

31/7-93I. 10009 Leafy Avenue
Capitol View Park Historic District

December 10, 1993

Nancy Withersall
M. OPPC
8767 Georgia Avenue
Silver Spring, MD 20910

Re: Application for Historic Area Work Permit
10000 Leafy Avenue

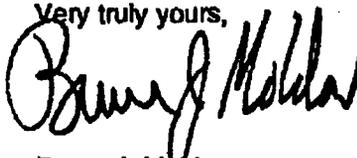
Dear Nancy:

I am willing to object to the request by Curzon Homes to remove four of the five cherry trees from 10000 Leafy Avenue. As you are aware, a significant number of trees have already been removed from this lot. One of the things that makes this neighborhood unique is the eclectic combination of trees. The cherry trees add to this mix, especially during the spring.

The original rationale for removal of the trees is to give the one remaining tree room to grow and develop. I believe this goal can be accomplished by removing the second and fourth trees leaving space between the first, third and fifth trees for all three trees to grow and develop. As agreed by the builder, any trees removed should be replaced at least two for one.

Unfortunately, I will not be able to attend the hearing on Wednesday, December 15, 1993. I would appreciate it if you could pass my comments on to the Commission. Thank you for your assistance.

Very truly yours,



Bruce J. Mordow

ALTEN DEVELOPMENT
Builders ■ Developers

November 22, 1993

Ms. Nancy Witherell
The Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Nancy:

Per your request, enclosed please find photos regarding the HAWP application for CV9 on Leafy Avenue pertaining to the cherry tree removal.

Also enclosed are copies of two (2) letters from POGO which are self-explanatory.

If you have any questions or require additional information, please contact my office immediately. Thanks for all your help.

Sincerely,



William F. Garfinkel
President

WFG/lrs

Enclosures

pogo

17328 Georgia Avenue
Olney, Maryland 20832
(301) 774-2968

11-9-93

To: Wm. Garfinkle
Allen Dev.
5335 Wisconsin Ave NW
WASH. D.C.
20015

Bill,

As per your request of 10-27-93, I examined your site and found 2 dead trees (1 tulip tree, 1 oak) located on the side of Leafy Ave that is currently under construction by Allen Dev.

Although I can not ascertain at this time what caused them to die, I can certainly verify that they are dead, and, as such propose a potential hazard to any traffic, pedestrian or vehicular, that uses Leafy Ave.

My recommendations would be for removal of these two trees as soon as possible -

Sincerely,

Pogo Johnson
MO. TREE EXPERT Lic# 520
154 Cent. Avenue # AA151

ALDEN DEVELOPMENT
Builders ■ Developers

November 17, 1993

Ms. Nancy Witherell
Historic Preservation Planner
The Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Dear Nancy:

Enclosed is our application for Lot 9 at Capital View 10009 Leafy Avenue in Silver Spring for HAWP/Alteration.

If you have any questions, please call my office immediately. Once again, thanks for all your help and cooperation.

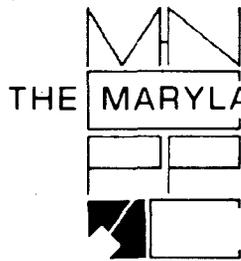
Sincerely,



William F. Garfinkel
President

WFG/lrs

Enclosure



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

November 4, 1993

Mr. Bill Garfinkel
Alten Development
5335 Wisconsin Avenue, NW
Suite 440
Washington, DC 20015

Dear Mr. Garfinkel:

Thank you for your letter of October 29, 1993, enclosing the updated tree survey showing the new trees to be planted on lots 8, 11, and 12. These trees are to be planted pursuant to the conditions of the approval of the HAWP you filed retroactively for the removal of the pine tree on lot 10.

In summary, on September 8, 1993, the HPC approved the removal of the pine tree provided you plant a 4" caliper Red Maple in the rear yard of lot 12, a 4" Red Maple in the rear yard of lot 11, and a 4" caliper Birch tree in the front yard of lot 8. As we discussed at our October 27 meeting at the site, the HPC expects the replacement trees to be planted this fall. Please let me know when you will schedule the work to be done.

