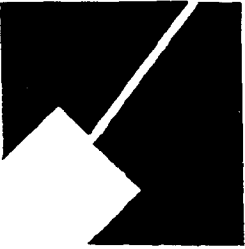


37/3-00Z 7209 Cedar Avenue P
(Takoma Park Historic District)

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: 6.14.00

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator
Historic Preservation Section *[Signature]*

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

37/3-00Z

219455

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 of your anticipated work schedule.

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



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: JIM COLWELL
Daytime Phone No.: 301 996 2588
Tax Account No.: _____
Name of Property Owner: JIM COLWELL/ALISON BAKER Daytime Phone No.: (301) 588 3269
Address: 7209 Cedar Ave, Takoma Park MD 20912
Street Number City State Zip Code
Contractor: Self Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 7209 Cedar Ave Street: _____
Town/City: Takoma Park Nearest Cross Street: Tulip
Lot: _____ Block: _____ Subdivision: _____
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: tree removal
1B. Construction cost estimate: \$ 800
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.

Alison Baker / JAMES COLWELL 5-13-00
Signature of owner or authorized agent Date

Approved: [Signature] Montgomery County, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: 6/14/00
Application/Permit No.: 219455 Date Filed: 5/19/00 Date Issued: _____

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

Perry Kephart
M-NCPPC - Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

11/29/99

Ms. Kephart

I have identified a tree that is either dead, dying, a hazard, or of questionable health which is located in the Historic District of Takoma Park. I am requesting that you:

- send the Homeowner a waiver for removal; or
 inspect the tree and offer a second opinion.

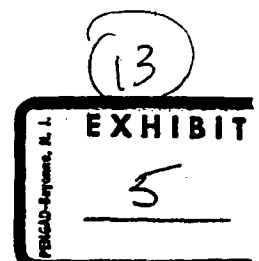
Specifics regarding the case are as follows:

Property owner(s): Mr. James Colewell
Address: 7209 Cedar Avenue
Phone number(s): (301) 996-2588
Tree type & DBH: Oak - 28"; Mulberry - 24"; Oak - 21"
Condition of tree: (28" Oak) Cavity @ base. Hollow trunk. Tree in severe decline
(24" Mulberry) Lean approx. 60-70% towards house. Lightening
damage. Tree damages house - unstable. (21" Oak) Significant
dead wood in crown. Several hazardous branches. Co-dominant
stem is dead. Tree in severe decline.

Sincerely,

Todd Nelson
City Arborist
Office: (301) 585-8333 Ext. 312
Fax: (301) 585-2405

fn: WAIVER FORM



HPC FAX # (301) 563-3412

EXPEDITED
HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	7209 Cedar Avenue, Takoma Park	Meeting Date:	06/14/00
Applicant:	Jim Colwell & Alison Baker	Report Date:	06/07/00
Resource:	Takoma Park Historic District	Public Notice:	05/31/00
Review:	HAWP	Tax Credit:	None
Case Number:	37/3-00Z	Staff:	Perry Kephart
PROPOSAL:	Trees Replacement.	RECOMMENDATION:	Approve.

DATE OF CONSTRUCTION: 1885

SIGNIFICANCE:

- Individual Master Plan Site
- Within a Master Plan Historic District
- Primary Resource
- Contributing Resource
- Non-contributing/Out-of-Period Resource

ARCHITECTURAL DESCRIPTION: Shingle Style Residence.

PROPOSAL: As part of the rehabilitation of this primary resource that had been neglected for many years, the applicant proposes to remove and replace a 24" oak tree and an 8" white pine. The oak is diseased, not dying, but constitutes an incipient hazard and the arborist recommends that it be replaced. The pine tree is healthy, but grew up too near the house during the years of neglect and will soon be encroaching on the house foundation. The arborist recommends that it be replaced.

The applicant will replace the trees with the same species, on the site, but at a location that has not yet been determined.

RECOMMENDATION:

- Approval
- Approval with conditions:

Approval is based on the following criteria from Chapter 24A of the Montgomery County Code, Section 8(b): The commission shall instruct the director to issue a permit, or issue a permit subject

to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

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

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; or

3. The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site, or historic resource located within an historic district, in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located, or

4. The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

6. In balancing the interests of the public in preserving the historic site, or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

Policy On Use of Expedited Staff Reports for Simple HAWP Cases

This policy is developed with the understanding that:

