rather than additional overhead lines.

Commissioner Kousoulas asked Mr. Usary if the power company would allow Mr. DeReggi to bury the lines, and Mr. Usary said "Yes."

Commissioner Spurlock asked for more details about the undergrounding of the wires, and the applicant noted that the cost is approximately \$30 per foot to shoot a wire underground. The applicant agreed that the area in question is approximately 20 feet in length, that being the length of the space between the two garages. Commissioner Spurlock noted that this would be an additional cost of approximately \$600 to the developer.

Commissioner Velasquez commented that Allegheny Power ought to be more sensitive to the protection of trees, and that it is problematic to ask confronting property owners to pay for the removal of trees that they don't want to have down in the first place.

The commissioners discussed options for approval of the application with conditions, but Commissioner Lesser made a motion to deny this application based on the fact that an approval at this time would be premature in light of the fact that there are other options which would be more consistent with the preservation of the historic district.

## CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24a-8(a) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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 or 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.

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, adopted by the Commission on February 5, 1987. In particular, Standard #2 is applicable in this case:

Standard 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.

Based on this, the Commission finds that:

1. As proposed in the HAWP application, the removal of the mature trees in the boundary area between 26038 and 26034 Frederick Road, and the additional proposed work to extend overhead power lines to supply power to the new homes on the east side of Frederick Road is not consistent with the preservation and enhancement of the historic character of the two primary resources located on the west side of Frederick Road in the Hyattstown Historic District.
2. Approval of the proposed Historic Area Work Permit application would substantially change the appearance of the landscape on the subject properties and would cause the loss of the mature landscape features within the environmental setting of the properties and the district. Specifically, the removal of new trees would have an immediate effect on the sense of enclosure for these properties, and the additional power lines on a higher new pole would provide too much emphasis on the power lines through the district.



3. There are other options which have not been, but should be, explored, including the option to bury the new power lines underground, thus saving the mature trees while accomplishing the extension of power to the new homes.

## CONCLUSION

The Commission was guided in its decision by Chapter 24A of the Montgomery County Code, and by the Secretary of the Interior's Standards for Rehabilitation.

Having heard and carefully considered all of the testimony and exhibits contained in the record, and based on this evidence and on the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, it is the decision of the Montgomery County Historic Preservation Commission that the application of Allegheny Power for a HAWP to remove several mature trees, install a new power line across private property on the west side of Frederick Road with the removal and installation of a new power pole in a new location that is 15' higher than the existing power pole; all at the primary historic resources located at 26038 and 26034 Frederick Road in the Hyattstown Historic District be DENIED.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-7(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from decisions of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



George Kousoulas, Chairperson  
Montgomery County Historic  
Preservation Commission

9/27/00  
Date

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: 9/27/00

TO: Local Advisory Panel/Town Government

Hyattstown

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

SUBJECT: Historic Area Work Permit Application - HPC Decision

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The Historic Preservation Commission reviewed this project on 9/13/00  
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.

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: 9/27/00

TO: Local Advisory Panel/Town Government

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

SUBJECT: Historic Area Work Permit Application - HPC Decision

*Friends of*

*Hyattstown*

*Attn: Jeff Foner*

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The Historic Preservation Commission reviewed this project on 9/13/00.  
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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

**THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION**

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**FAX TRANSMITTAL SHEET**

**Historic Preservation Section  
Department of Park & Planning**

Telephone Number: (301) 563-3400

Fax Number: (301) 563-3412

TO: George Kousoules FAX NUMBER: 202-638-5592

FROM: Robin Ziek

DATE: 9/25/00

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 6

NOTE:

Please review & call me with your  
questions - It needs to go out on  
Thursday 9/28 at the latest!

