

31/6-98K 3913 Washington Street
(Kensington Historic District)

12642 Scaggsville Rd.
Highland, MD 20777

27 January 1999

Mr. Geary Fitzpatrick
10605 Wheatley St.
Kensington, MD 20895

Dear Mr. Fitzpatrick,

I was very pleased with the recommendation of the Historic Preservation Commission at the December 18, 1998 meeting that a silt fence be erected on the property line between 3915 and 3913 Washington St. in Kensington. I felt that would make the location of the property line very clear. I thought that would make it easier for you to work with your contractor while you are renovating the house you have purchased. It would provide a clear visual cue as to where they are allowed to work and where they are not.

I was even more pleased to see that within two days of the HPC meeting, the silt fence had been erected, albeit well inside my property. Unfortunately, apparently the contractor, his crew or you have not taken the fence seriously. On January 1, 1999 I found that part of the fence had been taken down and thrown on my yard in order to facilitate the contractor driving a large red dump truck into your backyard and leaving it parked there for several days.

On Monday, January 4, 1999 I found the truck parked overnight between the two houses. Apparently the underlying purpose for the erection of the fence has been lost on you and your contractor. By driving and parking bobcats and trucks between the two houses you are compacting the soil in the root zone of the four trees located between the houses. This compaction is detrimental to the life and survival of these trees as it decreases the oxygen in the soil and thus the oxygen available to the roots, which is necessary for them to live.

These four dogwood trees have graced the space between the two houses for more than forty years and contribute to the beauty, aesthetic appeal, and surroundings of both homes as well as the entire neighborhood. These are historic resources that no amount of money can replace. I hope that the trees will survive the gross mistreatment they have suffered under the weight of your heavy equipment because replacement trees would not reach the same state of grace and maturity for another forty years.

From the outset, and even before you purchased this property, I have made it clear that I do not consider driving vehicles between the two houses acceptable since there is insufficient space for even the smallest vehicle to pass through and remain completely on your property. Any attempt invariably involves driving on my portion of the property between the two houses and this is unacceptable to me; the trees risk not only soil compaction but damage to their trunks, (which has already occurred to one of the trees in the last few weeks). At the Historic Preservation Commission meeting on December 18, 1998 you assured me that "there would not be any more equipment driven between our houses." This has not been the case.

Each time I return to the house at 3915 Washington St, as I did on January 18th, 22nd, 23rd, and 24th, I find that the silt fence has been knocked down or pulled out, thrown on the ground and additional tire tracks are evident. There is now a large root (approximately 1 1/2" in diameter) that is completely exposed due to the traffic of your heavy equipment.

For the sake of clarity I wish to reiterate the requests I made to your contractor on the evening of January 5, 1999: that a) neither he nor his crew drive any vehicles between the two houses (3915 and 3913) and b) his workmen clean up the debris, lunch wrappings, and general garbage left on my property at the end of the work day and before the weekends. At this time, there are still pieces of plaster and lunch debris in my yard on that side of my house.

If you or your contractors find it essential to drive vehicles onto your property, there is ample space for that to be done on the east side of your property. Please be assured that if this traffic on my property does not cease I will be forced to seek legal recourse to settle a situation that should have been governed by consideration for others property and common courtesy.

Sincerely,

Gertrude H. (Louise) Riedel

Gertrude H. (Louise) Riedel

cc William H. Roberge, Jr.
Town of Kensington
Montgomery County Historic Preservation Commission

EXPEDITED HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 3913 Washington Street

Meeting Date: 11/18/98

Resource: Kensington Historic District

Review: HAWP

Case Number: 31/6-98K

Tax Credit: Yes

Public Notice: 11/4/98

Report Date: 11/11/98

Applicant: Geary Fitzpatrick

Staff: Robin D. Ziek

PROPOSAL: Remove Existing Holly

RECOMMENDATIONS: APPROVAL

DATE OF CONSTRUCTION: 1880-1910

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

ARCHITECTURAL DESCRIPTION: Transitional - Victorian/Colonial Revival

PROPOSAL: Remove existing holly tree adjacent to porch footing. Holly is pushing out footing pier, and helps to block up porch boxed gutter. The holly measures approximately 10" in diameter, and has grown up adjacent to the porch to the existing height of the house.

RECOMMENDATION: There is a mature oak between the street and the house, and both will probably benefit by the removal of this holly.

