



31/06-06O 10206 KENSINGTON PKW
Kensington Historic District



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Julia O'Malley
Chairperson

Date: 12-11-06

MEMORANDUM

TO: Shahriar Amiri, Acting Director
Department of Permitting Services

FROM: Anne Fothergill, Senior Planner 
Historic Preservation Section
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #438019, tree removal and replacement

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** at the December 06, 2006 meeting.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Lewis & JoAnn Price

Address: 10206 Kensington Pkw, Kensington

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made.





RETURN TO: DEPARTMENT OF PERMITTING SERVICES
235 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
240/777-5370

Historic Masters

A

HISTORIC PRESERVATION COMMISSION
301/563-3400

DPS-#6
RECEIVED

OCT 19 2006

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: LEW PRICE
Daytime Phone No.: (301) 963-6500, Ext. 212

Tax Account No.: 16 13 01925871

Name of Property Owner: LEWIS + JoAnn PRICE Daytime Phone No.: (301) 963-6500, Ext. 212

Address: 10206 KENSINGTON DRWY. KENSINGTON, MD 20895
Street Number City Street Zip Code

Contractor: N/A Phone No.: -

Contractor Registration No.: -

Agent for Owner: N/A Daytime Phone No.: -

LOCATION OF BUILDING/PREMISE

House Number: 10206 Street: KENSINGTON DRWY.
Town/City: KENSINGTON Nearest Cross Street: KENT
Lot: 13 Block: 3 Subdivision: KENSINGTON PARK (015)
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE:
- | | | | | | | | | |
|------------------------------------|----------------------------------|---|--|--|--|--|-------------------------------|-------------------------------|
| <input type="checkbox"/> Construct | <input type="checkbox"/> Extend | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> ARC | <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 checked="" type="checkbox"/> <u>TREE Removal</u> | <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>REMOVE TREES</u> | | | | |

1B. Construction cost estimate: \$ N/A

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: N/A

2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches N/A

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.

Lewis C. Price
Signature of owner or authorized agent

Oct. 15, 2006
Date

Approved: For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: 12-11-06

Application/Permit No.: 438019 Date Filed: 11/7/06 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:

Two Arbor Vitae trees (one 12" and one 16" in diameter) located very close to each other along the lot/fence line in the backyard. There are no historic features or significance. One is leaning and is a safety hazard. Both are covered with vines.

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

To remove these two Arbor Vitae. To be replaced with a Cornus Kousa "Milkway" as part of a professional landscape plan. There is no effect on the historical resources or district. The environment setting will be pleasing.

2. SITE PLAN (See Attached)

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

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

3. PLANS AND ELEVATIONS N/A

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

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

4. MATERIALS SPECIFICATIONS

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.

N/A

5. PHOTOGRAPHS (See Attached)

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

6. TREE SURVEY (See Attached)

If you are proposing construction adjacent to or within the canopy 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) 779-1355.

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
LEW + Jo ANN PRICE 10206 KENSINGTON Pkwy. KENSINGTON, MD 20895	—
Adjacent and confronting Property Owners mailing addresses	
Steve + Susan Palmer 10208 Kensington Pkwy. Kensington, MD 20895	Courtney Thornton 10204 Kensington Pkwy. Kensington, MD 20895
Ilene Shulman 10221 Montgomery Ave. Kensington, MD 20895	



THE MONTGOMERY COUNTY HISTORIC PRESERVATION TAX CREDIT

To encourage the restoration and preservation of privately owned structures designated on the *Master Plan for Historic Preservation*, either individually or within a historic district, the Montgomery County Council in 1984 passed legislation providing for a tax credit against County real property taxes (Chapter 52, Article VI). The tax credit is 10% of documented expenses for exterior maintenance, restoration, or preservation work. The work must be certified eligible by the Historic Preservation Commission (HPC).