Thanks - Robin

301.563.3408

9/27/00 - Yes from George

JOB	START TIME	USAGE	PHONE NUMBER/ADDRESS	TYPE	PAGES	MODE	STATUS
655	9/21 3:43PM	1'44"	301 458 4037	SEND	7/ 7	EC144	COMPLETED
656	9/21 4:01PM	0'52"	301 458 4037	RECEIVE	3	EC144	COMPLETED
657	9/21 6:16PM	0'48"	1 301 476 7546	SEND	0/ 4	EC 72	COMMUNICATION ERROR 951
657	9/21 6:20PM	1'51"	1 301 476 7546	SEND	0/ 4	EC 48	COMMUNICATION ERROR 1042
658	9/21 6:22PM	0'43"		RECEIVE	1	96	COMPLETED
657	9/21 6:25PM	2'49"	93014767546	SEND	4/ 4	96	COMPLETED
659	9/21 7:01PM	2'56"	93014767546	SEND	4/ 4	96	COMPLETED
660	9/22 11:28AM	2'17"	301 585 2405	RECEIVE	4	EC 96	COMPLETED
661	9/22 1:45PM	2'27"	301 924 1034	RECEIVE	5	EC144	COMPLETED
662	9/22 2:03PM	3'50"	703 280 8085	SEND	4/ 4	EC120	COMPLETED
663	9/22 2:42PM	0'37"		RECEIVE	0		NO FAX DETECTED 1183
664	9/22 3:53PM	1'09"	301 513 0014	RECEIVE	2	EC 96	COMPLETED
665	9/24 7:03PM	0'35"		RECEIVE	0		NO FAX DETECTED 1183
666	9/25 9:14AM	0'32"		RECEIVE	1	EC144	COMPLETED
667	9/25 10:24AM	0'00"	2534	SEND	0/ 3		REMOTE FAX WAS BUSY 961
668	9/25 10:26AM	1'42"	301 4952483	SEND	3/ 3	EC 96	COMPLETED
667	9/25 10:28AM	0'00"	2534	SEND	0/ 3		REMOTE FAX WAS BUSY 961
667	9/25 10:32AM	0'00"	2534	SEND	0/ 3		REMOTE FAX WAS BUSY 961
669	9/25 10:33AM	1'41"	301 4952483	SEND	3/ 3	EC 96	COMPLETED
667	9/25 10:35AM	0'00"	2534	SEND	0/ 3		NO ANSWER 931
670	9/25 10:50AM	1'41"	301 4952483	SEND	3/ 3	EC 96	COMPLETED
671	9/25 11:58AM	1'39"	301 762 6044	RECEIVE	3	EC 96	COMPLETED
672	9/25 12:59PM	0'49"	7038468462	SEND	3/ 3	EC144	COMPLETED
673	9/25 1:53PM	2'00"	202-638-5592	SEND	6/ 6	144	COMPLETED

TOTAL 32'42" PAGES SENT: 37 PAGES PRINTED: 21

Dated

III-B

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	26038 and 26034 Frederick Road	Meeting Date:	9/13/00
Resource:	Hyattstown Historic District	Report Date:	9/6/00
Review:	HAWP	Public Notice:	8/30/00
Case Number:	10/59-00D	Tax Credit:	N/A
Applicant:	Allegheny Power and Light (Richard Usary, Agent)	Staff:	Robin D. Ziek

**PROPOSAL:** Remove trees in border area between the two garage structures of the two residential properties to facilitate installation of overhead wires for the new construction across the road at 26101 and 26105 Frederick Road.

**RECOMMENDATION:** Approval

Speakers: Jill Jenkins

PROJECT DESCRIPTION

Jeff Foxes  
Rick Usary

**RESOURCE:** Hyattstown Historic District  
**DATE:** 19<sup>th</sup>, 20<sup>th</sup> century development

The Hyattstown Historic District is a linear town which was designated on the County's *Master Plan for Historic Preservation* in 1986. As noted in the preservation plan, *Vision of Hyattstown* (p.9), "the town was originally platted in 1798, and is significant as one of the largest groupings of relatively unaltered 19<sup>th</sup> century buildings in the county. Located along a single, tree shaded street, the district is a good example of the small roadside towns that sprang up along early highways to service the needs of travelers and nearby farm families."