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

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

1



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
250 HUNDEFFORD DRIVE, ROCKVILLE, MARYLAND 20850
301-221-3371

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/495-4570

**APPLICATION FOR
HISTORIC AREA WORK PERMIT**

Contact Person: Margaret or Geary FitzPatrick
Daytime Phone No.: (301) 942-0431

Tax Account No.: _____
Name of Property Owner: Geary FitzPatrick Daytime Phone No.: _____
Address: 10605 Wheatley St Kensington MD 20895
Street Number City State Zip Code
Contractor: _____ Phone No.: (301) 942-0431
Contractor Registration No.: _____ Becker (301) 220-7541
Agent for Owner: Gary Dittb (Real Estate Agent) Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 3913 Street: Washington St.
Town/City: Kensington Nearest Cross Street: Connecticut Ave.
Lot: P6 Block: 12 Subdivision: Kensington
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE: CHECK ALL APPLICABLE:
- Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 - Move Install Wreck/Raze Take down Solar Fireplace Woodburning Stove Single Family
 - Revision Repair Reversible Fence/Wall (complete Section 4) Other: Tree Removal

1B. Construction cost estimate: \$ \$800 - 1000.00 - David Gregg

1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

- 2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
- 2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 3A. Height _____ feet _____ inches
- 3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
- On party line/property line
 - Entirely on land of owner
 - On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent _____
Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

2

31/6-98K

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:

The Holly Tree in front of 3913 Washington St. is situated in such a way that it's proximity to the front porch is causing structure damage to the porch. It is planted and growing so close to the right side of the porch that the roots are pushing up the porch structure.

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

We would like to take the holly tree down and fix the front porch (at a future date).

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a 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 features 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 6 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.

ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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