- I. The HPC's policy regarding in-kind replacements has not changed, that is, all replacements of exterior features with exactly matching materials may be done without a HAWP.
- II. Staff will continue to notify Local Advisory Panel (LAP), and adjacent and confronting owners of all HAWP applications and, if a neighbor or the LAP is known to object to a proposal, the Expedited Staff Report will not be used.
- III. If, because of the specifics of the case, staff is uncertain whether the Expedited Staff Report format is appropriate, or if an applicant requests it, the Standard Staff Report will be used.
- IV. The Expedited Staff Report format may be used on the following type of cases:
 1. Alterations to properties on which the Maryland Historical Trust (MHT) holds an easement and which have been reviewed and approved by the MHT Easement Committee.
 2. Modifications to a property which do not significantly alter its visual character. These include, but are not limited to:
 - A. Repair or replacement of masonry foundations with new materials that match the original closely.
 - B. Installation of vents, venting pipes, and exterior grills.
 - C. New installation of gutters.
 4. Removal of asbestos, asphalt, or other artificial siding when the original siding is to be repaired, and, where necessary, replaced in kind.
 5. Removal of accessory building that are not original to the site or otherwise historically significant.
 6. Replacement of missing architectural details, provided that at least one example of the detail to be replaced exists on the house, and/or physical or documentary evidence exists that illustrates or describes the missing detail or details.
 7. Signs that are in conformance with all other County sign regulations.

8. Construction of wooden decks that are at the rear of a structure and are not readily visible from a public right-of-way. This applies to all categories of resources: Outstanding, Contributing, Individually Designated Sites, or Non-contributing.
9. Replacement of roofs on non-contributing or out-of-period building, as well as new installation of historically appropriate roofing materials on outstanding and contributing buildings..
10. Installation of exterior storm windows or doors that are compatible with the historic site or district in terms of material or design.
11. Construction of fences that are compatible with historic site or district in terms of material, height, location, and design. Requests for fences higher than 48" to be located in the front yard of a property will not be reviewed using an Expedited Staff Report.
12. Construction or replacement of walkways, parking areas, patios, driveways or other paved areas that are not readily visible from a public right-of-way and/or are compatible in material, location, and design with the visual character of the historic site or district.
13. Construction or repair of retaining walls where the new walls are compatible in material, location, design and height with the visual character of the historic site or district.
14. Construction or replacement of storage and small accessory buildings that are not readily visible from a public right-of-way.
15. Landscaping, or the removal or modification of existing planting, that is compatible with the visual character of the historic site or district.



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: JIM COLWELL

Daytime Phone No.: 301 996 2588

Tax Account No.: _____

(301) 588 3269

Name of Property Owner: JIM COLWELL / ALISON BAKER Daytime Phone No. (301) 996 2588

Address: 7209 Cedar Ave, Takoma Park MD 20912
Street Number City State Zip Code

Contractor: Self Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 7209 Cedar Ave Street: _____

Town/City: Takoma Park Nearest Cross Street: Tulip

Lot: _____ Block: _____ Subdivision: _____

Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

CHECK ALL APPLICABLE:

- | | | | | | | | | |
|------------------------------------|----------------------------------|---|--|--|--|--|-------------------------------|-------------------------------|
| <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 checked="" type="checkbox"/> Other: <u>tree removal</u> | | | | |

1B. Construction cost estimate: \$ 800

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.

Alison Baker / JAMES COLWELL
Signature of owner or authorized agent

5-13-00
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: 219455 Date Filed: 5/19/00 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:

please see attached

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

please see attached

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS

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

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

4. MATERIALS SPECIFICATIONS

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

5. PHOTOGRAPHS

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

6. TREE SURVEY

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 INTO MAILING LABELS.

6

City of Takoma Park, Maryland

TREE COMMISSION



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

IN THE MATTER OF:

A Permit Application to Remove
Trees at 7209 Cedar Avenue
Takoma Park, Maryland 20912

TC 99-5

James Colwell
Applicant and Property Owner

DECISION AND ORDER

I. INTRODUCTION

On November 23 1999, James Colwell ("Applicant"), filed a Tree Removal Permit/Waiver Application ("Application") with the City of Takoma Park ("City") seeking a permit to remove five live urban forest trees located at 7209 Cedar Avenue, Takoma Park, Maryland ("Property") for safety purposes and as part of overall renovations being undertaken on the Property. See Exhibit 1. Preliminary permit approval was granted by the City on November 29, 1999, to remove a 24" oak tree and an 8" white pine tree (the three other trees listed in the Application were granted waivers for removal and therefore are not at issue in this case). See Exhibit 2. The Property was posted for public notice of the Application and on December 2, 1999, an objection ("appeal") to the preliminary granting of the Application was submitted to the City by Helen Marie Primm ("Appellant"). See Exhibit 6. On December 7, 1999, the Applicant was notified that an appeal was received and would be heard by the City of Takoma Park Tree Commission ("Commission"). See Exhibit 7.

Section 12-31(e) of the Takoma Park Code (hereinafter all references are to the Takoma Park Code) requires the Tree Commission to conduct a fact-finding hearing on an appeal from a permit decision. By notice dated December 30, 1999, the Tree Commission scheduled a public hearing for January 11, 1999, concerning this appeal

4. Desirability of preserving any tree by reason of its age, size or outstanding quality.

The Tree Commission finds that the 24" oak tree is in decay, is potentially hazardous and therefore is not desirable. The Tree Commission finds that the 8" pine tree is, in general, desirable but lacks any outstanding quality.