The HPC has approved the construction of two new homes on the east side of Frederick Road at this north end of town, #26101 and 26105 Frederick Road. The new construction of both new homes is underway, and Allegheny Power and Light will provide the electricity for these homes.

PROJECT PROPOSAL

The main power line for Hyattstown runs on the west side of Frederick Road, at the edge of the woods which provide a backdrop for the town. In order to draw a new line to the east side of Frederick Road to accommodate the new construction, the power company proposes the following:

- 1) Replace an existing light pole with a new light pole which is approximately 15' higher and 6" wider than the existing pole. This will be installed approximately 3' south of the existing pole. The larger pole also provides expansion potential for future new construction in this part of town.
- 2) Run the new power lines between the Casselman and Wilkenson properties, in an area which now has a number of trees, including several which are greater than 6" in diameter.
- 3) Remove all of the trees in this area between the two garages, along the joint property, including a 10" Walnut, a 12" Silver Maple, and a 12" Cherry; provide property owners with vouchers towards the purchase of replacement trees, to be planted at the owner's discretion.

### STAFF DISCUSSION

The subject tree removal is being proposed to provide power to the approved new construction on the opposite side of the street. The point is clearly made that new construction in an historic district is a district-wide issue, with ramifications which were unforeseen at the time of the project review.

The power in Hyattstown is presently distributed through a pole and wire system. As an existing condition, the power company maintains and adds to this system as needed. With new development projects, on the other hand, the power company buries the wires and no poles are necessary.

In this case, the power company explains that the main power line is on the west side of the street and needs to be drawn down to the west side of Frederick Road, and then across the road to a power drop for the new houses. From this point on the east side of Frederick Road, the power cables will run underground to the two new houses.

Staff notes that the trees which are proposed for removal are "volunteers" which grew up along a boundary line. The silver maple and the hickory are very close to the foundation of the garage on the Casselman property, and this might cause concern for the structure as the trees continue to grow. On the other hand, the trees serve as a background screen around the two outbuildings, provide shade and also serve to demarcate the rough property line. They are not old trees (15-20 years) and are not "valuable" trees, but they do contribute to the overall established character of the district, with its established gardens, landscaping, and street trees.

The other question which comes up involves the expansion of the power line system. This proposal addresses the power needs of two new homes which has, unexpectedly, directly affected the environmental setting of two historic homes. As such, it raises the question of future expansion of the power supply system in Hyattstown with future new construction. It would be desirable to look at this issue more comprehensively, to see if there are other solutions which would work overall in a more compatible mode for the district.

Staff notes that the power company will provide 5 vouchers (valued at \$75 each) to the Casselmans, and two vouchers to the Wilkensions. Upon calling a nursery, staff learned that the retail cost of a 2" caliper Silver Maple, which is not considered an expensive tree, was \$185. The proposed vouchers would therefore not be sufficient to pay for replacement trees of any size. While change is anticipated in our historic districts, the direct impact on the historic properties and on their owners should be kept to a minimum.

### **STAFF RECOMMENDATION**

Staff recommends 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.

and subject to the general condition that the applicant shall present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for building permits (1 set for HPC files) and 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.





