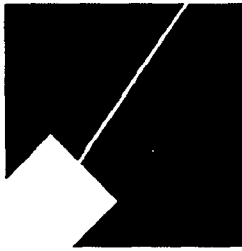


31/7-97D 10009 Leafy Avenue
(Capitol View Park Historic District)

Wrong folder

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

August 20, 1997

Derick Berlage
10007 Leafy Avenue
Silver Spring, MD 20910

Re: Removal of White Pine

Dear Mr. Berlage,

Thank you for contacting the Historic Preservation Commission (HPC) with a request to remove a White Pine on your property at 10007 Leafy Avenue, Silver Spring.

I understand from Mark Eppard, Arborist with Guardian Tree Experts, that the tree is dead and a hazard. Mr. Eppard indicates that removal is the recommended course of action.

Because the tree is dead, you may remove them without filing for a Historic Area Work Permit. This letter serves as your permission to remove the hazardous White Pine.

If you have any further questions, please do not hesitate to call me at (301)495-4570.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry Kephart", written over a faint circular stamp.

Perry Kephart
Historic Preservation Planner

Derick Berlage
10007 Leafy Avenue
Silver Spring, MD 20910
(301) 608-8965

August 17, 1997

Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Commission Staff:

In accordance with the instructions you provided me last week, I enclose an arborist's letter certifying that one of the white pines in my back yard is dead.

You have indicated that after providing you with this letter I may proceed to have the tree taken down.

Thank you for your assistance.

Sincerely,

Derick P. Berlage

GUARDIAN[®] TREE EXPERTS INCORPORATED

PHONE (301) 881-8550
FAX (301) 881-9063

12200 NEBEL STREET
ROCKVILLE, MARYLAND 20852-2687

Certified and Licensed Tree Experts by State Of Maryland

August 13, 1997

Historic Preservation Commission
of Montgomery County
8787 Georgia Avenue
Silver Spring MD 20910

To whom it may concern,

I was contacted by Mr. D. Berlage of 10007 Leafy Avenue Silver Spring Md 20910, in reference to a tree in poor health at the rear of the above address. I have examined this tree (White Pine) and certify it is dead and can only be removed.

If there are any questions please call my office. 301-881-8550

Thank You,



Mark Eppard
Arborist

Post-it [™] Fax Note	7671	Date	8/20	# of pages	1
To	Mark Eppard	From	P Kaphart		
Co./Dept.		Co.	HPC		
Phone #		Phone #			
Fax #	881 9063	Fax #			

MEMBERS

MONTGOMERY COUNTY CHAMBER OF COMMERCE • NATIONAL ARBORIST ASSOCIATION • MARYLAND ARBORIST ASSOCIATION
PROFESSIONAL GROUNDS MANAGEMENT SOCIETY • INTERNATIONAL SOCIETY OF ARBORICULTURE

"Professional Tree Care Since 1961"

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10009 Leafy Avenue **Meeting Date:** 12/17/97
Resource: Capitol View Park Historic District **Review:** HAWP
Case Number: 31/7-97D **Tax Credit:** None
Public Notice: 12/03/97 **Report Date:** 12/10/97
Applicant: Barry Waterman **Staff:** Perry Kephart
PROPOSAL: Tree Removal **RECOMMEND:** Approval

DATE OF CONSTRUCTION: 1993

SIGNIFICANCE: Non-Contributing Resource in the Capitol View Park Historic District.

ARCHITECTURAL DESCRIPTION

Two-story, double-front gable house with inset front corner porch. The house is one of a row of contemporary houses of similar design that were an infill project in the historic district.

PROPOSAL

The applicant proposes to remove an 18" caliper white pine tree that is less than 3' from the front facade of the residence.

STAFF DISCUSSION

The infill project, of which 10009 Leafy Avenue is a part, was constructed on the site of a tree nursery. Protection of as many of the mature trees on the property as possible was the subject of a number of Historic Area Work Permit Application reviews by the Historic Preservation Commission. The Local Advisory Panel and residents of the historic district were heavily involved in the effort to site the new houses in such a way that the trees would survive.