5. Extent to which the area would be subject to environmental degradation due to the removal of the trees. The Tree Commission finds that the immediate area will not suffer any significant environmental degradation due to removal of the trees.

6. Impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood, and the property on which the trees are located. The Tree Commission finds that removal of the trees will result in the loss of some tree cover but that the impact will be minimized if replacement trees are planted on the Property.

7. Whether sound urban forest management practices indicate the tree or trees should be removed. The Tree Commission finds that sound urban forest management practices indicate that the trees should be removed.

8. General health and condition of the tree or trees. The Tree Commission finds that the oak tree is decaying and that the pine tree is healthy and vigorous.

9. Desirability of the tree species as a permanent part of the City's urban forest. The Tree Commission finds that the healthy pine tree is desirable but that the oak tree, due to its health, is not a desirable species as a permanent part of the City's urban forest.

10. Placement of the tree or trees in relation to utilities, structures, and the use of the property. The Tree Commission finds that this factor is not applicable.

11. Whether the tree or trees are diseased beyond recovery. The Tree Commission finds that the trees are not diseased beyond recovery.

12. Whether the tree or trees are injured beyond restoration. The Tree Commission finds that the oak tree is injured beyond restoration and that the pine tree is not injured beyond restoration.

13. Whether the tree or trees are in a severe state of decline. The Tree Commission finds that the trees are not in a severe state of decline.

14. Whether the tree or trees are hazardous. The Tree Commission finds that the oak tree is hazardous. The Tree Commission finds that the pine tree will continue to grow but with its proximity to the house, may eventually become hazardous.

15. The need to remove the tree or trees for the purpose of installing, repairing,

II HEARING SUMMARY

The hearing on the appeal was called to order by the Tree Commission Chair, John Hartmann. Jeffrey Trunzo, Pat Howell and Deborah Bonsack of the Tree Commission also were present at the hearing.

Todd Nelson, City Arborist, summarized the events leading to the hearing (as described in the preceding "Introduction" section). His testimony addressed the fifteen factors set forth in Section 12-32(b) and included his overall recommendation that the 24" oak tree should be granted a tree removal permit because the tree is hazardous and that the 8" pine tree should be denied a permit because the tree is healthy and not dangerous.

There was no appearance by or on behalf of the Appellant, Helen Marie Primm.

James Colwell and Alison Baker, the Property owners, were present and testified regarding the need to remove the trees to prevent damage to their house and in order to carry out their renovation plans for the Property. Mr. Colwell submitted photographs of the Property and testified that he wants to plant new trees and has already entered into a tree replacement agreement with the City.

III FINDINGS OF FACT

Section 12-32(b) requires the Tree Commission to consider fifteen factors, and any other relevant information, in approving or disapproving an application for a tree removal permit. These criteria were considered by the Tree Commission and the Tree Commission makes the following findings:

1. Extent to which tree clearing is necessary to achieve proposed development or land use. The Tree Commission finds that this factor is not applicable.

2. Number and type of replacement trees, and if appropriate, any reforestation plan proposed as mitigation. The testimony of City Arborist and Exhibit 3, a November 29, 1999, letter to the Applicant, details the tree replacement requirements necessary under Section 12-30. The Tree Commission hereby adopts this summary of the replacement trees necessary for the property and the trees' monetary value.

3. Hardship the Applicant will suffer from a modification or rejection of the permit application. The Applicant testified that he recently purchased the Property and has made extensive plans for its renovation and that the tree removals and replacements are an integral part of the overall plans. The Tree Commission, therefore, finds that rejection of the permit application would, in fact, cause the Applicant hardship.

replacing or maintaining essential public or private utility services. The Tree Commission finds that this factor is not applicable.

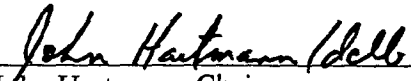
IV CONCLUSION

The Tree Commission, after considering the written record and hearing evidence, makes the foregoing findings of fact based upon the statutory criteria in Section 12-32 of the Takoma Park Code, and concludes that the Application to remove both the 24" oak tree and the 8" pine tree should be approved.

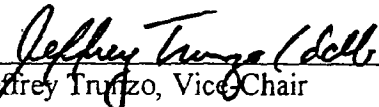
ORDER

UPON CONSIDERATION of the foregoing Introduction, Hearing Summary, Findings of Fact and Conclusion, it is this 18th day of February, 2000, by the City of Takoma Park Tree Commission:


ORDERED, that the application of James Colwell for a permit to remove two trees from the property known as 7209 Cedar Avenue, Takoma Park, Maryland is APPROVED.



