

37/3-00CC 7101 Cedar Avenue  
(Takoma Park Historic District)

12

Photographs for permit  
for tree removal  
at 7101 Cedar Ave,  
Takoma Park, MD

Attachment 3



- #6 - roots about foundation + driveway -





#5- Close proximity, overhanging branches,  
leaves towards 7103 Cedar Ave.



1. reflecting close location of tree to foundation of house at 7107 Cedar Ave, TP



#3 - reflecting close proximity of  
tree to house at 7103 Cedar Ave. &  
and overhanging branches.



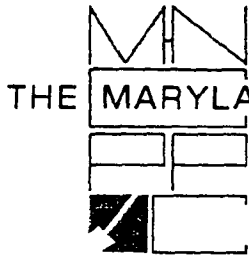
#4- reflecting proximity to house at 7101;  
and leading toward house at 7103 Cedar.







#7 - cellar - note darkened stone in upper left corner -



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

Date: 3-29-01

MEMORANDUM

TO: Robert Hubbard, Director  
Department of Permitting Services

FROM: Gwen Wright, Coordinator  
Historic Preservation

SUBJECT: Historic Area Work Permit

HPC # 37/3-00C / DPS # 221272

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

           Approved

X Approved with Conditions: ① THE APPLICANT SHALL PLANT A MINIMUM OF ① REPLACEMENT TREE ON PROPERTY. ② THE REPLACEMENT TREE SHALL BE SELECTED FROM MONT. CO. NATIVE SPECIES LIST. ③ REPLACEMENT TREE WILL BE DECIDUOUS AND HAVE A CALIPER OF 2 1/2" OR GREATER.  
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: CHRISTINE OWENS & SANFORD NEWMAN

Address: 7101 CEDAR AVE, TAKOMA PARK H.D.

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 or online @ [permits.emontgomery.org](http://permits.emontgomery.org) prior to commencement of work and not more than two weeks following completion of work.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850  
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Person: Christine Owens or Sanford Newman  
Daytime Phone No.: 301-637-5778 ext 2-776-0027, x101 301-637-5778 x101

Tax Account No.: 01069384  
Name of Property Owner: Sanford A. Newman + Christine L. Owens Daytime Phone No.: (SN) 301-776-0027, x101; (CO) 301-637-5778  
Address: 7101 Cedar Ave. Takoma Park MD 20912  
Street Number City State Zip Code  
Contractor: NA - tree removal - Branches Tree Experts Phone No.: 301-589-6181  
Contractor Registration No.: NA  
Agent for Owner: NA Daytime Phone No.: \_\_\_\_\_

LOCATION OF BUILDING/PREMISE

House Number: 7101 Street: Cedar Ave.  
Town/City: Takoma Park Nearest Cross Street: Cedar and Eastern Ave. /  
Lot: 19 Block: 4 Subdivision: B.F. Gilbert's Addition to Takoma Park  
Liber: \* Folio: \* Parcel: \*

\*not indicated on deed; deed says: Plat Book A, at Plat No. 3, Among the Land Records of Montgomery, Md.

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct
- Extend
- Alter/Renovate
- Move
- Install
- Revision
- Repair
- Revocable

CHECK ALL APPLICABLE: NA

- Wreck/Raze (remove added)
- A/C
- Slab
- Room Addition
- Porch
- Deck
- Shed
- Solar
- Fireplace
- Woodburning Stove
- Single Family
- Fence/Wall (complete Section 4)
- Other: \_\_\_\_\_

1B. Construction cost estimate: Removal \$ 800.00

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.

Sanford A. Newman and Christine L. Owens 6/6/00  
Signature of owner or authorized agent Date

Approved: W/CONDITIONS \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: 3-29-01  
Disapproved: \_\_\_\_\_  
Application/Permit No.: 221372 Date Filed: 6/13/00 Date Issued: \_\_\_\_\_

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

**WRITTEN DESCRIPTION OF PROJECT**

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

Home at 701 Cedar Ave, Takoma Park, is 1886 Shick style Victorian, which was the home of Ida Sweeney. The house is located within the Takoma Park Historic District. This application is for a <sup>work</sup> permit to remove an elm tree that is located too close to the house, with roots abutting the house's foundation and driveway. See below.

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district. (See Attachment 1)

We propose to remove an American elm tree, 18" diameter that is to the immediate left of the front of our house. As reflected by the enclosed photographs, the tree is very close to the house, with its roots abutting the foundation & driveway. At its base, the tree is approx. one foot from the side of the house; as it rises, it is never more than two feet from the house. Large branches overhang our driveway & roof and our neighbors (703 Cedar) adjoining driveway & the roof of their house. The tree leans toward our neighbor's house. According to the TP arborist, there is a restricted root zone and this is "the wrong tree in the wrong place." Application for a tree removal permit is pending before the Takoma Park Tree Commission. \* see below

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.

See Attachment 2  
(location of tree noted by red dot o)

1. **PLANS AND ELEVATIONS** NA

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** NA

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** See Attachment 3

- 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** MH

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.

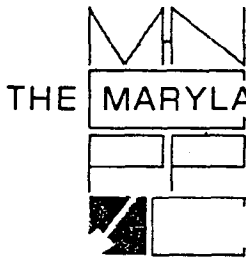
7. **ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

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). Sally Madden, 7100 Cedar Ave., Takoma Park, MD 20912; Elliott Schwartz & Karen Fishman, 703 Cedar Ave., TP, MD 20912.