When I receive a letter from your tree expert concerning the two dead trees on Leafy Avenue, I will send you a letter approving their removal. The location of the two trees should be indicated on a site plan or map so that it is clear which two trees are to be removed. I will forward this information, as well, to David Clough, chair of the Capitol View Park Local Advisory Panel, so that he and his committee can be made aware in advance of the removal of the two dead trees.

I noticed that you annotated the tree survey to indicate the proposed location of eight American Holly trees to be planted as a replacement for the removal of four Cherry trees at the rear of lot 9. This was the subject of a discussion among you, your tree expert, Steve Cary of our staff, and me at the site on October 27. Please let me reiterate, as I did at the time, that the Cherry trees can be removed only following an appearance before the HPC and the approval of a HAWP. The HPC has scheduled meetings on December 1 and December 15 and on January 12 and 26. Deadlines for filing a HAWP are always 3 weeks before each

meeting. The Capitol View Park LAP and adjacent property owners would be notified in advance of the meeting and would have an opportunity to comment on the removal of the Cherry trees. You should not assume that the removal of the Cherry trees is a foregone conclusion, despite the weight of M-NCPPC Arborist Steve Cary's judgment that the trees are stunted and not growing properly as a result of their close proximity to each other.

Again, thank you for your letter and for your time at the site on October 27. I look forward to receiving additional information from you.

Sincerely,



Nancy Witherell
Historic Preservation
Planner

cc: David Clough, Chair,
Capitol View Park LAP

(w/attach: your letter of 10/29/93)

ALLEN DEVELOPMENT
Builders ■ Developers

October 29, 1993

Ms. Nancy Witherell
Historic Preservation Planner
The Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

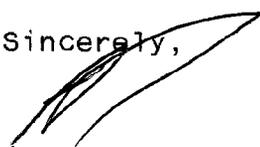
Dear Nancy:

Pursuant to our meeting at the Leafy Avenue job site, I have enclosed an updated location plan for the trees that are to be planted. This plan reflects the recommendations made by your staff that were approved at the September 8, 1993 commission meeting.

I would also like to formalize my request for the removal of the two large dead trees on lower Leafy Avenue. As my tree expert explained, these trees have long since been dead and will need to be removed at once so as to not pose a hazard.

I will forward the tree expert's letter regarding the dead trees to you as soon as possible. As always, I appreciate your help and cooperation.