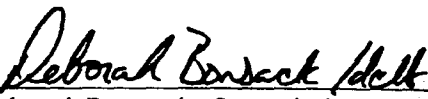
John Hartmann, Chair



Jeffrey Trufzo, Vice Chair



Pat Howell, Commissioner



Deborah Bonsack, Commissioner

NOTICE OF APPEAL RIGHTS

Section 12-31(f) of the Takoma Park Code provides that any party to these proceedings who is aggrieved by this decision may seek judicial review of the decision in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency Decisions of the Maryland Rules of Procedure.

Names and Addresses of the immediate neighbors of 7209 Cedar Ave.

Jim Epstein
Jeannie Feeny
720~~9~~¹² Cedar Ave 7212
Takoma Park MD 20912

R. C. Augustine
7204 Cedar Ave
Takoma Park MD 20912

FrankBednarczyk
7211 Cedar Ave
Takoma Park MD 20912

Dan Levin
720~~9~~⁵ Cedar Ave 7205
Takoma Park MD 20912

(11)

Tree Removal Permit/Waiver Application

Tree Location Address: 7209 CEDAR AVE

Is tree located in historic district?
 (If yes, see under General Information)

Property Owner: JAMES COLWELL/AUSON BAKER Daytime Phone Number: 301-996-2588

Check one of the following: Homeowner Tenant NEW OWNER - TREES HAVE BEEN NEGLECTED FOR MANY YEARS.

Property Owner Address (if different from tree location): _____

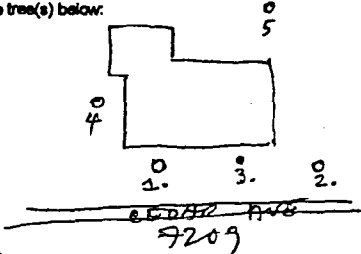
PERMIT/WAIVER IS REQUIRED IF THE TREE IS GREATER THAN 24" IN CIRCUMFERENCE OR 7 5/8" IN DIAMETER AT 4.5 FEET FROM THE BASE. IF TREE REMOVAL IS FOR CONSTRUCTION OF A BUILDING, COUNTY PERMITS AND SITE PLANS MUST BE ATTACHED. IF TREE REMOVAL IS FOR A DRIVEWAY OR PAVEMENT, ADDITIONAL CITY PERMITS MAY BE REQUIRED.

Number of trees to be removed: 5

Reason for removal: (1) ROTTEN TRUNKS OVER 10 FEET ABOVE GROUND (2) DANGEROUS (3) POOR LOCATION WITH TO REPLACE (4) REALLY DANGEROUS

PLEASE MARK TREE(S) TO BE REMOVED WITH A RIBBON AFTER SUBMITTING THIS APPLICATION. IF TREE(S) IS NOT MARKED, YOUR APPLICATION WILL BE SENT BACK TO YOU. 5. DEAD TREE

Draw a description of the property and location of the tree(s) below:



APPLICANTS SIGNATURE J. Baker Date application filed out: 11/22/95

FOR CITY USE ONLY:

Date application received: 11/23/99 Date property inspected: 11/16/99 Inspector: (TW)

Tree Type	DBH (inches)	Location	Condition
(1) <u>OAK</u>	<u>24</u>	<u>FRONT-CENTER</u>	<u>FAIR POOR CAN IN 10 FT FROM BASE (POST)</u>
(2) <u>OAK</u>	<u>28</u>	<u>FRONT-RIGHT</u>	<u>WAINC BASE, YELLOW TRUNK, TREE IN SEVERE DECLINE</u>
(3) <u>WHITE PINE</u>	<u>8</u>	<u>FRONT-CENTRAL</u>	<u>STRONG & VIGOROUS (POST)</u>
(4) <u>MULBERRY</u>	<u>24</u>	<u>SIDE-LEFT</u>	<u>LEAN & 60-70° TOWARD HOUSE, LIGHTNING DAMAGE, TREE DAMAGED HOUSE UNHABITABLE</u>

Tree Permit Waiver Granted: 2, 4, 5 Reason: 7

Tree Permit Request Preliminarily Approved or Denied: _____ Preliminary Date Approved or Denied: _____

Tree Permit Request Finally Approved or Denied: _____ Final Date Approved or Denied: _____

Permit Request Posted from: 11/29/99 to 12/14/99 Citizen Opposition Received: _____

Tree Commission

Date of Tree Commission Hearing: _____ Date Tree Commission Decision issued: _____

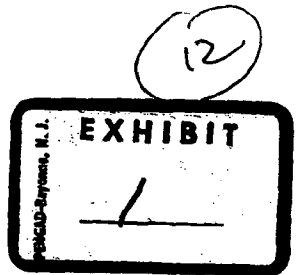
Tree Commission Decision: _____

Replacement Tree Requirements: _____ OR Contribution to City Tree Fund: _____

Type: _____ Location: _____

Planting Deadline: _____ Site Visit to Confirm Planting: _____

⑤: OAK 21" BACK-LIGHT SIGNIFICANT DEAD WOOD IN CROWN. SEVERAL HAZARDOUS BRANCHES. CO-DOMINANT SPERMIS DEAD. TREE IN SEVERE DECLINE.