It was agreed at the HPC meeting of February 10, 1993 that the proposed house at the subject address would be sited 6' back from the original site proposed in order to save the tree in question. It was felt that this would move the foundation (and construction effect) of the new house far enough away from the dripline of the tree to keep the tree out of harm's way.

The arborist for the present owner of the house has indicated in the attached report that the tree is diseased and dying and should be removed. Applications for removal of dead and/or

①

hazardous trees (when attested to by a licensed arborist) are routinely reviewed and approved by HPC staff. However, in the case of a tree that has been the subject of considerable attention by both the HPC and the Local Advisory Panel, it is appropriate that the HPC and the LAP be given the opportunity to review the application for removal. The LAP has been contacted with regard to the current application and may provide testimony at the HPC meeting.

Both the applicant and the arborist consider the dying tree to be a significant hazard both from its proximity to the house and its rate of decline.

It is not known whether, although every effort has been made to save the tree, the shock of the proximity of the construction has weakened the tree and has led to its early demise, or whether the tree has been the victim of infestation independent of its earlier treatment. Staff would concur with the applicant that the tree is a hazard and should be removed.

A condition of approval for tree removal at the time of construction was the replacement of two trees for every tree removed. Staff feels that, at this time, the lot for 10009 Leafy Avenue is sufficiently wooded and that there may not be room for additional tree planting unless a small ornamental could be planted near the site of the subject tree. Staff would suggest that tree replacement only be made a condition for approval if the Local Advisory Panel has a suggestion for tree planting elsewhere at a site acceptable to the applicant..

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** with conditions the HAWP application as being consistent with Chapter 24A-8(b)2:

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site, or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

APPLICATION FOR HISTORIC AREA WORK PERMIT

Tax Account No.: 994725 Contact Person: _____
Daytime Phone No.: 301.594.4449 or 301.585.8524
Name of Property Owner: BARRY WATERMAN Daytime Phone No.: _____
Address: 10009 LEAFY AVE. SILVER SPRING MD 20910
Street Number City State Zip Code
Contractor: to be chosen Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 10009 Street: LEAFY AVE.
Town/City: SILVER SPRING Nearest Cross Street: BARBER
Lot: 9 Block: 34 Subdivision: Capital View Park
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

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

CHECK ALL APPLICABLE:

- A/C Slab Room Addition Porch Deck Shed
 Solar Fireplace Woodburning Stove Single Family
 Fence/Wall (complete Section 4) Other: removal of tree

1B. Construction cost estimate: \$ _____
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.

Barry H. Waterman Signature of owner or authorized agent 11/22/97 Date **(3)**

Approved: _____ For Chairperson, Historic Preservation Commission

**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:

Subject tree is on parcel with most # of trees

See attached sheet

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

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.

4

HAWP APPLICATION: ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

Derek Berlage and Susan Mann
10007 Leafy Ave.
Silver Spring, MD 20910
~~20~~

Colleen Walroth and
10011 Leafy Ave.
S.S.

(new owners)

Please ^{also} see attached comments from arborists,
and photographs

Thanks

Subject tree is on parcel with most number of trees, & the most extensive landscaping and planting, in front yard of any property on this 8-acre section of Leafy Ave; (tree houses were constructed in 193-194).

Tree is a white pine, about 18" dia, standing taller than the house and the trunk is about 27" from the front porch. Builder said tree should have been removed, but he didn't want to "fight another battle over the removal in this neighborhood". Every contractor and tradesman who has been to the house to help me with minor interior projects, including a cabinet recently, has advised me of the danger and loss of alluring this tree to remain in such close proximity to the house.

The architect has told me that this tree is in declining health, probably from being insects, that it is prone to snapping in high winds or heavy snow, and is a physical and safety hazard to the house itself, as well as to my neighbors (*1000 leafy).

The tree drops heavy accumulations of pine needles on the lawn, walkways, porch, and upper and lower front roof, along with copious droppings of sap. The droppings can damage the roof; the needles block up the rain gutters (which necessitate frequent maintenance to avoid water leaks from gutters downspout) which I've already experienced, and require more frequent lawn maintenance to remove needles that could otherwise smother the grass, already stressed by heavy shading in this yard area. Sap droppings have damaged front porch painted surfaces, resulting in paint peeling and unsightly physical appearance of the front entrance area, not to mention constant attraction of dirt and debris, and the messy, unattractive backing of sap deposits into the house.