Sincerely,



William F. Garfinkel
President

WFG/lrs

Enclosure

10/28/93

RED MAPLE
4" CR

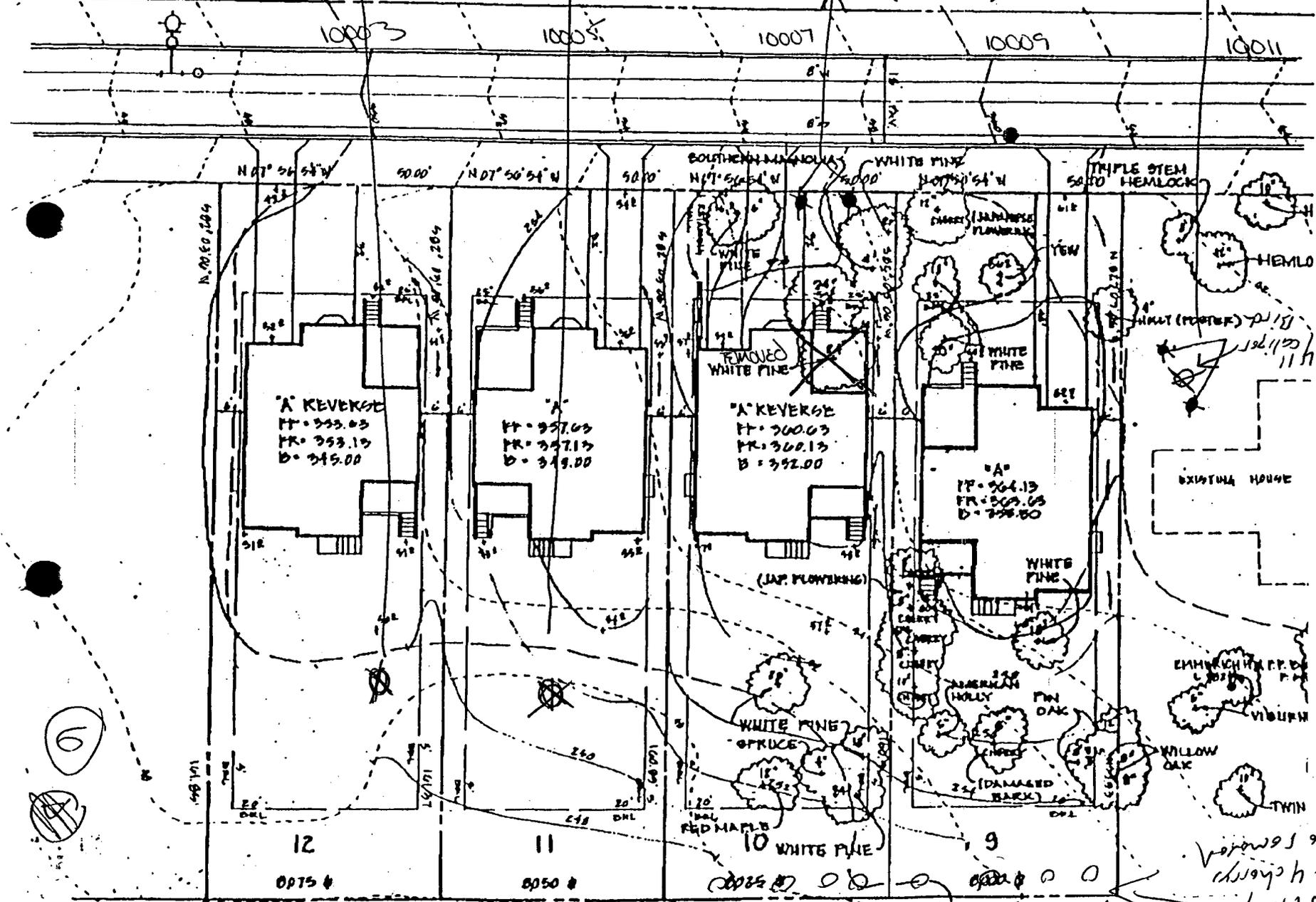
RED MAPLE
4" CR

2 W. PINE
10-12'

2 Birch
2.5" CR

LEAFY
WARNER AVENUE

(40' R/W)



Proposed
American Valley
to be removed
to be removed

INCLUDED PROPOSAL

10

12

12
OPTS #

11
8050 #

10
WHITE PINE
8000 #

9

EXISTING HOUSE

EMERSON
WILLOW OAK
TWIN

SOUTHERN MANICURA WHITE PINE TRIPLE STEM
N 1/2 54' 54" W 50' 00' N 1/2 50' 54" W 50' 00' N 1/2 54' 54" W 50' 00'

N 1/2 50' 204

S 1/2 50' 204

S 1/2 50' 204

N 1/2 50' 204

48 191

5 161/87

100 10

100 10

'A' REVERSE
FT=333.03
PR=353.13
D=345.00

'A'
FT=357.03
PR=347.13
D=349.00

'A' REVERSE
FT=300.03
PR=300.13
D=342.00

'A'
FT=364.13
PR=303.03
D=348.00

RED MAPLE

WHITE PINE

(DAMAGED BARK)

WILLOW OAK

EMERSON

TWIN

AMERICAN HOLLY

WHITE PINE

WHITE PINE

(JAP. PLANTING)

PRUNED WHITE PINE

WHITE PINE

EMERSON (JAPANESE PLANTING)

TRIPLE STEM
50' 00' HEMLOCK

HEMLO

4" HAWK (POTTER)

11/11/02



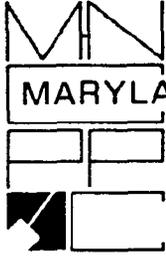
10003

10005

10007

10009

10011



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

MEMORANDUM

TO: Robert Hubbard, Acting Chief
Division of Development Services and Regulation
Department of Environmental Protection

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit

DATE: 12.17.93

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

Approved Denied

Approved with Conditions: _____

3 cherry trees will be removed - the second, third, and fourth in the row of five trees. The first cherry tree will remain. Six replacement American Holly trees will be planted along the rear property line.