City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

November 29, 1999

Mr. James Colwell
7209 Cedar Ave.
Takoma Park, MD 20912

Dear Mr. Colwell:

This letter is to inform you that the City of Takoma Park has granted preliminary permit approval for you to remove the 24 inch diameter at breast height (DBH) oak tree located at the front-center of your property and the 8 inch DBH white pine tree located at the front-center of your property. Preliminary approval means that the City will now post your property for a 15 day period beginning Monday, November 29, 1999 and ending Tuesday, December 14, 1999, for public comment. If no objections are filed by the community, you will be granted a permit to remove the tree pending your signed agreement to adhere to the City's replanting/replacement requirements amounting to a total cost of \$514.00.

You will also be granted waivers to remove the following trees:

<u>Species</u>	<u>DBH</u>	<u>Location</u>	<u>Condition</u>
Oak	28	Front-Right	Cavity at base. Hollow trunk. Tree in severe decline. Susceptible to windthrow.
Mulberry	24	Side-left	Leans approx. 60-70 degrees toward house. Lightning damage present. Damaging roof of house. Hazardous.
Oak	21	Back-Right	Significant deadwood in crown. Co-dominant stem is dead. Tree is in severe decline.

These trees can not be removed until you have received the waivers granting permission from the City. Although planting replacement trees is not mandatory for removing trees that are dead, diseased, in severe decline, or hazardous, it is strongly encouraged.

Since the tree(s) address is located in the Historic District, you must also receive permission from the Maryland National Capital Park and Planning's Historic Preservation Commission (HPC). To inquire about the HPC requirements, phone (301) 563-3400.

14
EXHIBIT

Supplemental, N. I.

tree to be removed, measured at 4½ feet above the ground. The percentage shall be determined, using the following health quality analysis rating scale. #1 24" OAK FRONT-CENTRE

CRITERION	VALUE			RATING
	5 or 4	3 or 2	1	
Trunk	Sound and solid	Sections of bark missing	Extensive bark loss and hollow	<u>2</u>
Growth/Rate per year	More than 6-inch twig elongation	2 to 6-inch twig elongation	Less than 2-inch twig elongation	<u>3</u>
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead	<u>3</u>
Insects/Diseases	No pests present	1 pest present	2 or more pests present	<u>2</u>
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	<u>1</u>
Life Expectancy	Over 30 years	15 to 20 years	Less than 5 years	<u>2</u>
			Total Rating	<u>13</u>

Using the above scale, trees are to be replaced according to the following formula:

Total Rating of Tree
To Be Removed

6-15
16-24
25-30

Percentage of Basal Area
To Be Replaced

1½
2½
3½

1 TREE

(2) For trees removed or excessively damaged in

If you are concerned about dead wood in the crown, insect problems, or other problems, for any of the trees on your property, a certified tree care company should be able to address these issues.

Please call me if there are any questions.

Sincerely,

A handwritten signature in cursive script that reads "Todd Nelson". The signature is written in black ink and is positioned below the word "Sincerely,".

Todd Nelson
City Arborist
City of Takoma Park Maryland
31 Oswego Ave.
Silver Spring, MD 20910
301-585-8333 x.312

66

tree to be removed, measured at 4½ feet above the ground. The percentage shall be determined, using the following health quality analysis rating scale. #2 8" WHITE PINE.

CRITERION	VALUE			RATING
	5 or 4	3 or 2	1	
Trunk	Sound and solid	Sections of bark missing	Extensive bark loss and hollow	<u>5</u>
Growth/Rate per year	More than 6-inch twig elongation	2 to 6-inch twig elongation	Less than 2-inch twig elongation	<u>3</u>
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead	<u>5</u>
Insects/Diseases	No pests present	1 pest present	2 or more pests present	<u>5</u>
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	<u>4</u>
Life Expectancy	Over 30 years	15 to 20 years	Less than 5 years	<u>4</u>
			Total Rating	<u>26</u>

Using the above scale, trees are to be replaced according to the following formula:

Total Rating of Tree To Be Removed	Percentage of Basal Area To Be Replaced
6-15	1%
16-24	2%
25-30	<u>3%</u>

1 TREE

(2) For trees removed or excessively damaged in

City of Takoma Park, Maryland

TREE COMMISSION



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

IN THE MATTER OF:

A Permit Application to Remove
Trees at 7209 Cedar Avenue
Takoma Park, Maryland 20912