Propose to remove this tree, grade the stump below grade, and cover over with mulch (and perhaps a new shrub) to blend in with the existing appearance of this already heavily-shaded area, and may enhance the growth and flowering of existing plantings that have not received adequate sunlight in this location for optimal growth.

I have talked with Green Wright, and the arborist who has all the plans and drawings on file in the construction file.

9

(over)

831-3006

Nov. 01, 1997

HOOD'S TREE SERVICE
 11384 CANARY DRIVE
 HAMSVILLE, MARYLAND 21754

Mr. Barry Waterman
 10009 Leafy Ave.
 Silver Spring, Md. 20902
 "make checks payable to: Fred Hood"

Cut down 2 white Pine trees in front		
Take everything away	\$	950.00
	or each	\$ 550.00
Chip out stumps	\$ 50.00 ea. extra	
Reason for removal: 1 Pine tree, too close to house - causing damage to roof. 1 Pine tree is dead.		



P.O. BOX 34306
 BETHESDA, MARYLAND 20827
 (301) 530-3316



LICENSED
 TREE
 EXPERTS
 #469

P R O P O S A L

BARRY WATERMAN
 10009 LEAFY AVENUE
 SILVER SPRING, MD 20910

Page: 1
 Date: 11/10/97
 Proposal Num: 9119
 Proposal Date: 11/10/97
 Customer Num: 7935
 Rep: KC ActType: R
 PO#:
 Map: 36-F5 MONT

301-585-8524 301-594-4449

Item	Qty.	Schedule of Services: Location and Description	Amount.
#1	1	DEAD WHITE PINE	575.00

AT RIGHT FRONT.
 TAKEDOWN TO A HEIGHT AS CLOSE TO GRADE LEVEL AS POSSIBLE.
 REMOVE ALL WOOD AND RESULTING DEBRIS. ARBORCARE IS NOT
 RESPONSIBLE FOR REPAIRING TURF DAMAGE DUE TO THE SIZE AND
 WEIGHT OF TRUNK SECTIONS; HOWEVER, EXTREME CARE WILL BE
 TAKEN TO MINIMIZE DAMAGE.

#2	1	WHITE PINE STUMP	175.00
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AT RIGHT FRONT (FROM TAKEDOWN).
 GRIND STUMP 4-6" BELOW GRADE LEVEL. **WITH SMALL MACHTNE**
 AND RAKE MULCH BACK INTO HOLE.