ELIGIBLE WORK MUST MEET ALL OF THE FOLLOWING CRITERIA:

1. Be certified by the HPC as contributing to the restoration or preservation of sites listed on the *Master Plan for Historic Preservation* either individually or within an historic district;
2. Be exterior work only;
3. Be undertaken with a previously approved Historic Area Work Permit (HAWP) if alterations that require a HAWP are proposed; **OR**
4. Be ordinary maintenance exceeding \$1,000 in expense; the work must be subsequently certified (at the time the tax credit application is reviewed by the HPC) as being consistent with the purposes of Chapter 24A, the County's historic preservation ordinance;
5. Be performed by a licensed contractor.

THE TAX CREDIT IS ALLOWABLE FOR:

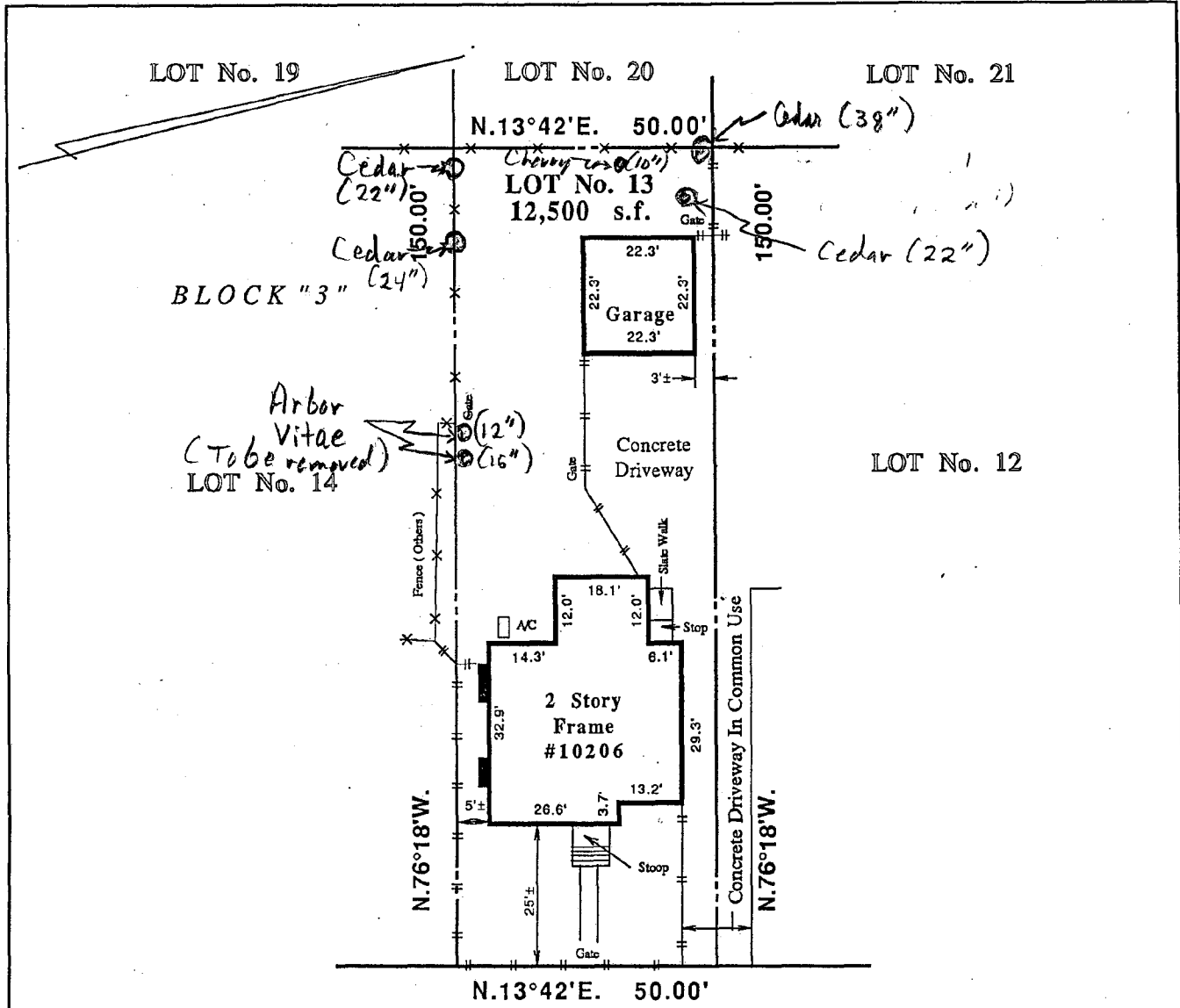
In summary, eligible work includes repairs, restoration, or preservation of exterior features of designated structures. Examples of eligible projects would include (but not be limited to):