TC 99-5

James Colwell
Applicant and Property Owner

DECISION AND ORDER

I. INTRODUCTION

On November 23 1999, James Colwell ("Applicant"), filed a Tree Removal Permit/Waiver Application ("Application") with the City of Takoma Park ("City") seeking a permit to remove five live urban forest trees located at 7209 Cedar Avenue, Takoma Park, Maryland ("Property") for safety purposes and as part of overall renovations being undertaken on the Property. See Exhibit 1. Preliminary permit approval was granted by the City on November 29, 1999, to remove a 24" oak tree and an 8" white pine tree (the three other trees listed in the Application were granted waivers for removal and therefore are not at issue in this case). See Exhibit 2. The Property was posted for public notice of the Application and on December 2, 1999, an objection ("appeal") to the preliminary granting of the Application was submitted to the City by Helen Marie Primm ("Appellant"). See Exhibit 6. On December 7, 1999, the Applicant was notified that an appeal was received and would be heard by the City of Takoma Park Tree Commission ("Commission"). See Exhibit 7.

Section 12-31(e) of the Takoma Park Code (hereinafter all references are to the Takoma Park Code) requires the Tree Commission to conduct a fact-finding hearing on an appeal from a permit decision. By notice dated December 30, 1999, the Tree Commission scheduled a public hearing for January 11, 1999, concerning this appeal

4. Desirability of preserving any tree by reason of its age, size or outstanding quality.

The Tree Commission finds that the 24" oak tree is in decay, is potentially hazardous and therefore is not desirable. The Tree Commission finds that the 8" pine tree is, in general, desirable but lacks any outstanding quality.

5. Extent to which the area would be subject to environmental degradation due to the removal of the trees. The Tree Commission finds that the immediate area will not suffer any significant environmental degradation due to removal of the trees.

6. Impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood, and the property on which the trees are located. The Tree Commission finds that removal of the trees will result in the loss of some tree cover but that the impact will be minimized if replacement trees are planted on the Property.

7. Whether sound urban forest management practices indicate the tree or trees should be removed. The Tree Commission finds that sound urban forest management practices indicate that the trees should be removed.

8. General health and condition of the tree or trees. The Tree Commission finds that the oak tree is decaying and that the pine tree is healthy and vigorous.

9. Desirability of the tree species as a permanent part of the City's urban forest. The Tree Commission finds that the healthy pine tree is desirable but that the oak tree, due to its health, is not a desirable species as a permanent part of the City's urban forest.

10. Placement of the tree or trees in relation to utilities, structures, and the use of the property. The Tree Commission finds that this factor is not applicable.

11. Whether the tree or trees are diseased beyond recovery. The Tree Commission finds that the trees are not diseased beyond recovery.

12. Whether the tree or trees are injured beyond restoration. The Tree Commission finds that the oak tree is injured beyond restoration and that the pine tree is not injured beyond restoration.

13. Whether the tree or trees are in a severe state of decline. The Tree Commission finds that the trees are not in a severe state of decline.

14. Whether the tree or trees are hazardous. The Tree Commission finds that the oak tree is hazardous. The Tree Commission finds that the pine tree will continue to grow but with its proximity to the house, may eventually become hazardous.

15. The need to remove the tree or trees for the purpose of installing, repairing,

II HEARING SUMMARY

The hearing on the appeal was called to order by the Tree Commission Chair, John Hartmann. Jeffrey Trunzo, Pat Howell and Deborah Bonsack of the Tree Commission also were present at the hearing.

Todd Nelson, City Arborist, summarized the events leading to the hearing (as described in the preceding "Introduction" section). His testimony addressed the fifteen factors set forth in Section 12-32(b) and included his overall recommendation that the 24" oak tree should be granted a tree removal permit because the tree is hazardous and that the 8" pine tree should be denied a permit because the tree is healthy and not dangerous.

There was no appearance by or on behalf of the Appellant, Helen Marie Primm.

James Colwell and Alison Baker, the Property owners, were present and testified regarding the need to remove the trees to prevent damage to their house and in order to carry out their renovation plans for the Property. Mr. Colwell submitted photographs of the Property and testified that he wants to plant new trees and has already entered into a tree replacement agreement with the City.

III FINDINGS OF FACT

Section 12-32(b) requires the Tree Commission to consider fifteen factors, and any other relevant information, in approving or disapproving an application for a tree removal permit. These criteria were considered by the Tree Commission and the Tree Commission makes the following findings:

1. Extent to which tree clearing is necessary to achieve proposed development or land use. The Tree Commission finds that this factor is not applicable.

2. Number and type of replacement trees, and if appropriate, any reforestation plan proposed as mitigation. The testimony of City Arborist and Exhibit 3, a November 29, 1999, letter to the Applicant, details the tree replacement requirements necessary under Section 12-30. The Tree Commission hereby adopts this summary of the replacement trees necessary for the property and the trees' monetary value.