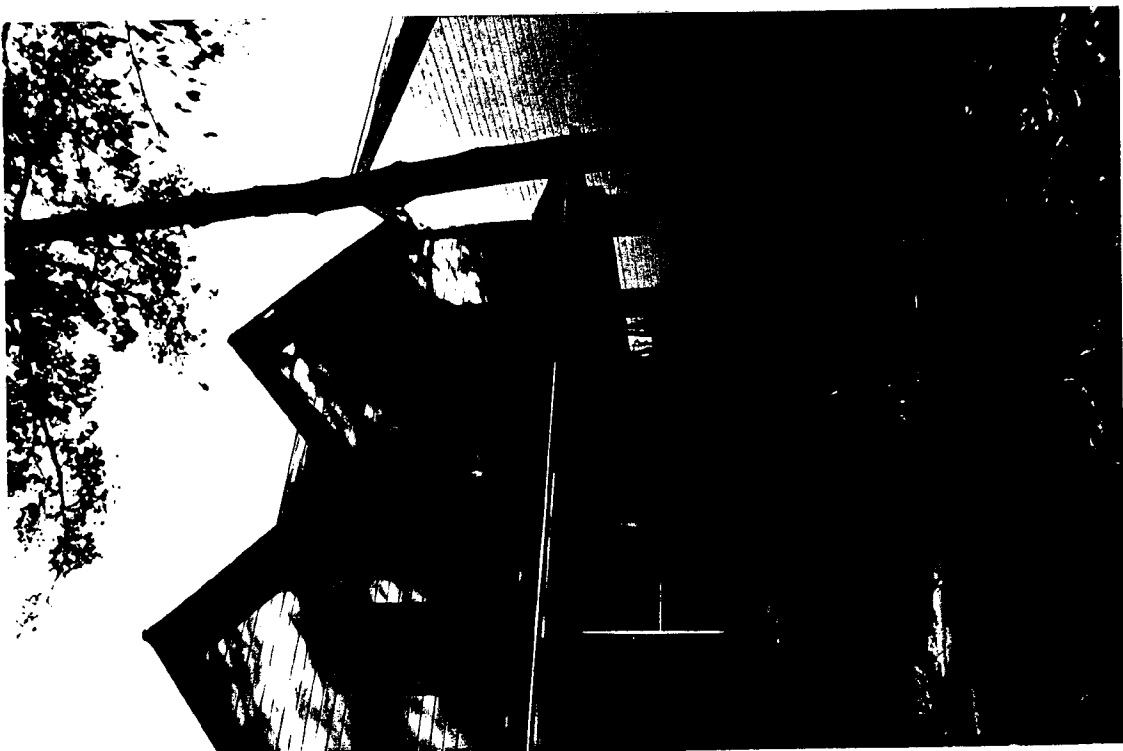
#3	1	DECLINING WHITE PINE	825.00
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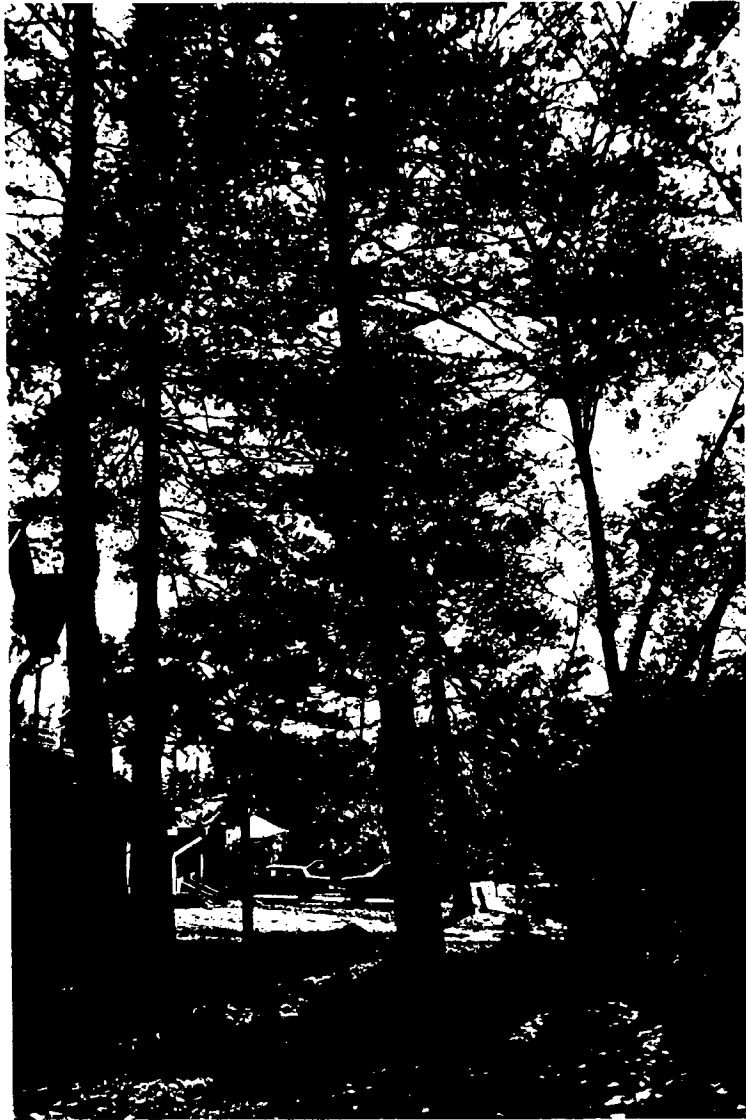
AT RIGHT FRONT CLOSEST TO HOUSE.
 TAKEDOWN TO A HEIGHT AS CLOSE TO GRADE LEVEL AS POSSIBLE.
 REMOVE ALL WOOD AND RESULTING DEBRIS. ARBORCARE IS NOT
 RESPONSIBLE FOR REPAIRING TURF DAMAGE DUE TO THE SIZE AND
 WEIGHT OF TRUNK SECTIONS; HOWEVER, EXTREME CARE WILL BE
 TAKEN TO MINIMIZE DAMAGE.
 POTENTIALLY HAZARDOUS
 (PRICE IF DONE SEPARATE \$1200)