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.

\* We believe the tree is eventually hazardous to our house & our neighbors. It has already caused damage to our neighbor's roof & may have damaged the foundation of our house.



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

Date: 3-29-01

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator  
Historic Preservation Section

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

DPS# 37/3-00CC / DPS# 221272

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 Permitting Services (DPS) at 255 Rockville Pike, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. 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 DPS at 240-777-6370.

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 301-563-3400.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 240-777-6210 or online @ [permits.emontgomery.org](mailto:permits.emontgomery.org) of your anticipated work schedule.

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

**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b> 7101 Cedar Avenue, Takoma Park	<b>Meeting Date:</b> 03/28/01
<b>Resource:</b> Outstanding Resource Takoma Park Historic District	<b>Report Date:</b> 03/21/01
<b>Review:</b> HAWP	<b>Public Notice:</b> 03/14/01
<b>Case Number:</b> 31/07-00CC	<b>Tax Credit:</b> None
<b>Applicant:</b> Christine Owens and Sanford Newman	<b>Staff:</b> Michele Naru
<b>PROPOSAL:</b> Tree Removal	<b>RECOMMEND:</b> Approval w/conditions

Staff recommends the Commission approve this HAWP with the following conditions:

1. The applicant will comply with the settlement agreement made with the City of Takoma Park with regard to tree replacement. These conditions are:
  - By October 16, 2002 the applicant shall plant two replacement trees on their property or pay \$257.00 per tree to the City's tree planting fund.
  - The trees to be planted shall be nursery stock trees with a minimum size of 2-1/2" in caliper for deciduous trees, or 10' in height for evergreen trees, and guaranteed for one year.

In addition to the City of Takoma Park's Settlement Agreement, Staff is recommending that the Commission approve this HAWP with these additional conditions:

1. The applicant shall plant a minimum of one replacement tree on the property.
2. The replacement tree shall be selected from the Montgomery County Native Species List.
3. The replacement tree will be deciduous and have a caliper of 2-1/2" or greater.

**BACKGROUND**

The current tree that occupies the front yard of the applicant's property is an American Elm. The applicants applied for a HAWP to remove this tree in June of 2000. Due to public objection, the Tree Commission held a hearing on the above request and the applicant's were denied their request to remove the tree. The applicants decided to appeal this decision and contacted staff to have their application placed on "hold" until this matter was resolved. The applicants have since agreed to an out-of-court settlement with the City of Takoma Park (Circle ) in which they were given consent to remove the tree. The case before you this evening is the applicant's re-activated HAWP application for your review (Circle outlines this timeline more completely.)

**PROJECT DESCRIPTION**

SIGNIFICANCE: Outstanding Resource in Takoma Park Historic District  
STYLE: Folk Victorian  
DATE: 1880

**PROPOSAL:**

The applicant proposes to remove the American Elm tree which is encroaching on the foundation of their house.

**STAFF DISCUSSION**

The first and foremost concern of the HPC is the protection and preservation of our historic structures. Staff feels that this tree is negatively impacting the foundation of this house and thus damaging a historic structure.

Staff does note however that this tree did play an important role in contributing to the environmental setting of the Historic District. Staff recommends approval for the removal of the tree in accordance with the settlement agreement with the City of Takoma Park. In addition, staff recommends that the applicant plant a minimum of one replacement tree on the property, that the tree be replaced with a tree from the County’s native species list and that the replacement tree shall be deciduous and have a caliper of 2-1/2 “ or greater.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve with conditions** the HAWP application as being consistent with 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 the Secretary of the Interior Guideline #2:

The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces and spatial relationships that characterize a property will be avoided.

and with the following conditions:

- 1. The applicant shall plant a minimum of one replacement tree on the property.
- 2. The replacement tree shall be selected from the Montgomery County Native Species List.
- 3. The replacement tree will be deciduous and have a caliper of 2-1/2” or greater.

and with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits.** After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at (240) 777-6370 prior to commencement of work and not more than two weeks following





RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850  
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Christine Owens or Sanford Newman

Daytime Phone No.: 301-637-5778 301-771-0027 301-637-5778

Tax Account No.: 01069384

Name of Property Owner: Sanford A. Newman + Christine L. Owens Daytime Phone No. (SN) 301-776-0027, x101, (CO) 301-637-5778

Address: 7101 Cedar Ave. Takoma Park MD 20912  
Street Number City State Zip Code

Contractor: NA - tree removal - Branches Tree Experts Phone No.: 301-589-6181

Contractor Registration No.: NA

Agent for Owner: NA Daytime Phone No.:

### LOCATION OF BUILDING/PREMISE

House Number: 7101 Street: Cedar Ave.

Town/City: Takoma Park Nearest Cross Street: Cedar and Eastern Ave. /

Lot: 19 Block: 4 Subdivision: B.F. Gilbert's Addition to Takoma Park

Liber: F Folio: \* Parcel: \*

\*not indicated on deed; deed says: Plat Book A, at Plat No. 3, Among the Land Records of Montgomery Co, Md

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

1A. CHECK ALL APPLICABLE: CHECK ALL APPLICABLE: NA

- Construct  Extend  Alter/Renovate  A/C  Slab  Room Addition  Porch  Deck  Shed
- Move  Install  Wreck/Raze <sup>remove (a full)</sup>  Solar  Fireplace  Woodburning Stove  Single Family
- Revision  Repair  Revocable  Fence/Wall (complete Section 4)  Other: \_\_\_\_\_

1B. Construction cost estimate: \$ 800.00

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.