The Building Permit for this project should be issued conditional upon adherence to the approved Historic Area Work Permit.

Applicant: Corza-Hemos / Bill Gunkel

Address: 10009 Leahy Avenue, Silver Spring



Historic Preservation Commission

51 Monroe Street, Suite 1001, Rockville, Maryland 20850
217-3625

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 1305994725

NAME OF PROPERTY OWNER Custom Homes II TELEPHONE NO. 301 961 1533
(Contract/Purchaser) Custom Homes of Maryland (Include Area Code)

ADDRESS 2 Wisconsin Circle Suite 200 CITY Rockville STATE MD ZIP 20850

CONTRACTOR Poco Tico Exteriors TELEPHONE NO. 301 774 2968

PLANS PREPARED BY Land Services Group CONTRACTOR REGISTRATION NUMBER MD 72 520 TELEPHONE NO. 301 261 5343
(Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 10009 Street Leahy Ave

Town/City Silver Spring Election District _____

Nearest Cross Street Barber Street

Lot 91 Block 34 Subdivision Capital View Park

Liber _____ Folio _____ Parcel _____

1A. TYPE OF PERMIT ACTION: (circle one) Free Removal

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition
Wreck/Raze	Move	Install	Revocable	Porch	Deck	Fireplace
			Revision	Fence/Wall (complete Section 4)	Shed	Solar
						Woodburning Stove
						Other _____

1B. CONSTRUCTION COSTS ESTIMATE \$ 1000.00

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # 911190066

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY Poco

1E. IS THIS PROPERTY A HISTORICAL SITE? Yes

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 <input checked="" type="checkbox"/> WSSC	02 <input type="checkbox"/> Septic
03 <input type="checkbox"/> Other _____	

2B. TYPE OF WATER SUPPLY

01 <input checked="" type="checkbox"/> WSSC	02 <input type="checkbox"/> Well
03 <input type="checkbox"/> Other _____	

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

4A. HEIGHT _____ feet _____ inches

4B. 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 _____ (Revocable Letter Required).

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 (agent must have signature notarized on back) _____ Date Nov 4 1993

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature Albert B. Randall Date _____

APPLICATION/PERMIT NO: _____ FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10009 Leafy Avenue	Meeting Date: 12/15/93
Resource: Capitol View Park H. D.	Review: HAWP/Alteration
Case Number: 31/7-93I	Tax Credit: No
Public Notice: 12/1/93	Report Date: 12/8/93
Applicant: Curzon Homes, Inc.	Staff: Nancy Witherell
PROPOSAL: Remove trees	RECOMMEND: Approval

The applicant is constructing new homes on lots on Leafy Avenue in an area formerly used as a tree nursery. Near the southwest corner of the lot under consideration is a row of five closely spaced Cherry trees that were planted in the tree nursery. The applicant proposes removing four of the trees in order to allow the fifth tree to flourish. As a replacement for the Cherry trees to be removed, the applicant suggests planting eight American Holly trees near the rear property line.

STAFF DISCUSSION

The staff was accompanied on an inspection of the site by Steve Cary, a certified horticulturist on the staff of the M-NCPPC. The staff relies on Mr. Cary's assessment of the Cherry trees and on the desirability and proposed location of the American Hollies as replacement trees.

The Cherry trees are planted within several feet of each other in a line and were surely originally intended for replanting as they matured. Due to their current proximity, they have not developed canopies as good specimens of the species should. Cherry trees should be planted approximately 25 feet apart if they are to flourish. The applicant's arborist suggests, and Mr. Cary concurs, that the best Cherry tree is the last one in the row (toward the rear of the lot) and that this tree has the potential to develop a fully rounded canopy if the other trees are removed and it is allowed to flourish. For comparison, the staff notes that there is another Cherry tree in the rear of the yard of a similar size that stands alone and has developed and flourished.

The applicant proposes, in consultation with his arborist and Mr. Cary, that eight American Holly trees of approximately 6-8' in height be planted near the rear property line as replacement

trees for the removed Cherry trees. Mr. Cary is concerned about the number of trees in the yard already and believes there is no room in the front yard for new trees. He concurs with the proposed location and size of the American Hollies and agrees with the applicant and staff that their placement would add to the existing natural buffer at the rear of the lot.