#4	1	WHITE PINE STUMP	195.00
----	---	------------------	--------

AT RIGHT FRONT (FROM TAKEDOWN).
 GRIND STUMP 4-6" BELOW GRADE LEVEL AND RAKE MULCH BACK
 INTO HOLE.

9





10

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10007 & 10009 Leafy Avenue Meeting Date: 2/10/93
(Lots 10 and 11)
Resource: Capitol View Park Review: HAWP/Alt.
Case Number: 31/7-92K CONTINUED Tax Credit: No
Public Notice: 1/27/93 Report Date: 2/3/93
Applicant: Curzon Homes Inc. II Staff: Nancy Witherell
PROPOSAL: RELOCATE HOUSE ON LOT 9; RECOMMEND: APPROVE W/
RELOCATE DRIVEWAY ON LOT 10 CONDITIONS AS NOTED

The applicant, Curzon Homes Inc. II, appeared before the Commission at its December 2, 1992, meeting and returns with a revised HAWP proposal reflecting the discussion at the prior meeting.

The principal issue was the necessity of an accurate tree survey. Attached is a recently-completed survey which the staff believes to be accurate. Also attached is the revised proposal showing changes to the previously-proposed locations of the construction on lots 9 and 10; these revisions will allow all the trees marked on the survey to remain.

At lot ¹⁰ 8, the applicant had requested permission to remove a pine tree in the way of a proposed driveway location. The parking apron had already been poured. The staff, working with Marilyn Clemens, a landscape architect on the M-NCPPC staff, had suggested that the driveway be redesigned to enter the lot to the left of this tree, avoiding all driplines. The applicant has adopted this suggestion and shows it on paper as part of the revised proposal.

At lot ⁹ 10, the issue was a tree situated very close to the proposed front entrance of the house. Following discussion by the Commissioners and testimony from the adjacent property owner, Mr. Muldow, the Commission concurred with the applicant's request to relocate the house approximately 6' farther back on the lot (so as to avoid the tree in front), as long as a pine tree in the rear yard was not affected. The Commission directed the applicant to stake the new location of the house so that staff could confirm that the foundation would not compromise the dripline of either tree.

At the time of this report, the staking has not been completed. The staff hopes to comment at the meeting. However, the Commission at its December meeting delegated the review and approval of this element of the plan to the staff.

(11)
(A)

The applicant further requests the option of moving the location of the house on lot 10 farther back on the site, as well. If the house were moved back, it would be aligned with the location of the new house to be constructed on the adjacent lot 9.

STAFF RECOMMENDATION

The staff concurs with this additional request, judging it to be an improvement to the proposal, and recommends that written notification to the Commission staff and to the Capitol View Park LAP be sufficient if the applicant decides to move the house farther back on the lot 10 to align with the house on lot 9.

As the applicant has complied with the requirements and recommendations of the Commission, as conveyed at the December 2, 1992, meeting, and with the views of the Capitol View Park LAP and residents to save all the trees on lots 9 and 10 and to complete an accurate tree survey of the site (lots 9-12), the staff recommends that the Commission find the revised proposal consistent with the purposes of Chapter 24A, particularly 24A-8(b)2:

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site, or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter;

and with the Secretary of the Interior's 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.

The conditions noted in the previous staff report still pertain:

- 1) The snow fence should be properly installed and maintained during construction to protect the trees.
- 2) The understory should be cleared by hand rather than by machine.
- 3) The ivy should be removed from the trunks of the pine trees.
- 4) All heavy equipment should be kept away from the tree roots (outside the dripline).
- 5) The trees lost during past construction on the site should be replaced at a rate of two trees for each tree lost. In particular, the 12" Maple on Lot 11, and the Beech clump on Lot 8 should be replaced. The replacement should be done in consultation with staff.