Sanford A. Newman and Christine L. Owens 6/6/00  
Signature of owner or authorized agent Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application/Permit No.: 221372 Date Filed: 6/13/00 Date Issued: \_\_\_\_\_

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

**WRITTEN DESCRIPTION OF PROJECT**

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

Home at 701 Cedar Ave, Tallman Park, is 1886 Shick style Victorian, which was the home of Ida Summy. The house is located within the Tallman Park Historic District. This application is for a <sup>write</sup> permit to remove an Elm tree that is located too close to the house, with roots abutting the house's foundation and driveway. See below.

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district. (See Attachment 1)

We propose to remove an American elm tree, 18" in diameter that is to the immediate left of the front of our house. As reflected by the enclosed photographs, the tree is very close to the house, with its roots abutting the foundation driveway. At its base, the tree is approx. one foot from the side of the house; as it rises, it is never more than two feet from the house. Large branches overhang our driveway & roof and our neighbors (703 Cedar) adjoining driveway & the roof of their house. The tree leans toward our neighbor's house. According to the TP arborist, there is a restricted root zone and this is "the wrong tree in the wrong place." Application for a tree removal permit is pending before the Tallman Park Tree Commission. \* See below

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.

See Attachment 2  
(location of tree noted by red dot o)

1. **PLANS AND ELEVATIONS** NA

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** NA

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** See Attachment 3

- 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** NH

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). Sally Madden, 7100 Cedar Ave., Tallman Park, MD 20912; Elliott Schwartz & Karen Fishman, 703 Cedar Ave., TP, MD 20912.

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PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

\* We believe the tree is eventually hazardous to our house & our neighbors. It has caused our neighbors' roof & may have damaged the foundation.

4

**HAWP APPLICATION: MAILING ADDRESSES FOR NOTICING**

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

Owner's mailing address

Christine Owens + Sanford  
7101 Cedar Ave  
Takoma Park, MD  
20912

Owner's Agent's mailing address

Newsman

**Adjacent and confronting Property Owners mailing addresses**

Property Owner

7100 Cedar Ave  
Takoma Park, MD  
20912

Property Owner

7103 Cedar Ave  
Takoma Park, MD  
20912

Property Owner

7100 Maple Ave  
Takoma Park, MD  
20912

Property Owner

7102 Maple Ave  
Takoma Park, MD  
20912

g:\addresses\noticing table

Christine L. Owens and Sanford A. Newman  
7101 Cedar Avenue  
Takoma Park, Maryland 20912  
(H) 301-589-8541 (O) 202-637-5178

March 5, 2001

Ms. Michele Naru  
c/o Montgomery County Historic Preservation Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: HPC Case No. 37/3-00CC (Tree removal)

Dear Ms. Naru,

This is to follow up on my conversation with you on Friday, March 2, 2001, when I called about re-activating the file in the above-captioned matter. You asked that I send a letter explaining what had happened earlier in this matter.

In March 2000, we applied for a City of Takoma Park tree removal permit. The City arborist conditionally approved our request, but because a public objection was filed, the Tree Commission held a hearing on the request in May 2000. Shortly after that hearing, in June 2000, I applied for a historic area work permit, which the City of Takoma Park requires to issue a final permit.

Later in June, the Tree Commission denied our request for a tree removal permit. Around the same time, we received a letter (June 26, 2000) from the Maryland-National Capital Park and Planning Commission notifying us of a July 12, 2000 hearing on our request for a historic area work permit. I called the Commission on June 27, 2000 and was referred to you, as the planner assigned to our case. I advised you that the Tree Commission had denied our request and that we would appeal the denial, but that I had no idea when the appeal would be resolved. You and I agreed to put our application for a historic area work permit in a "hold" file until our appeal was resolved.

We have recently reached an agreement with the City of Takoma Park, pursuant to which the City will issue the tree removal permit. Accordingly, we would like to re-activate the historic area work permit application, and request that it be issued as promptly as possible. Under the City of Takoma Park's procedures, we cannot get a final tree permit until we have the historic area work permit. If you need a copy of the settlement agreement or a letter from the City indicating that a permit is forthcoming, I will arrange to get that from you.

Thank you very much.