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

HAWP APPLICATION ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

3909 Washington St.
Y.C. & Helen Yin

3915 Washington St.
Gertrude H Riedel

3910 Washington St.
Gerrold B. Willman et al.

3912 Washington St.
Neil J. & A.C. Stablow

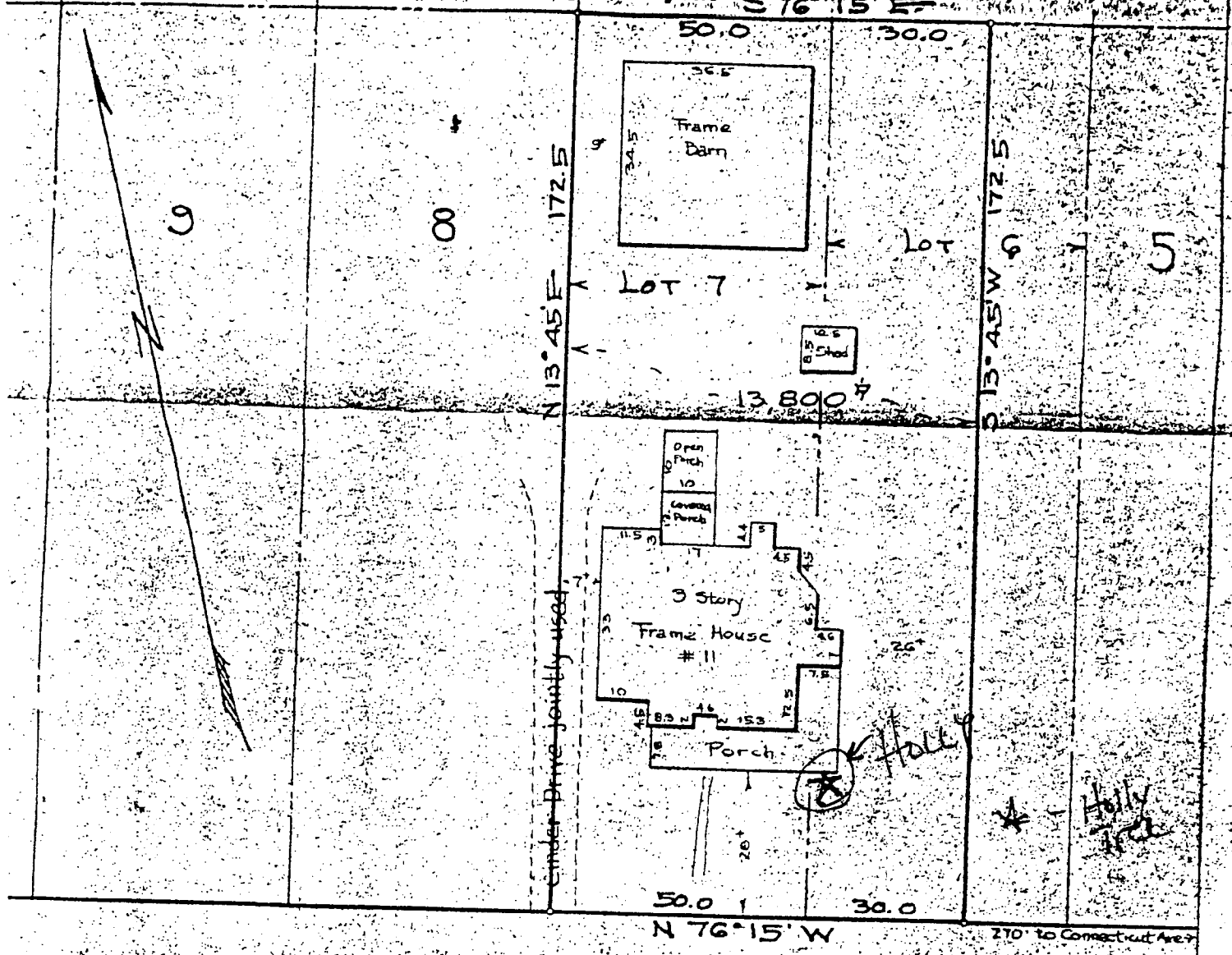
3915 Washington St.
Susan E Fleishman

3916 Washington St.
Daniel D & C.C. Zaludek

Civil Engineer
Kensington, Maryland

20 29

30



WASHINGTON STREET

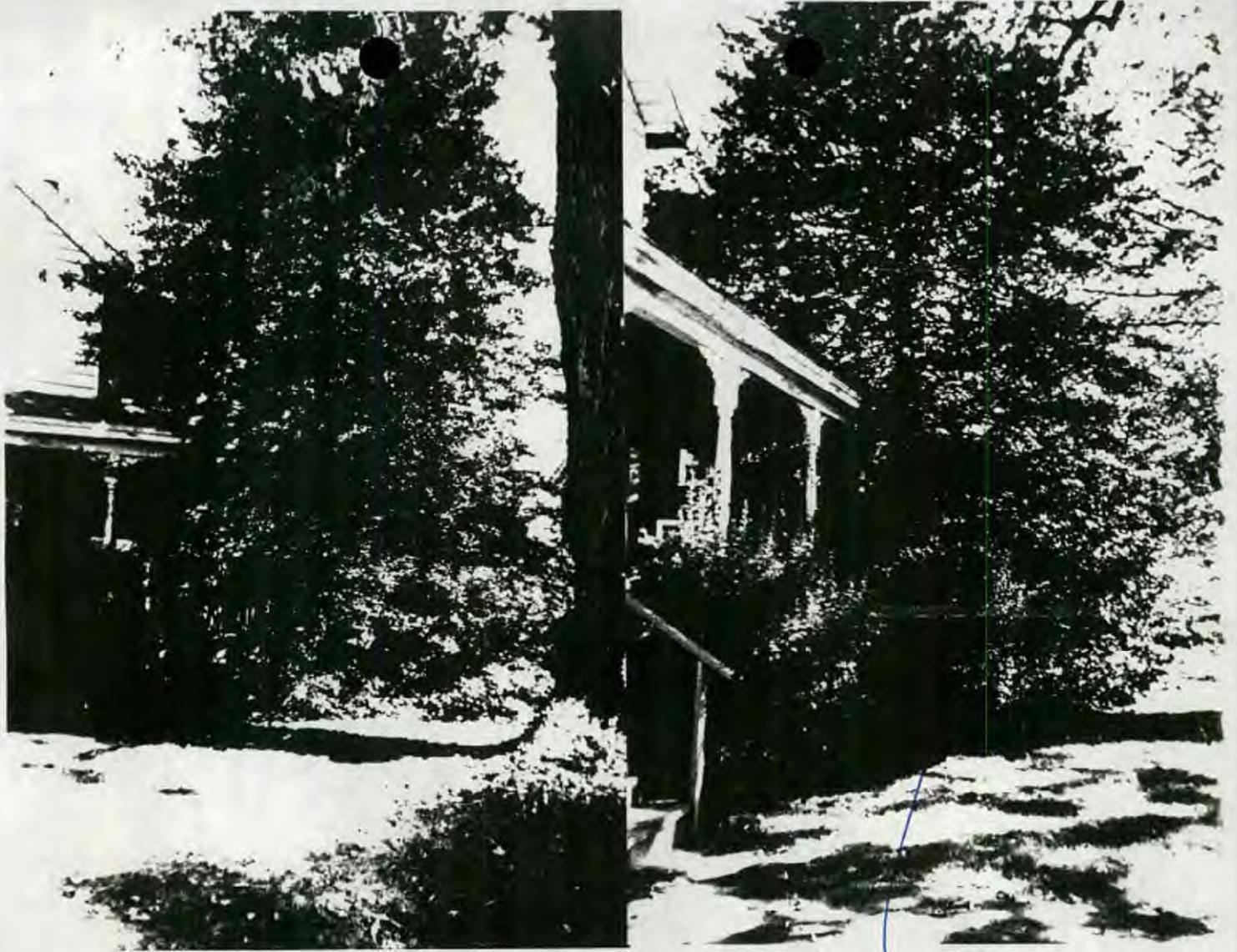
I hereby certify that the plat hereon delineated is a correct plat of **LOT 7 & PART OF LOT 6, BL. 12**
 in the subdivision of land known as **KENSINGTON PARK** Montgomery County, Maryland,
 as the same is shown on plat duly filed among the Land Records of said county in Plat Book **B**, Plat No. **4**
 that there are no encroachments from adjoining properties unless indicated hereon;
 and that the location of improvements shown is as determined by actual measurements made
DECEMBER 1, 1944