12
B

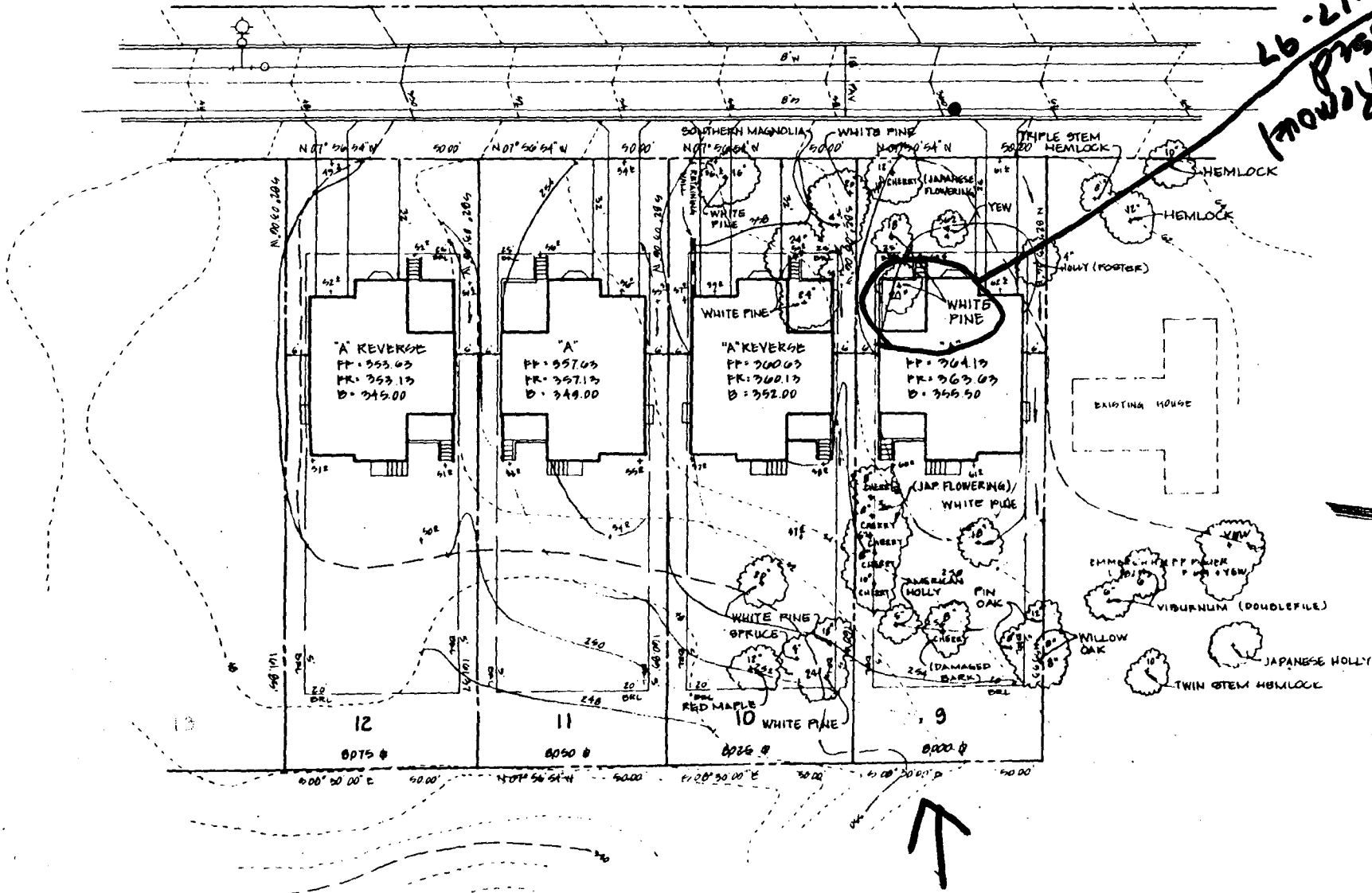
WARNER AVENUE

(40' R/W)

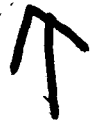
Original house siting

Tree Removal
12-12-97

(41)



Tree Survey



12-12-97

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

December 12, 1997

Mr. Barry Waterman
10009 Leafy Avenue
Silver Spring, MD 20910

Re: Removal of White Pine

Dear Mr. Waterman,

Thank you for contacting the Historic Preservation Commission (HPC) with a request to remove a White Pine at the right front of your property at 10009 Leafy Avenue, Capitol View Park, Silver Spring.