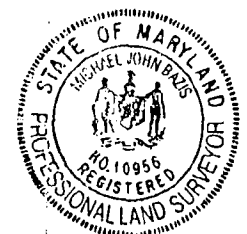
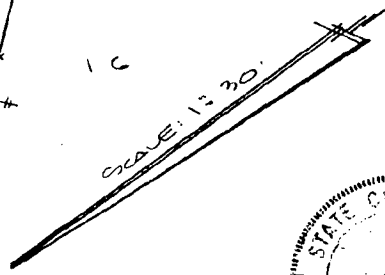
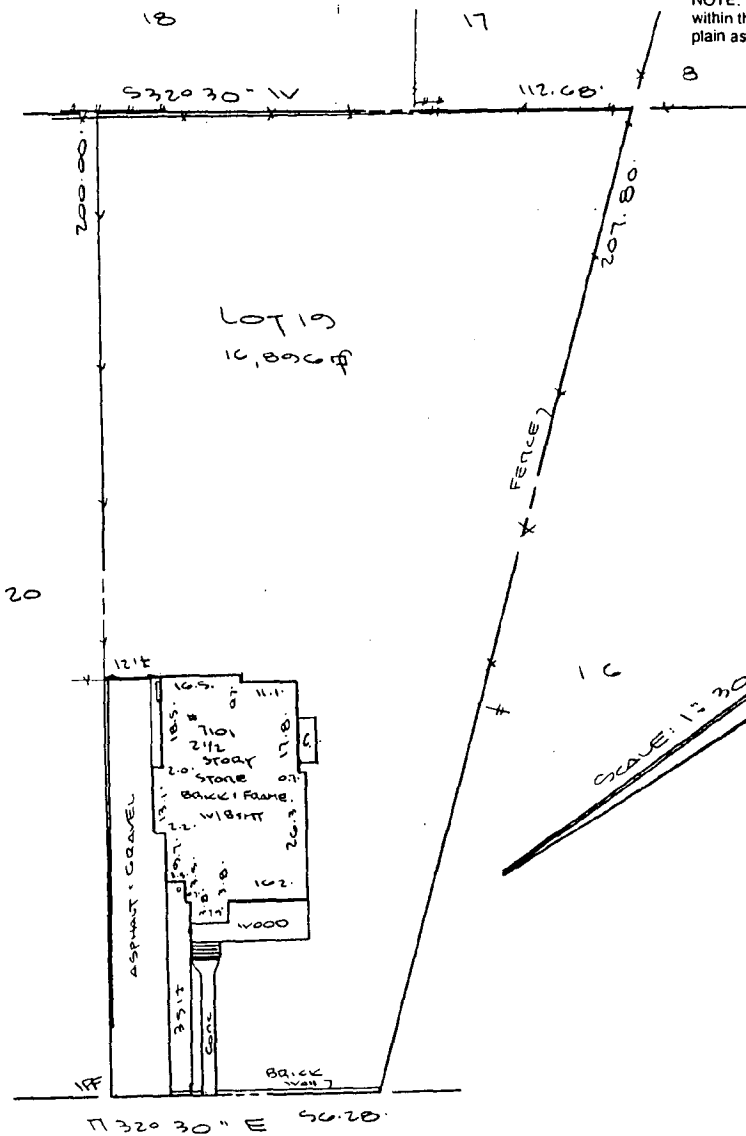
Sincerely,



Christine L. Owens

6

NOTE: The lot shown hereon does not lie within the limits of the 100 year flood plain as shown on FIRM Panel No. 200 Date of Map: 8591 Flood Zone: C.



CEDAR AVENUE  
FORMERLY  
OAK AVENUE  
40' R/W

IMPROVEMENT LOCATION SURVEY

LOT 19 BLOCK 4  
TAKOMA PARK

MONTGOMERY COUNTY, MD

**SURVEYOR'S CERTIFICATE**

I hereby certify that the position of all existing improvements on the above described property has been carefully established by a transit-tape survey; and that, unless otherwise shown, there are no encroachments. Unless otherwise shown, corners have not been set with this survey. This survey is not to be used to determine property lines.

*Michael J. Bazis*  
Michael J. Bazis RPLS #10956

THIS SURVEY IS FOR TITLE PURPOSES ONLY

JOB # 03.0329.H	DATE 2.24.93
FIELD J.S.	DRAFT KAHN
	P.B. A P# 3
	SCALE: 1" = 30.

**R. C. KELLY**  
**LAND SURVEYORS**  
10111 COLEVILLE ROAD, SUITE 123  
SILVER SPRING, MD 20901  
301-593-8005  
**& ASSOC., INC.**

7

# MEMO

**To:** Historic Preservation Commission  
**From:** Christine L. Owens and Sanford A. Newman  
**Subject:** Request to expedite consideration of enclosed application for Historic Area Work Permit for tree removal  
**Date:** June 9, 2000

Enclosed is an application for a historic area work permit to remove a tree at 7101 Cedar Avenue, Takoma Park, MD. Because of confusion about work permit requirements, we did not submit this application at the time we originally requested a tree removal permit from the City of Takoma Park. We anticipate a decision from the City on our request within the next few days and are eager to remove the tree as soon as possible, in order to commence landscaping and necessary driveway repair and maintenance. Hence, we would appreciate expedited review of our request for issuance of a historic area work permit.

Thank you for your consideration of this request. You can reach Christine Owens at 202-637-5178 or Sanford Newman at 202-776-0027, ext. 101 (evening phone for both: 301-589-8541).

**ATTACHMENT 1:  
APPLICATION FOR HISTORIC AREA WORK PERMIT**

**question b, continued:**

As noted on the application and reflected by the photographs submitted with this application, we are seeking to remove an American elm, 18 inches in diameter at breast height, from the side of our house. The tree is a volunteer. It is neither old nor rare. Indeed, because of its location, the tree is a nuisance that likely threatens our house and our neighbor's.

The tree grows very close to the side of our house: at its base, it is no more than one foot away from the foundation and side of the house, and as it grows up alongside the house, it is never more than two feet away. (See photographs 1-4; newspaper laid between base of tree and foundation of house is 12 inches in length). The tree leans toward the house of our neighbor at 7103 Cedar Avenue; at its base, it leans toward their house at roughly a 75 degree angle and as it rises, it leans closer in toward their house (eventually at a roughly 45 degree angle). (Photographs 4 & 5) The tree has several large branches that overhang our roof and our neighbor's roof and has caused past damage to our neighbor's roof. (Photographs 3 & 5) The tree's roots abut the foundation of our house and our driveway. (Photograph 1,2 & 6) Stone on the interior side of the foundation immediately adjacent to the tree's base (in our cellar) is darker than surrounding stone, often moist, and sanding, suggesting the mortar is wearing away. While we are not certain this is because of the tree's proximity to the foundation, it is reasonable to assume it is. (See photographs no. 7 & 8).