- Painting
- Repairing roofs or replacing them in-kind
- Repairing or restoring windows
- Repairing architectural trim or ornament
- Uncovering and repairing original siding
- Repointing brick or stone foundations or chimneys
- Restoring a documented feature such as a dormer or porch that was previously altered or removed
- Repairing and maintaining outbuildings such as barns and garages.

THE TAX CREDIT IS NOT ALLOWABLE FOR:

Examples of ineligible expenditures include:

- New construction of a structure, or a new addition to an historic building
- Work requiring an approved HAWP that is completed without the approval of the HPC
- Interior work
- The value of labor unless performed by a licensed contractor
- Landscaping
- Repaving driveways
- Replacing features (such as windows) with new features that are not identical in size and material, and repairing mechanical equipment
- Tool and equipment purchases
- Professional services (design fees, annual pest control, structural reports)



KENSINGTON PARKWAY
(FORMERLY PRINCE GEORGE AVENUE)

HOUSE LOCATION SURVEY
LOT No. 13 BLOCK 3
KENSINGTON PARK

Election District No. 13
Scale 1" = 30'

Montgomery County, Maryland
Date: 07/31/91

I hereby certify that the property information shown hereon is in accordance with the description of record referenced below, that the position of the building shown has been established by accepted survey methods and there are no visible encroachments unless otherwise shown. Driveways and fences (if shown) are approximate locations only. The only purpose of this plat is to show the property configuration based on the deed and/or plat referenced below and to show the building location and is not intended for use in establishing property lines or for the construction of improvements. The improvements shown hereon are located within a H.U.D. F.I.R.M. Flood Zone C unless otherwise noted.

REFERENCE: PLAT BOOK "B" PLAT No. 4

Alexander G. Feldman & Associates
Land Surveying
14504 Chrisman Hill Drive, Boyds, Maryland 20841
301-540-3428