I understand from Arbor Care, Inc. that the tree is dead and a hazard. Arbor Care indicates that removal is the recommended course of action.

Because the tree is dead, you may remove it without filing for a Historic Area Work Permit. This letter serves as your permission to remove the hazardous White Pine. Your application for permission to remove the second White Pine (on the right front, nearest the house) will be reviewed at the December 17, 1997 meeting of the Historic Preservation Commission.

If you have any further questions, please do not hesitate to call me at (301)495-4570.

Sincerely,

Perry Kephart
Historic Preservation Planner

12/9/97

Dear Ms. Wright,

I am writing this note, as you advised me in a phone conversation a few weeks ago, to request approval to remove a dead tree from my home property at 10009 Leafy Ave., Silver Spring 20910. (I have filed an HAWP (HPC Case #31/7-97D) to remove a declining white pine near the dead pine, approval for which is pending.)

Enclosed are copies of 2 estimates from arborists, attesting to the death of the 16" dia. white pine tree in this request, which is located in the front yard, about 12 ft. in front of the porch. This dead pine, as has been noted, is a safety hazard and should be taken down.

Would you kindly fax approval reply to me at 301.585.8540.

Thank you for your help and advice.

Barry H. Waterman



TREE SPECIALISTS

P.O. BOX 34306
BETHESDA, MARYLAND 20827
(301) 530-3316



LICENSED
TREE
EXPERTS
#489

PROPOSAL

BARRY WATERMAN
10009 LEAFY AVENUE
SILVER SPRING, MD 20910

Page: 1
Date: 11/10/97
Proposal Num: 9119
Proposal Date: 11/10/97
Customer Num: 7936
Rep: KC ActType: R
PO#:
Map: 36-F5 MONT

301-585-8524 301-594-4449

Item	Qty.	Schedule of Services: Location and Description	Amount
#1	1	DEAD WHITE PINE AT RIGHT FRONT. TAKEDOWN TO A HEIGHT AS CLOSE TO GRADE LEVEL AS POSSIBLE. REMOVE ALL WOOD AND RESULTING DEBRIS. ARBORCARE IS NOT RESPONSIBLE FOR REPAIRING TURF DAMAGE DUE TO THE SIZE AND WEIGHT OF TRUNK SECTIONS; HOWEVER, EXTREME CARE WILL BE TAKEN TO MINIMIZE DAMAGE.	575.00
#2	1	WHITE PINE STUMP AT RIGHT FRONT (FROM TAKEDOWN). GRIND STUMP 4-6" BELOW GRADE LEVEL **WITH SMALL MACHINE** AND RAKE MULCH BACK INTO HOLE.	175.00
#3	1	DECLINING WHITE PINE AT RIGHT FRONT CLOSEST TO HOUSE. TAKEDOWN TO A HEIGHT AS CLOSE TO GRADE LEVEL AS POSSIBLE. REMOVE ALL WOOD AND RESULTING DEBRIS. ARBORCARE IS NOT RESPONSIBLE FOR REPAIRING TURF DAMAGE DUE TO THE SIZE AND WEIGHT OF TRUNK SECTIONS; HOWEVER, EXTREME CARE WILL BE TAKEN TO MINIMIZE DAMAGE. ***POTENTIALLY HAZARDOUS*** *(PRICE IF DONE SEPARATE \$1200)*	825.00
#4	1	WHITE PINE STUMP AT RIGHT FRONT (FROM TAKEDOWN). GRIND STUMP 4-6" BELOW GRADE LEVEL AND RAKE MULCH BACK INTO HOLE.	195.00

Wadsworth
Emily Volz
Carol ~~Yule~~ (sr)
Capital View
N. Greenwood