We are concerned that because of its location, the tree poses a threat to the foundation of our house, to the roofs of both our house and our neighbor's house, and to the side of our neighbor's house, were the tree or its branches to be damaged during a storm. In addition, because of its location, there is very limited space for the trees roots. The Takoma Park arborist, who concurred in our proposal to remove the tree and issued a conditional permit, has advised the Takoma Park Tree Commission that "it is the wrong tree in the wrong place." Our application for a tree removal permit is currently pending before the Takoma Park Tree Commission.

Removal of the tree will not damage the structure of our house or any other house in the historic district. In fact, removing the tree is likely to protect our house and our neighbor's house. In addition, removal of the tree will not have any detrimental effect on the environmental setting or on the historic district. We have numerous other trees in our yard and plan to plant one or more replacement trees, in more appropriate locations.

Our neighbors at 7103 Cedar Avenue concur with our desire to remove the tree and filed a supporting letter to that effect with the Takoma Park Tree Commission.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PETITION OF:

Christine Owens and Sanford Newman  
7101 Cedar Avenue  
Takoma Park, Maryland 20912

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
CITY OF TAKOMA PARK TREE COMMISSION  
7500 Maple Avenue  
Takoma Park, Maryland 20912

Civil No. 212862

IN THE CASE OF:

A Permit Application to Remove  
Trees at 7101 Cedar Avenue  
Takoma Park, Maryland 20912

Christine Owens and Sanford Newman  
Applicants and Property Owners  
Tree Commission Case No. TC 00-1

STIPULATION OF DISMISSAL

Dear Madam Clerk:

Please dismiss the Petition for Judicial Review in the above captioned matter with  
prejudice.

CITY OF TAKOMA PARK

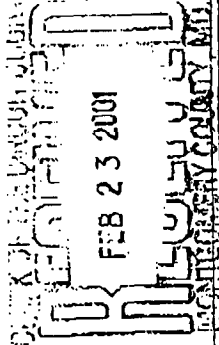
*Susan Silber*

Linda Perlman  
Susan Silber  
Corporation Counsel  
7000 Carroll Avenue, Suite 200  
Takoma Park, MD 20912-4437  
(301) 891-2200  
Attorney for Agency

*Laura Einstein*

Laura F. Einstein  
Kohn & Einstein  
13201 19<sup>th</sup> Street, NW, Suite 200  
Washington, DC 20036  
(202) 667-2330  
Attorney for Petitioners

FAWPDOCSITAKOMATREES'TREE-COM.APPOWENSSTIPDIS.WPD





**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between the City of Takoma Park ("City"), 7500 Maple Avenue, Takoma Park, MD 20912, and Christine Owens and Sanford Newman ("Property Owners", 7101 Cedar Avenue, Takoma Park, MD 20912, to settle and resolve any and all disputes concerning Property Owners' Tree Permit Application dated March 9, 2000, for the removal of an American elm tree from the side-left of the property at 7101 Cedar Avenue, Takoma Park, Maryland. Accordingly, in exchange for the consideration and mutual promises set forth herein, the parties agree as follows:

1. City shall grant Property Owners a permit to remove the American elm tree from the side-left of the property at 7101 Cedar Avenue, Takoma Park, Maryland, upon the terms and conditions set forth in this Agreement.
2. Property Owners shall dismiss, with prejudice, their Petition for Judicial Review of the City of Takoma Park Tree Commission decision (TC 00-1) which is currently pending as Civil No. 212862 in the Circuit Court for Montgomery County, Maryland.
3. Within <sup>eight (eigh) months</sup> three months of the date of this Agreement, Property Owners shall plant two replacement trees on their property at 7101 Cedar Avenue, Takoma Park, Maryland or pay \$514.00 (\$257.00 per tree) to the City's tree planting fund for the planting of equivalent trees elsewhere within the City. If only one replacement tree is planted on the property, then Property Owners shall contribute \$257.00 to the City's tree planting fund.
4. The trees to be planted shall be nursery stock trees with a minimum size of 2 1/2 inches in caliper for deciduous trees, or 10 feet in height for evergreen trees, and guaranteed for one year.
5. This Agreement contains the entire agreement of the parties, and there are no other promises, conditions or understandings between the parties concerning the City's grant of a Tree Permit for the removal of the American elm tree from the property at 7101 Cedar Avenue, Takoma Park, Maryland, and the Property Owners' agreement to plant replacement trees or contribute to the City's tree planting fund (as set forth in paragraph 3 above). This Agreement is binding upon the parties, and their successors and/or assigns.