STAFF RECOMMENDATION

While it is desirable to retain as many trees as possible from the period when the land was used as a tree nursery, the staff concurs that the close planting of the five Cherry trees is not conducive to the growth and flourishing of the trees and in this instance is counterproductive. The staff notes that the limbs of the trees are stunted or absent in comparison with the single Cherry tree in the rear yard. The staff also notes that the fifth Cherry tree stands a little more distant from the others in the line and is further developed.

In addition, the staff concurs with Mr. Cary that the rear of the yard is the only remaining area for replacement trees to be planted and relies on Mr. Cary's assessment of the species and size of the replacement trees.

The staff recommends that the Commission find the proposal consistent with the purposes of Chapter 24A-8(b)1:

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

and with Standard #2:

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.



Historic Preservation Commission

51 Monroe Street, Suite 1001, Rockville, Maryland 20850
217-3625

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 1305994725

NAME OF PROPERTY OWNER Curzon Homes II TELEPHONE NO. 301 961 1533
(Contract/Purchaser) Curzon Homes of Kensington (Include Area Code)

ADDRESS 2 Wisconsin Circle Suite 200 Chevy Chase MD 20815
CITY STATE ZIP

CONTRACTOR POGO Tree Experts TELEPHONE NO. 301 774 2968 ZIP

PLANS PREPARED BY Landservices Group CONTRACTOR REGISTRATION NUMBER MD TE 520
 TELEPHONE NO. 301 261 8343 (Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 10009 Street Leafy Ave

Town/City Silver Spring Election District _____

Nearest Cross Street Barker Street

Lot 9 Block 34 Subdivision Capitol View Park

Liber _____ Folio _____ Parcel _____

- 1A. TYPE OF PERMIT ACTION: (circle one) Tree Removal
- | | | | | | | |
|---|-------------------------------------|---|------------------------------------|---|--------------------------------|--|
| <input checked="" type="checkbox"/> Construct | <input type="checkbox"/> Extend/Add | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> Repair | Circle One: A/C | Slab | Room Addition |
| <input type="checkbox"/> Wreck/Raze | <input type="checkbox"/> Move | <input type="checkbox"/> Install | <input type="checkbox"/> Revocable | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Fireplace |
| | | | <input type="checkbox"/> Revision | <input type="checkbox"/> Shed | <input type="checkbox"/> Solar | <input type="checkbox"/> Woodburning Stove |
| | | | | Fence/Wall (complete Section 4) Other _____ | | |
- 1B. CONSTRUCTION COSTS ESTIMATE \$ \$1000.00
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # 9111190066
- 1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY PEPCO
- 1E. IS THIS PROPERTY A HISTORICAL SITE? YES

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

- 2A. TYPE OF SEWAGE DISPOSAL
- | | |
|---|------------------------------------|
| 01 <input checked="" type="checkbox"/> WSSC | 02 <input type="checkbox"/> Septic |
| 03 <input type="checkbox"/> Other _____ | |
- 2B. TYPE OF WATER SUPPLY
- | | |
|---|----------------------------------|
| 01 <input checked="" type="checkbox"/> WSSC | 02 <input type="checkbox"/> Well |
| 03 <input type="checkbox"/> Other _____ | |

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 4A. HEIGHT _____ feet _____ inches
- 4B. 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 _____ (Revocable Letter Required).

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 (agent must have signature notarized on back) Proz Altan Development / PARTNER Date NOV 4, 1993 (3)

SUPPLEMENTAL APPLICATION FOR HISTORIC AREA WORK PERMIT
REQUIRED ATTACHMENTS

1. WRITTEN DESCRIPTION OF PROJECT

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

Existing trees that are requested to be removed are in rear of a fairly wooded building site.

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

Development consisting of eight (8) 50'(w) x 120'(l) building lots on a wooded site that is a former nursery. This partition Lot 9 is heavily treed both front and rear. Homes are Victorian style in conformance with surrounding historical area.