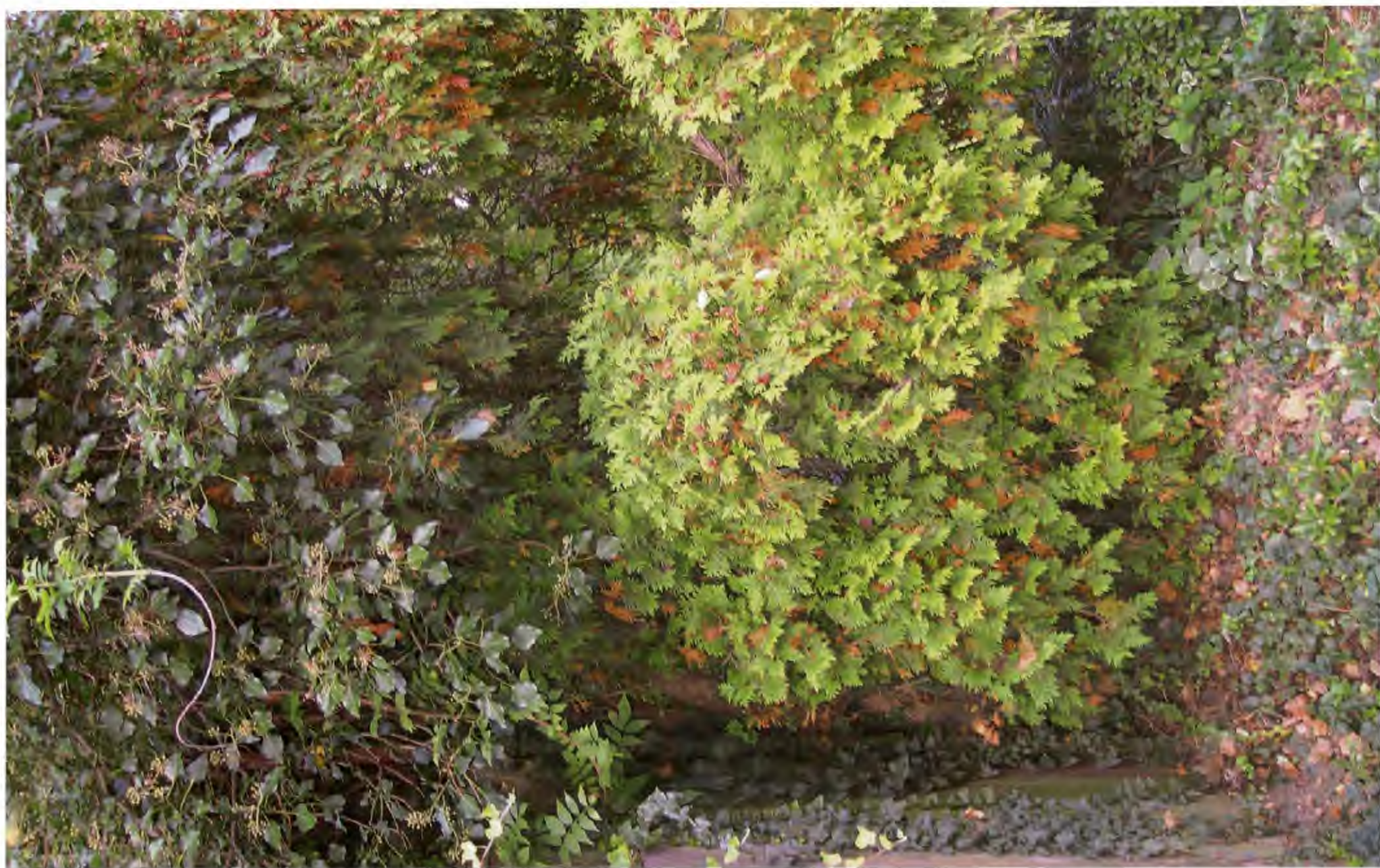
NO TITLE REPORT FURNISHED
CERTIFIED CORRECT

Alexander G. Feldman R.P.L.S. M.P.S. License No. 122 Date 7/31/91

















Case II - J

10204 Kensington Parkway
Kensington, MD 20895

December 6, 2006

BY FACSIMILE

Ms. Anne Fothergill
Historic Preservation Office
Department of Park & Planning
The Maryland-National Capital Park
and Planning Commission
6787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Removal/Replacement of Trees at 10206 Kensington Parkway

Dear Ms. Fothergill:

I am writing regarding the proposed removal and replacement of two trees at 10206 Kensington Parkway. While I understand and support my neighbors' wish to enhance their property through further landscaping, I believe that this can be accomplished without the removal of the trees in question.

1. The two arbor vitae in question are sound and very tall (20' - 30'). Given their height and the fact that arbor vitae are notoriously slow growers, it is likely that these are "original growth" trees that were planted long before the construction of either 10204 or 10206 Kensington Parkway was contemplated. Although the trunks of the two trees are located in the yard at 10206 Kensington Parkway, approximately half of their top growth extends into my yard (see photos), providing significant privacy and screening for both houses. In addition, the "treescape" between and behind our houses, as viewed from the street, would be irretrievably altered if the trees were removed, thereby detracting from Kensington's reputation as a "tree city."