DPS-88

HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Rick Usary - Alley Paer  
Daytime Phone No.: 301-694-4491

Tax Account No.: \_\_\_\_\_  
Name of Property Owner: Casselman, Patrick Daytime Phone No.: 301-253-4687  
Address: 2603B Frederick Rd, Hyattstown MD 21871  
Street Number City State Zip Code  
Contractor: Alley Paer Power Phone No.: 301-694-4491  
Contractor Registration No.: N/A  
Agent for Owner: Trevor Lenham Daytime Phone No.: 301-694-4416

**LOCATION OF BUILDING/PREMISE**

House Number: Same as Street: Above  
Town/City: Hyattstown Nearest Cross Street: Fire Tower Rd  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

**PART ONE: TYPE OF PERMIT ACTION AND USE**

1A. CHECK ALL APPLICABLE:  
 Construct  Extend  Alter/Renovate  AC  Sign  Room Addition  Porch  Deck  Shed  
 Move  Install  Wrap/Flux  Gate  Fences  Woodburning Stove  Single Family  
 Revision  Repair  Reversible  Fence/Wall (complete Section 4)  Other \_\_\_\_\_

1B. Construction cost estimate: \$ \_\_\_\_\_  
1C. If this is a revision of a previously approved 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 conditions:  
 On party line/property line  Entirely on land of owner  In 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.

Richard A. Usary 8-18-00  
Signature of owner or authorized agent Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission  
Disapproved: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
Application/Permit No. \_\_\_\_\_ Certificate No. \_\_\_\_\_

(4)

**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Remove trees in the area of Existing Service  
line - 3 trees over 6" in Diameter - 1-Block Cherry  
1-Silver Maple 1-Black Walnut - 3 other trees under 6" dia.  
Casselman to be given 5 tree Vouchers  
Wilkinson to be given 2 tree Vouchers

**2. SITE PLAN**

Site and environmental setting, drawn to scale. You may use your plot. 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 bound volume 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 back 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**

If you are proposing construction adjacent to or within the drip-line 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 owners 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)773-1355.

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.



APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

<sup>+ Roseanne</sup>  
Patrick, Casselman  
26038 Frederick Rd.  
Hyattstown, MD 20871

Allen R. Wilkinson  
26034 Frederick Rd  
Hyattstown, MD 20871

Power line  
Runs between the  
Above Addresses

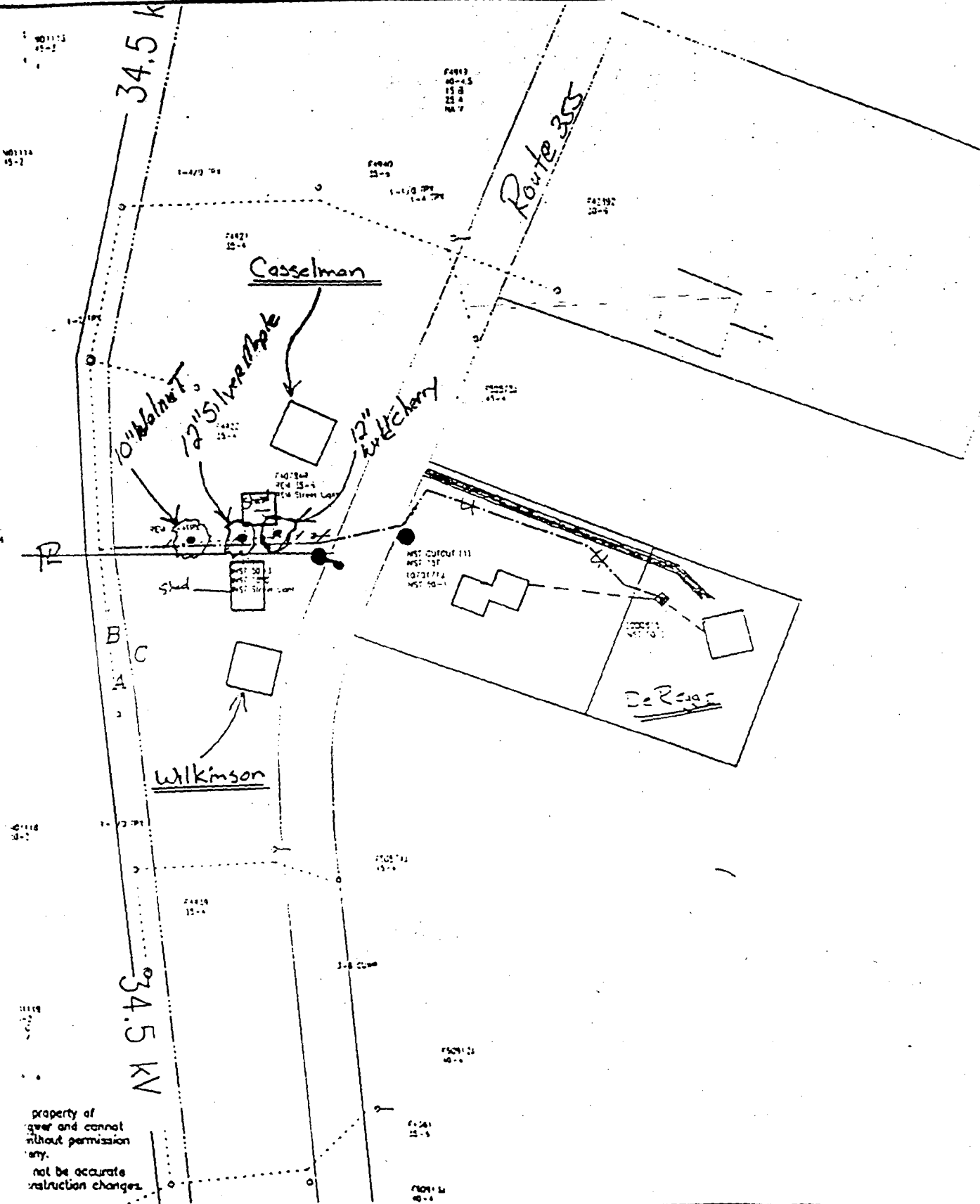
Friends of Hyattstown  
PO Box 191  
Cloksburg, MD 20871