3. Hardship the Applicant will suffer from a modification or rejection of the permit application. The Applicant testified that he recently purchased the Property and has made extensive plans for its renovation and that the tree removals and replacements are an integral part of the overall plans. The Tree Commission, therefore, finds that rejection of the permit application would, in fact, cause the Applicant hardship.

replacing or maintaining essential public or private utility services. The Tree Commission finds that this factor is not applicable.


IV CONCLUSION

The Tree Commission, after considering the written record and hearing evidence, makes the foregoing findings of fact based upon the statutory criteria in Section 12-32 of the Takoma Park Code, and concludes that the Application to remove both the 24" oak tree and the 8" pine tree should be approved.

ORDER

UPON CONSIDERATION of the foregoing Introduction, Hearing Summary, Findings of Fact and Conclusion, it is this 18th day of February, 2000, by the City of Takoma Park Tree Commission:

ORDERED, that the application of James Colwell for a permit to remove two trees from the property known as 7209 Cedar Avenue, Takoma Park, Maryland is APPROVED.




John Hartmann, Chair



Jeffrey Trunzo, Vice Chair



Pat Howell, Commissioner



Deborah Bonsack, Commissioner

NOTICE OF APPEAL RIGHTS

Section 12-31(f) of the Takoma Park Code provides that any party to these proceedings who is aggrieved by this decision may seek judicial review of the decision in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency Decisions of the Maryland Rules of Procedure.

Names and Addresses of the immediate neighbors of 7209 Cedar Ave.

Jim Epstein
Jeannie Feeny
72~~09~~¹² Cedar Ave 7212
Takoma Park MD 20912

R. C. Augustine
7204 Cedar Ave
Takoma Park MD 20912

FrankBednarczyk
7211 Cedar Ave
Takoma Park MD 20912

Dan Levin
720~~9~~⁵ Cedar Ave 7205
Takoma Park MD 20912

Tree Removal Permit/Waiver Application

Tree Location Address: 7209 CEDAR AVE

Is tree located in historic district?
(If yes, see under General Information)

Property Owner: JAMES COWELL/ALISON BAKER Daytime Phone Number: 301-996-2588

Check one of the following: Homeowner Tenant NEW OWNER - TREES HAVE BEEN NEGLECTED FOR MANY YEARS.

Property Owner Address (if different from tree location): _____

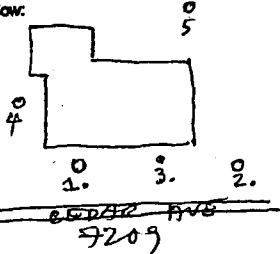
PERMIT/WAIVER IS REQUIRED IF THE TREE IS GREATER THAN 24" IN CIRCUMFERENCE OR 7 5/8" IN DIAMETER AT 4.5 FEET FROM THE BASE. IF TREE REMOVAL IS FOR CONSTRUCTION OF A BUILDING, COUNTY PERMITS AND SITE PLANS MUST BE ATTACHED. IF TREE REMOVAL IS FOR A DRIVEWAY OR PAVEMENT, ADDITIONAL CITY PERMITS MAY BE REQUIRED.

Number of trees to be removed: 5

Reason for removal: (1) ROTTEN TRUNK OVER 10 FEET ABOVE (2) DANGEROUS (3) POOR LOCATION WISH TO REPLACE (4) REALLY DANGEROUS

PLEASE MARK TREE(S) TO BE REMOVED WITH A RIBBON AFTER SUBMITTING THIS APPLICATION. IF TREE(S) IS NOT MARKED, YOUR APPLICATION WILL BE SENT BACK TO YOU. 5. DEAD TREE

Draw a description of the property and location of the tree(s) below:



APPLICANTS SIGNATURE J. Simon

Date application filed out: 11/22/99

FOR CITY USE ONLY:

Date application received: 11/23/99 Date property inspected: 11/16/99 Inspector: (TN)

Tree Type	DBH (inches)	Location	Condition
(1) <u>OAK</u>	<u>24</u>	<u>FRONT-CENTER</u>	<u>FAIR POOR CANOPY 10 FT FROM BASE (POST)</u>
(2) <u>OAK</u>	<u>28</u>	<u>FRONT-RIGHT</u>	<u>CANNOP BASE, UNLAW TRUNK, TREE IN SEVERE DECLINE</u>
(3) <u>WHITE PINE</u>	<u>8</u>	<u>FRONT-CENTRAL</u>	<u>STRONG & VIGOROUS (POST)</u>
(4) <u>MULBERRY</u>	<u>24</u>	<u>SIDE-LEFT</u>	<u>UNLAW 2 60-70° TOWARD HOUSE, LIGHTENING DAMAGE TREE DANGEROUS HOUSE UNUSABLE</u>