2. Statement of Project Intent:

Short, written statement that describes:

- a. the proposed design of the new work, in terms of scale, massing, materials, details, and landscaping:

Removal of 4 out of 5 cherry trees. Replacing of eight (8) hex opaca 7' - 8'
trees along rear of Lot 9 (4) and Lot 10 (4).

- b. the relationship of this design to the existing resource(s):

Replanting would fill some unscreened areas along rear of lots.

- c. the way in which the proposed work conforms to the specific requirements of the Ordinance (Chapter 24A):

The 2 replacement for 1 removal ratio is met by this proposal.

3. Project Plan:

Site and environmental setting, drawn to scale (staff will advise on area required). Plan to include:

- a. the scale, north arrow, and date;
- b. dimensions and heights of all existing and proposed structures;
- c. brief description and age of all structures (e.g., 2 story, frame house c.1900);
- d. grading at no less than 5' contours (contour maps can be obtained from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring; telephone 495-4610); and
- e. site features such as walks, drives, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

4. Tree Survey: If applicable, tree survey indicating location, caliper and species of all trees within project area which are 6" in caliper or larger (including those to be removed).

5. Design Features: Schematic construction plans drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", indicating location, size and general type of walls, window and door openings, roof profiles, and other fixed features of both the existing resource(s) and the proposed work.
6. Facades: Elevation drawings, drawn to scale at 1/8" = 1'0", or 1/4" = 1'0", clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for 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.
7. Materials Specifications: General description of materials and manufactured items proposed for incorporation in the work of the project.
8. Photos of Resources: Clearly labeled color photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
9. Photos of Context: Clearly labeled color photographic prints of the resource as viewed from the public right-of-way and from adjoining properties, and of the adjoining and facing properties.

Color renderings and models are encouraged, but not generally required.

Applicant shall submit 2 copies of all materials in a format no larger than 8 1/2" x 14"; black and white photocopies of color photos are acceptable with the submission of one original photo.

10. Addresses of Adjacent 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. If you need assistance obtaining this information, call the Department of Assessments and Taxation, at 279-1355.

1. Name Bruce Muldow
 Address 10011 Leafy Avenue
 City/Zip Silver Spring, MD 20910
2. Name Leafy House, Inc.
 Address 10000 Brunswick Avenue
 City/Zip Silver Spring, MD 20910

6

3. Name Rudolph & E. V. Cebulla
Address 10013 Menlo Avenue
City/Zip Silver Spring, MD 20910
4. Name Curzon Homes, Inc.
Address 10009 Leafy Avenue
City/Zip Silver Spring, MD 20910
5. Name Curzon Homes, Inc.
Address 10007 Leafy Avenue
City/Zip Silver Spring, MD 20910
6. Name Nancy & Stuart Foster
Address 10005 Leafy Avenue
City/Zip Silver Spring, MD 20910
7. Name Jens & Nian Anderson
Address 10015 Menlo Avenue
City/Zip Silver Spring, MD 20910
8. Name _____
Address _____
City/Zip _____

1757E

pogo

17328 Georgia Avenue
Olney, Maryland 20832
(301) 774-2968

To:

Wm. Gantjick
Alted Development
5335 Wise Ave NW
WASH. D.C. 20015

R.E. Cherry Trees at 10067 Leary Dr. Kensington Md.

Bill,

As we discussed with Steve Gray of MCPPC on 10-27-93
This letter is to clarify why we (ME, CARLY, YOU & I)
were all in agreement about the removal of 4 out
of 5 Kwazad Cherry Trees in a secret nursery
row at the address referenced above. By so doing
we hope to give the 5th tree some room to grow
& develop in to a specimen as opposed to
letting them all grow, intertwine and conflict
with one another. In further keeping with
Me. Carly's recommendation we will want to
plant 8 Ilex opaca (7-8' HT) as soon as
possible to replace any lost 'green space'.
Please call me for any further explanations
or clarifications

Sincerely,

Pogo Sherwood

MD. TREE Expert Lic. # 520
154 Cert. Nurseries # MA-151



← cluster
of 5 cherry trees
in a row



← cherry trees in
middle of photo, as
seen from north
side of back yard



← Cherry
trees

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20907**