John + Christine De Kess  
PO Box 106  
Boyd's, MD 20841

Rick Usary  
Allegheny Power  
421 East Patrick St.  
Frederick, MD 21701

# Allegheny Power

John De Reagi		WORK ORDER NO.	307581
OH Prim Line Fstr.		COUNTY	Montgomery
26034 Frederick Road		CIRCLE	Urban
RUSARY	Plot Date: 08/10/2000	SERVICE CENTER	Frederick
			SCALE 1:100





8



Silver  
maple

Black  
Cherry



Black  
Cherry

New  
Pole  
Location



New  
Park  
Location





State Highway  
tree to be cut

12

Montgomery College Mailing  
List: #36/06

Montgomery College  
Attn: Chahnaz McRae  
7600 Takoma Avenue  
Takoma Park, MD 20912

Mr. Randy Boehm  
Gateway Coalition  
37 Philadelphia Avenue

Bruce Lee, President  
Greater Silver Spring COC  
8601 Georgia Avenue, Suite 2  
Silver Spring, MD 20901

John Carter, Chief  
Community-Based Planning  
MRO - 3<sup>rd</sup> Floor

Suzanne Ludlow  
City of Takoma Park  
7500 Maple Avenue  
Takoma Park, MD 20912

Ms. Helen Frederick, Exec. Dir.  
Pyramid Atlantic  
6001 66<sup>th</sup> Avenue  
Riverdale, MD 20737

Mr. Paul Chrostowski  
Ms. Lorraine Pearsall  
7708 Takoma Avenue  
Takoma Park, MD 20912

Mr. Tony Giancola  
Takoma Coalition Civil Eng.  
528 Cedar Street, N.W.  
Washington, DC 20012

Mr. Doug Wren, Director  
Silver Spring Revelopment  
8435 Georgia Avenue  
Silver Spring, MD 20910

Glen Kreger, Team Leader  
Silver Spring/Takoma Park  
MRO - 3<sup>rd</sup> Floor

Mr. Mill Mooney  
Assistant Chief Admin. Officer  
101 Monroe Street, Second Flr.  
VIA ROCKVILLE I/O MAIL