Dated: 2/16/01

Christine Owens  
Christine Owens, Property Owner

Dated: 2/16/01

Sanford Newman  
Sanford Newman, Property Owner  
City of Takoma Park

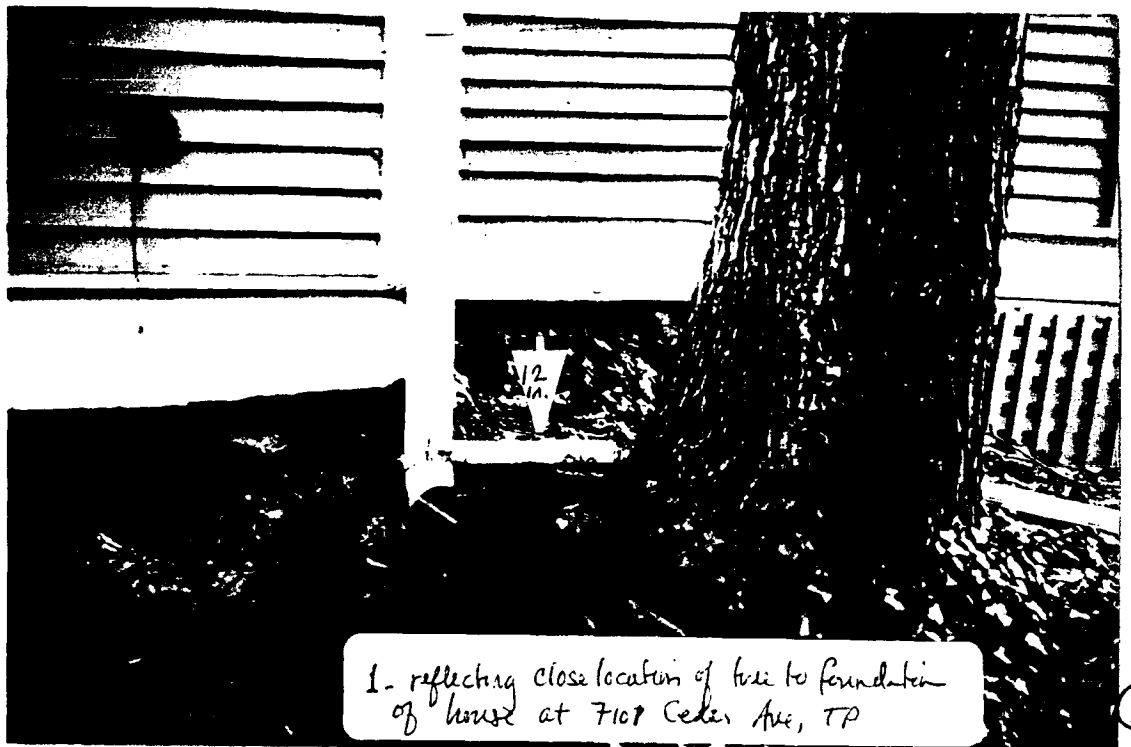
Dated: 2/21/01

By: Richard M. Finn  
Richard M. Finn, City Administrator

F:\HW\DOCSTAKOMATREESTREE.COM\APPOWENS\AGREMT.WPD



#2 - reflecting close proximity of tree to foundation and side of house at 7101 Cedar



1. reflecting close location of tree to foundation of house at 7101 Cedar Ave, TP



- #3 - reflecting close proximity of tree to house at 7103 Cedar Ave. + and overhanging branches.



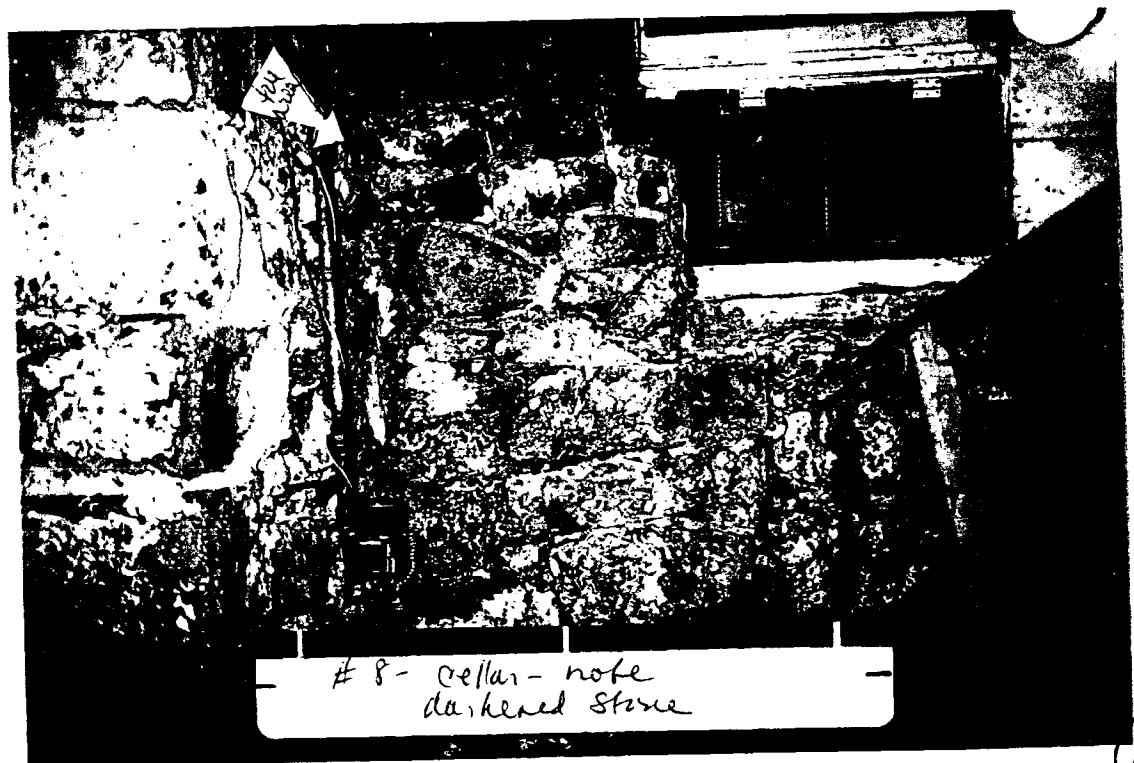
#4 - reflecting proximity to house at 7101; and leaning toward house at 7103 Cedar.