Ralph Moore Berry
 Registered Professional Engineer
 and Land Surveyor

prepared for: **ROBERT P. MACHATTON**

Scale: 1" = 30'

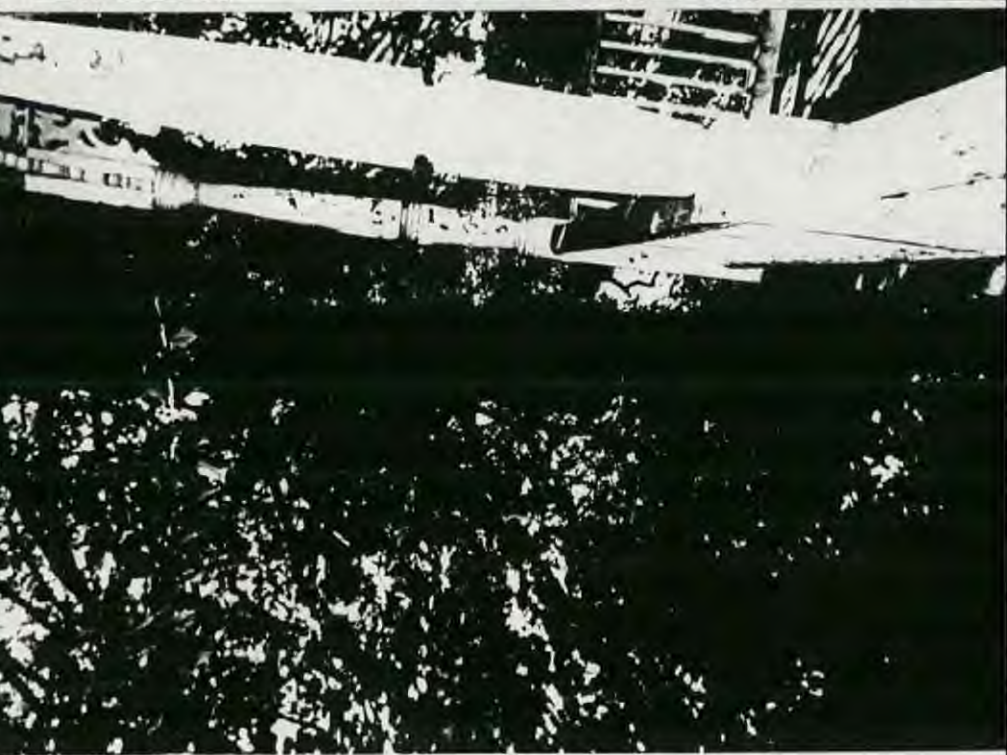
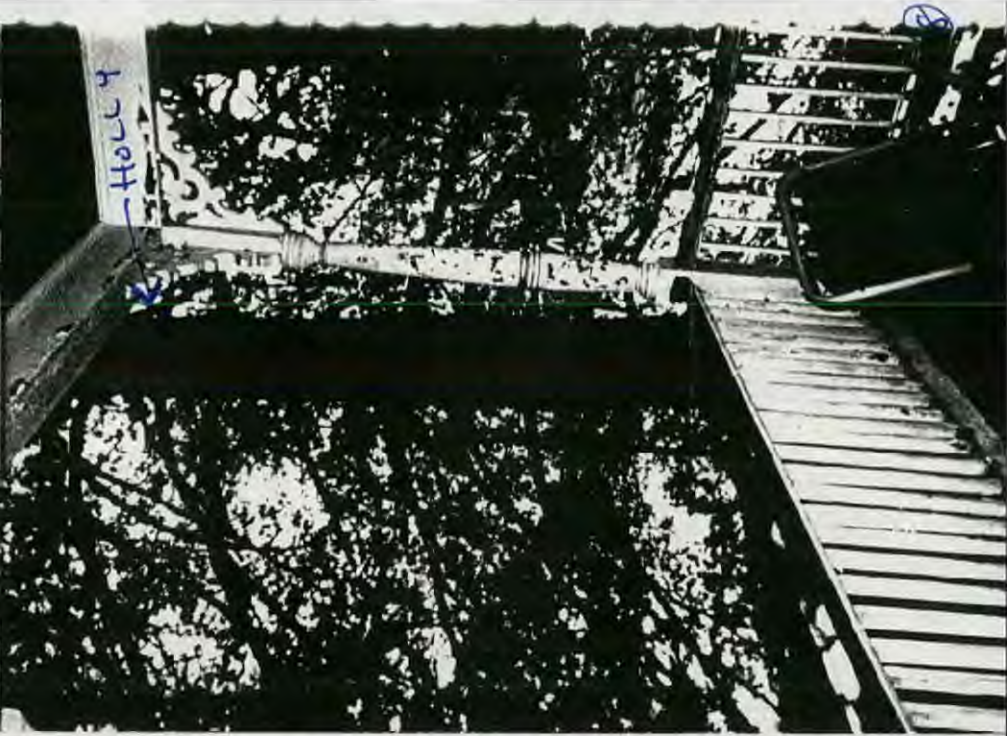
5



holly ?



7





Holly's at corner of porch



benches
down
on tree
rests.

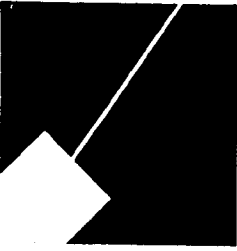
6



Basement floor caught by tree roots!

(10)

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: 11/19/98

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Gwen Wright, Coordinator *GW*
Historic Preservation

SUBJECT: Historic Area Work Permit

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

Approved Denied

Approved with Conditions: _____

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

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

Applicant: Gary Fitzpatrick

Address: 10605 Wheatley St., Kensington MD. 20895

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

Re: 3913 Washington St. Kensington



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 HUNTERFORD DRIVE, ROCKVILLE, MARYLAND 20850
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OPS - #8

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I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent _____ Date _____

Approved: X _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: [Signature] Date: 11/18/98
Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

31/6 98K

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: 11/19/98

TO: Local Advisory Panel/Town Government Town of Kensington

FROM: Historic Preservation Section, M-NCPPC Attn: Mayor Kaufuste

Robin D. Ziek, Historic Preservation Planner
Perry Kephart, Historic Preservation Planner

SUBJECT: Historic Area Work Permit Application - HPC Decision

The Historic Preservation Commission reviewed this project on 11/18/98.
A copy of the HPC decision is enclosed for your information.

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

G\wp\laphawp.ltr

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: 11/19/98

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator *RDZ*
Historic Preservation Section

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

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

A You may now apply for a county building permit from the Department of Permitting Services (DPS) at 250 Hungerford Drive, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by 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 301-217-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 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 301-217-6240 of your anticipated work schedule.

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

A I don't believe you need a permit from DPS other than the HAWP.
You may need a permit from the Town of Kensington -
Rosin

