Mr. Wesley Paulsen, President  
Maryland College of Art & Design  
10500 Georgia Avenue  
Silver Spring, MD 20902

Mr. James Triebwasser, Exec. Dir.  
Georgia Ave. Revitalization Corp.  
8035 13<sup>th</sup> Street, Suite 2  
Silver Spring, MD 20910

Mr. & Mrs. George Tretters  
600 St. Andrews Lane  
Silver Spring, MD 20902

Larry Ruben  
7500 Maple Avenue  
Takoma Park, MD 20912

Mr. Jim Evans  
703 New York Avenue  
Takoma Park, MD 20912

Mr. James Benfield  
519 New York Avenue  
Takoma Park, MD 20912

10/59-00D  
Allegheny Power  
Attn: Richard Usary  
421 East Patrick Street

P.O. Box 488  
Frederick, MD 21705-0488

Julia & Jeff Gross  
25820 Old Hundred Road  
Dickerson, MD 20842-9631

Edward Schmidt  
25824 Old Hundred Road  
Dickerson, MD 20842-9631

ADD: Patrick & Rosanne Casselman  
26038 Frederick Rd  
Hyattstown, MD 20871

Alan Leary  
25904 Frederick Road  
Clarksburg, MD 20871-9609

ADD: Donna & Alan Wilkinson  
26034 Frederick Rd., Hyattstown

Karen Keibler  
25908 Frederick Road  
Clarksburg, MD 20871-9609

LAP: Wagner, Fones, Burgess...

Rick Wagner, LAP  
211 Slidell Road  
Boys, MD 20841

Jeff Fones, President  
Friends of Historic Hyattstown  
26011 Frederick Road  
Clarksburg, DM 20871

Don Burgess  
Friends of Historic Hyattstown  
P.O. Box 467  
Hyattstown, MD 20871

~~35/36-00D~~  
Joe Lipscomb & Laura Will  
4807 Dorset Avenue  
Chevy Chase, MD 20815

~~Rill & Decker Architects~~  
Attn: Ann Decker  
4901 Fairmont Avenue, #202  
Bethesda, MD 20814

9/11/00

Historic Preservation Commission  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Regarding: 26038 Frederick Road Hyattstown, MD 20871  
Patrick and Rosanne Casselman  
Subject Reference: Allegheny Power Company, Right-of-way Liber 2009 Folio 32

To whom it may concern:

We were recently approached by Rick Usary, Lines Engineering Designer of Allegheny Power, requesting permission to access our property for provision of new service to DiReggi Construction Company, a developer of two lots directly across Rout #355 from our property.

On the initial visit, Rick Usary and John DeReggi greeted me on our property to inquire about the feasibility and utilization of existing service poles to accommodate John DeReggi's service needs.

As a good neighbor gesture, I agreed to cooperate. The brief encounter ended with Rick Usary marking pole situation and an agreement to reconvene with his findings.

On the second visit, my wife (Rosanne) and I met with Rick Usary. He stated that to provide John DeReggi service he would need to replace the existing 35' pole at the end of our driveway, run a larger single line from this new pole to their existing pole on the south boundary of our property, and "trim" our trees directly beneath the new line. The trees to be trimmed would require inspection from his forester, Trevor Lanham. Both of us expressed deep concern over any severe alteration to these trees, which are aesthetic to our property and our neighbors Donna and Alan Wilkinson. These trees currently serve as a graceful buffer to our properties and immediate buildings. A third meeting with Trevor Lanham was then agreed upon.