#5 - Close proximity, overhanging branches, -  
leaves towards 7103 Cedar Ave.



- #6 - rocks about foundation + driveway -





7103 Cedar Avenue  
Takoma Park, MD 20912  
(ph) 301-588-9691

March 29, 2001

Montgomery County Historic  
Preservation Commission  
8787 Georgia Avenue  
Silver Spring, MD 20901-3760

Dear Commissioners:


As a former President and Board member of Historic Takoma and an activist in many County Historic Preservation efforts, I write in support of the application for a historic area work permit that my neighbors, Christine Owens and Sanford Newman, have filed to remove an elm tree from their property at 7101 Cedar Avenue, Takoma Park. The tree grows immediately adjacent to their house. It is dangerously close to their house and also leans perilously toward mine. Its branches overhang the roofs of both of our houses and have caused damage to both. In addition, the roots of the tree are now flush with the foundation of the house. A friend of mine, a Takoma Park landscaper, looked at the tree on a recent visit and told me there is no question these roots will eventually damage the house's stone foundation, if they have not done so already.

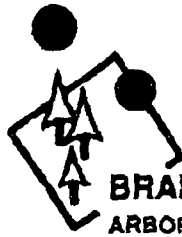
My neighbors' house is one of Takoma Park's historic treasures. Built in 1883 by Takoma developer B.F. Gilbert for his friend, Ida Summy, it is one of the original Takoma houses. In addition to its original stone foundation, the house also has a very old slate roof. The house is in the Master Plan for Historic Preservation in the Takoma Park Historic District and has twice been on the Historic Takoma House and Garden Tour. There is no question that the tree threatens the integrity of this historic home, and that it should be removed.

Removing the tree will have no negative effect on the historic value of the house or property at 7101 Cedar Avenue. The yard is very large, with many trees, including several old and majestic catalpas. My neighbors are planning to plant additional trees elsewhere in their yard, in a location that will not threaten their house or ours.

For these reasons, I encourage you to approve the Owens/Newman application for a Historic Area Work Permit, to remove the tree.

Sincerely,

  
Karen Fishman



**BRANCHES ETC., INC.**  
ARBORICULTURE • FORESTRY CONSULTING

Member of: Maryland Arborist Association • National Arborist Association  
Landscape Contractors Association • International Society of Arboriculture • Community Association Institute  
Mid-Atlantic Association of Golf Course Superintendents • American Society of Landscape Architects

March 27, 2001

Mrs. Chris Owens  
7101 Cedar Avenue  
Takoma Park, Maryland 20912

Dear Mrs. Owens:

I am writing concerning the American elm tree on the left side of your house. This tree poses a hazard to the foundation, and the structure of your house. The proximity of the tree to the house prohibits corrective pruning. I strongly recommend the removal of this tree to prevent any additional damage.

Thank you for the opportunity to be of service, if you have any questions please feel free to call