Tree Permit Waiver Granted: 3, 4, 5 Reason: 7

Tree Permit Request Preliminary Approved or Denied: _____ Preliminary Date Approved or Denied: _____

Tree Permit Request Finally Approved or Denied: _____ Final Date Approved or Denied: _____

Permit Request Posted from: 11/29/99 to 12/14/99 Citizen Opposition Received: _____

Tree Commission

Date of Tree Commission Hearing: _____ Date Tree Commission Decision Issued: _____

Tree Commission Decision: _____

Replacement Tree Requirements: _____ OR Contribution to City Tree Fund: _____

Type: _____ Location: _____

Planting Deadline: _____ Site Visit to Confirm Planting: _____

5: OAK 21" BACK-RIGHT SIGNIFICANT DEAD WOOD IN CROWN, SEVERAL HAZARDOUS BRANCHES. CO-DOMINANT SPECIES IS DEAD. TREE IN SEVERE DECLINE.



City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

Perry Kephart
M-NCPPC - Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

11/29/99

Ms. Kephart

I have identified a tree that is either dead, dying, a hazard, or of questionable health which is located in the Historic District of Takoma Park. I am requesting that you:

 X send the Homeowner a waiver for removal; or

 inspect the tree and offer a second opinion.

Specifics regarding the case are as follows:

Property owner(s): Mr. James Colewell

Address: 7209 Cedar Avenue

Phone number(s): (301) 996-2588

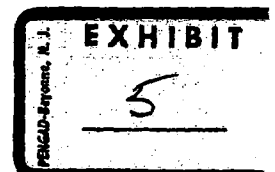
Tree type & DBH: Oak - 28"; Mulberry - 24"; Oak - 21"

Condition of tree: (28" Oak) Cavity @ base. Hollow trunk. Tree in severe decline.
(24" Mulberry) Lean approx. 60-70% towards house. Lightening
damage. Tree damages house - unstable. (21" Oak) Significant
dead wood in crown. Several hazardous branches. Co-dominant
stem is dead. Tree in severe decline.

Sincerely,

Todd Nelson
City Arborist
Office: (301) 585-8333 Ext. 312
Fax: (301) 585-2405

fn: WAIVER FORM



HPC FAX # (301) 563-3412

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

November 29, 1999

Mr. James Colwell
7209 Cedar Ave.
Takoma Park, MD 20912

Dear Mr. Colwell:

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tree to be removed, measured at 4½ feet above the ground. The percentage shall be determined, using the following health quality analysis rating scale. #1 24" OAK FRONT-CENTRE

CRITERION	VALUE			RATING
	5 or 4	3 or 2	1	
Trunk	Sound and solid	Sections of bark missing	Extensive bark loss and hollow	<u>2</u>
Growth/Rate per year	More than 6-inch twig elongation	2 to 6-inch twig elongation	Less than 2-inch twig elongation	<u>3</u>
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead	<u>3</u>
Insects/Diseases	No pests present	1 pest present	2 or more pests present	<u>2</u>
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	<u>1</u>
Life Expectancy	Over 30 years	15 to 20 years	Less than 5 years	<u>2</u>
			Total Rating	<u>13</u>

Using the above scale, trees are to be replaced according to the following formula:

Total Rating of Tree To Be Removed

Percentage of Basal Area To Be Replaced

6-15
16-24
25-30

1%
2%
3%

1 TREE

(2) For trees removed or excessively damaged in

R E C E I V E D
MAY 17 2000
DEPT. OF PERMITTING SERVICES

If you are concerned about dead wood in the crown, insect problems, or other problems, for any of the trees on your property, a certified tree care company should be able to address these issues.

Please call me if there are any questions.

Sincerely,

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Todd Nelson
City Arborist
City of Takoma Park Maryland
31 Oswego Ave.
Silver Spring, MD 20910
301-585-8333 x.312

11/15/88 996-4

tree to be removed, measured at 4½ feet above the ground. The percentage shall be determined, using the following health quality analysis rating scale. #2 8" WHITE PINE.

CRITERION	VALUE			RATING
	5 or 4	3 or 2	1	
Trunk	Sound and solid	Sections of bark missing	Extensive bark loss and hollow	<u>5</u>
Growth/Rate per year	More than 6-inch twig elongation	2 to 6-inch twig elongation	Less than 2-inch twig elongation	<u>3</u>
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead	<u>5</u>
Insects/Diseases	No pests present	1 pest present	2 or more pests present	<u>5</u>
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	<u>4</u>
Life Expectancy	Over 30 years	15 to 20 years	Less than 5 years	<u>4</u>
			Total Rating	<u>26</u>

Using the above scale, trees are to be replaced according to the following formula:

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1 TREE

(2) For trees removed or excessively damaged in