During the third meeting, Robin Ziek accompanied Rick Usary and Trevor Lanham. Trevor Lanham seemed adamant that the trees must be cut down entirely. Robin Ziek affirmed that any such action would require approval of the Historic Preservation Commission board before any such removal action could be executed. Trevor Lanham mentioned we would receive \$75.00 per tree allowance-if removal occurred. At this time we became more resistive to the theory of cutting down our trees and suggested trenching an underground service line to John DeReggi from their existing pole and under Route #355. This would save the trees, in our opinion, but yet not impede John DeReggi's service. Rick Usary stated this would be a feasible option if we could bear the costs of trenching. He then proceeded to present to our dismay and total lack of knowledge of its existence--a property right-of-way agreement issued between the fourth preceding property owner (Mrs. C.A. Darby) and Pepco dated 1955 (Liber 2009 Folio 33 in County Court Records) which enabled Allegheny Power to ultimately exercise their will over ours in extending their service as they may deem appropriate. The meeting ended with our worst fears of losing our trees and pondering logical alternatives without costly legal intervention.

The fourth discussion with Rick Usary via telephone added further confusion in our minds. We then inquired as to why the trenching alternative could not be pursued with cost abatement to us. He then stated that we must have misunderstood who would bear these costs. He informed us that John DeReggi would have to bear these costs and he rather doubted he would be willing to pay them at all. He then asked if we could be willing to propose this resolution to John DeReggi. We emphatically declined this offer and suggested the matter should be handled by his company, solely with John DeReggi.

I then challenged the legality of the alleged right-of-way and its impact to our property as the Hyattstown Community continues to develop. He then informed us that the pole at the head of our driveway would be 50' high and potentially facilitate 3 high power lines if electrical demands warranted service to the community as it grows. Our conversation concluded with my assurance to investigate the legality of the alleged right-of-way in order to protect our property from further Allegheny Power expansion and address the current actions proposed.

I contacted Neal Locke at Allegheny Power Company's Home Office Legal Division to pursue my concerns. He stated the right-of-ways may be granted as being "perpetual" and then are passed inherently to future property owners. Often times unknown to title search at deed transfer. He also said if our deed transfer through past owners contained this "perpetual" right-of-way language we are unable to rule on any ultimate action without legal intervention to challenge its legality. However, the right-of-way may not be granted as "perpetual" and then consequently we have perceived authority to challenge their actions and force their compliance to our choice of action. Neal Locke assured us he would call Rick Usary and discuss the legality of the right-of-way. In turn Rick Usary would then return a call to us to firm up Allegheny Power Company's assumed legality in their decision of action.

To date we have had no communications from Allegheny Power Company and we stand very firm in our belief that it is Allegheny Power Company's responsibility to inform us and the Historic Preservation Commission of its legal position to this alleged right-of-way. We have consulted with our neighbors Alan and Donna Wilkinson who are mutually supportive of our efforts to preserve our trees.

We unanimously agree it is not our intent to impede John DeReggi's progress or cause him additional financial expense. We trust the Historic Preservation Commission will be fair but firm in their assessment of our concerns while recognizing this an opportunity to address future utility expansion in their Historic Community Jurisdictions.

We recommend and encourage underground utility improvements verses antiquated and hazardous pole service at the utility company expense. We are willing to create a new right-of-way agreement with Allegheny Power granting a five (5) foot perpetual underground easement to accommodate this current and any future service needs in the community. Your earliest attention and response to our concern is greatly appreciated.

Sincerely,

Patrick J and Rosanne Casselman  
301-874-5214  
P.O. Box 473 Clarksburg, MD 20871

Neal Locke 1-800-255-3443

Allegheny Power H.O. Legal Division

Trevor Lonkam - Forester Allegheny Power Co.