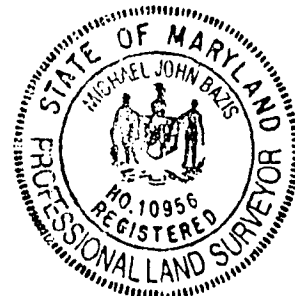
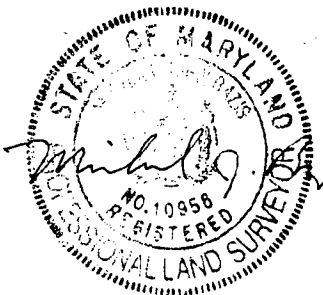
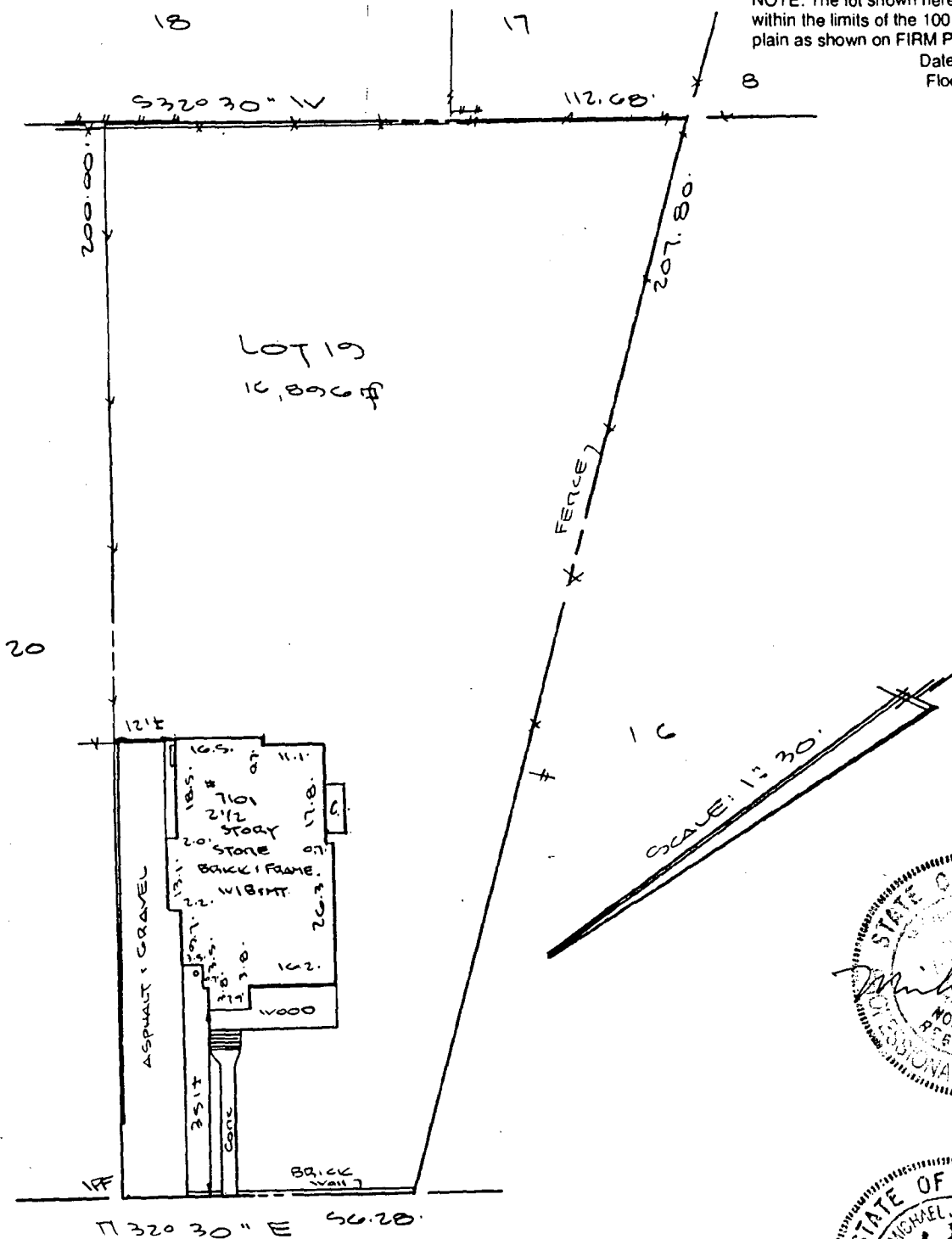
Sincerely,

Michael Guercin  
Certified Arborist





NOTE: The lot shown hereon does not lie within the limits of the 100 year flood plain as shown on FIRM Panel No. 200  
Date of Map: 8/3/91  
Flood Zone: C.



CEDAR AVENUE

FORMERLY

OAK AVENUE

40' R/W

IMPROVEMENT LOCATION SURVEY

LOT 19 BLOCK 4

TAKOMA PARK

MONTGOMERY COUNTY, MD.

**SURVEYOR'S CERTIFICATE**

I hereby certify that the position of all existing improvements on the above described property has been carefully established by a transit-tape survey; and that, unless otherwise shown, there are no encroachments. Unless otherwise shown, corners have not been set with this survey. This survey is not to be used to determine property lines.

*Michael J. Bazis*  
Michael J. Bazis RPLS #10956

THIS SURVEY IS FOR TITLE PURPOSES ONLY

JOB # 93.0329.H	DATE 2.24.93
FIELD J.S.	DRAFT KAHU
	P.B. Δ P# 3
	SCALE: 1" = 30'

**R. C. KELLY**  
**LAND SURVEYORS**  
10111 COLESVILLE ROAD, SUITE 123  
SILVER SPRING, MD 20901  
301-593-8005  
**& ASSOC., INC.**



## Silber & Perlman, P.A.

7000 Carroll Avenue, Suite 200  
 Takoma Park, Maryland 20912-4437  
 (301) 891-2200  
 Fax: (301) 891-2206

# FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (301) 563-3412

To: Michelle Naru  
 Historic Preservation Commission

From: Linda S. Perlman  
 Asst. Corporation Counsel, City of Takoma Park

Client/Matter: 7101 Cedar Ave., Takoma Park, MD 20912  
 Property Owners: Christine Owens and Sanford Newman

Date: March 19, 2001

DOCUMENTS	NUMBER OF PAGES*
Fax Cover Sheet	1
Settlement Agreement	1
Stipulation of Dismissal	1
<b>TOTAL PAGES</b>	<b>3</b>

Per your request.

\* IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (301) 891-2200.

# MEMO

**To:** Historic Preservation Commission  
**From:** Christine L. Owens and Sanford A. Newman  
**Subject:** Request to expedite consideration of enclosed application for Historic Area Work Permit for tree removal  
**Date:** June 9, 2000

Enclosed is an application for a historic area work permit to remove a tree at 7101 Cedar Avenue, Takoma Park, MD. Because of confusion about work permit requirements, we did not submit this application at the time we originally requested a tree removal permit from the City of Takoma Park. We anticipate a decision from the City on our request within the next few days and are eager to remove the tree as soon as possible, in order to commence landscaping and necessary driveway repair and maintenance. Hence, we would appreciate expedited review of our request for issuance of a historic area work permit.

Thank you for your consideration of this request. You can reach Christine Owens at 202-637-5178 or Sanford Newman at 202-776-0027, ext. 101 (evening phone for both: 301-589-8541).

**ATTACHMENT 1:  
APPLICATION FOR HISTORIC AREA WORK PERMIT**

**question b, continued:**

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