301-694-4416

Pager 301-815-1386

Cellular 301-491-2829

Pick Usary - Lines Engineering Designer

301-694-4491

Please Note:

1) Current Montgomery County Code Requires new Electrical service to be placed underground 30 inch depth

It is a question as to whether this applies to Utility Companies for service expansion

2) We have buried all service cable (Electrical + Telephone) to our property in compliance to Code and a desire to protect the appearance of our Property without gaping utility lines

***Friends of Historic Hyattstown***

*26011 Frederick Road*

*Hyattstown, Maryland 20871-9612*

Montgomery County Preservation Commission  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Re:Hyattstown Historic District: Power Easement and New Service for DeReggi Property

The Friends of Historic Hyattstown wish to express our concerns in the above matter in two areas:

1. The rather arbitrary acquiescence on the part of the HPC staff to grant Allegheny Power the approval for removal of three mature trees from the Casselman/Wilkinson properties without significant understanding of either the loss of mature trees for both sound deadening and privacy screening or adequate compensation to properly replace this foliage is, in our opinion, poor judgment, and
2. The failure to require Allegheny Power to bury all lines from the power pole north of 355 between the above Casselman/Wilkinson to the DeReggi property line, where upon the DeReggi project should cover the cost of burying the power line on their property, sends a weak message to Allegheny Power in this and any future power line expansion in Historic Hyattstown.

Hyattstown has several projects in planning at this time, including the use of the Davis House as a museum for Historic Hyattstown, which will require new power lines to be installed in Hyattstown. The installation of additional overhead power lines by Allegheny Power, while Montgomery County is requiring Pepco to bury all new lines underground, will adversely affect our historic district.

We cannot begin this exciting period of development in the Hyattstown Historic District by failing to understand that from now on, every decision by this commission can create exceptions to any plan to maintain the 19<sup>th</sup> Century character of the Hyattstown Historic District

We request the HPC to reverse the staff approval of the tree removal and any new power line installation until this matter can be resolved with adequate compensation to the property owners for any loss of mature tree growth and the requirement that any additional power lines in the Hyattstown Historic District be underground.

Thank you for your consideration in this matter,

Jeff Fones  
President

9/11/2000

Historic Preservation Commission  
Montgomery County Department of Park & Planning  
8787 Georgia Ave.  
Silver Spring, Md. 20910-3760.

Regarding: 26038 Frederick Road  
Hyattstown, Md 20871

Patrick I. + Rosanne Casselman

Subject Reference: Allegheny Power Co.  
Right of Way Liber 2009  
Folio 32

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## Findings.

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to bear these costs and he rather doubted he would be willing to pay them at all. He then asked if we would be willing to propose this Resolution to John D. Reggi. We emphatically declined this offer and suggested the matter should be handled by his Company, solely with John DiReggi.

→ Then challenged the legality of the alleged Right of Way and its impact to our property as the Hyattstown Community continues to develop.

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Our conversation concluded with my assurance to investigate the legality of the alleged Right of Way in order to protect our property from further Allegheny Power expansion and address the current actions proposed.

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We Trust The Historic Preservation Commission

will be fair but given in their assessment of our concerns while recognizing this as an opportunity to address future utility expansion in their historic community guidelines.

We recognize and encourage underground utility improvements versus dug-in and hazardous pole service at the utility company expense.

We are willing to create a new Right of Way agreement with Allegheny Power granting a five (5) foot perpetual underground easement to accommodate this current and any future service needs in the community.

Your earliest attention and response to our concern is greatly appreciated.

Sincerely,

Patrick J. Roseman  
Roseman Associates

301-874-5214

P.O. Box 473 Clarksburg, MD 20871

Neal Locke 1-800-255-3443

Allegheny Power H.O. Legal Division

Trevor Lanham - Forester Allegheny Power Co.

301-694-4416

Pager 301-815-1386

Cellular 301-491-2829

Pick Usary - Lines Engineering Designer

301-694-4491

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= 10 October Glory Maple  
4 1/2" #575

Call nursery for 2" Maple.. price  $\frac{\$185}{92.50}$  (50% off)  
Silver  
1/2" Silver Maple - 12' tall

~~= Donna - Alan Wilken - (301) 831-8312~~

Call Fms.

Call Mike

Ask Green

---

Talking to Rick Usary:

Pole height because:

pole dimension:

cost for burying cable:

Crossing the