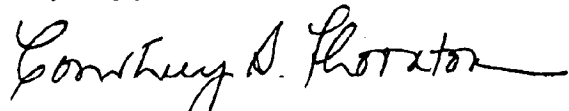
2. The kousa dogwood that has been proposed as a replacement tree, is neither a numerical nor a functional replacement for the trees to be removed. Kousas are also known to be very slow growing trees and would not achieve their potential ultimate height of 20' within my lifetime or that of my neighbors'. Furthermore, the planting of a single deciduous ornamental tree can in no in no way be considered an adequate replacement for two mature evergreen trees.

Ms. Anne Fothergill
December 6, 2006
Page 2

Since I moved to Kensington over ten years ago, it has been my understanding that permits generally are not issued for the removal of mature trees unless the tree is in decline or presents some sort of hazard. That is not the case here. For this reason and the factors outlined above, I urge the staff to recommend that the Commission deny the request for a permit to remove the trees in question.

I hope to attend the meeting this evening to make my concerns known in person, but I would appreciate it if you would distribute my comments to the members of the Commission for their consideration prior to the meeting.

Very truly yours,



Courtney S. Thornton

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	10206 Kensington Parkway, Kensington	Meeting Date:	12/6/2006
Resource:	Secondary Resource Kensington Historic District	Report Date:	11/29/2006
Applicant:	Lewis and JoAnn Price	Public Notice:	11/22/2006
Review:	HAWP	Tax Credit:	None
Case Number:	31/06-060	Staff:	Anne Fothergill

PROPOSAL: Tree removal and replacement

RECOMMENDATION: Approve

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Secondary Resource within the Kensington Historic District
DATE: 1979

PROPOSAL

The applicants propose to remove two arbor vitae trees and to plant a Cornus Kousa "Milky Way" in the same location. The proposed landscape plan is in Circle _____. *The patio and steps shown in the landscape plan are existing.*

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Vision of Kensington: A Long-Range Preservation Plan, Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.

In the case of an application for work on a historic resource located within a historic district, the Commission shall be lenient in its judgment of plans for structures of little historical or design significance

or for plans involving new construction, unless such plans would seriously impair the historic or architectural value surrounding historic resources or would impair the character of the historic district.

Secretary of the Interior's Standards for Rehabilitation:

Standard #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

STAFF DISCUSSION

The proposed tree removal and landscape plan will not adversely affect this Secondary Resource or the overall historic district. Staff recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)(1) & (2);

and with the *Secretary of the Interior's Standards for Rehabilitation;*

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
 233 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850
 301/777-4370

Historic Masters

A

DPS - #8

RECEIVED

HISTORIC PRESERVATION COMMISSION
 301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: LEW PRICE
 Daytime Phone No.: (301) 963-6500, Ext. 212

Tax Account No.: 16 13 01925871
 Name of Property Owner: LEWIS + JoAnn PRICE Daytime Phone No.: (301) 963-6500, Ext. 212
 Address: 10206 KENSINGTON DRWY. KENSINGTON, MD 20895
Street Number City State Zip Code

Contractor: N/A Phone No.: -
 Contractor Registration No.: -
 Agent for Owner: N/A Daytime Phone No.: -

LOCATION OF BUILDING/PREMISE

House Number: 10206 Street: KENSINGTON DRWY.
 Town/City: KENSINGTON Nearest Cross Street: KENT
 Lot: 13 Block: 3 Subdivision: KENSINGTON PARK (015)
 Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

<input type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> AC	<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 checked="" type="checkbox"/> <u>TREE Removal</u>	<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>REMOVE TREES</u>				

1B. Construction cost estimate: \$ N/A

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2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: N/A
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3A. Height _____ feet _____ inches N/A
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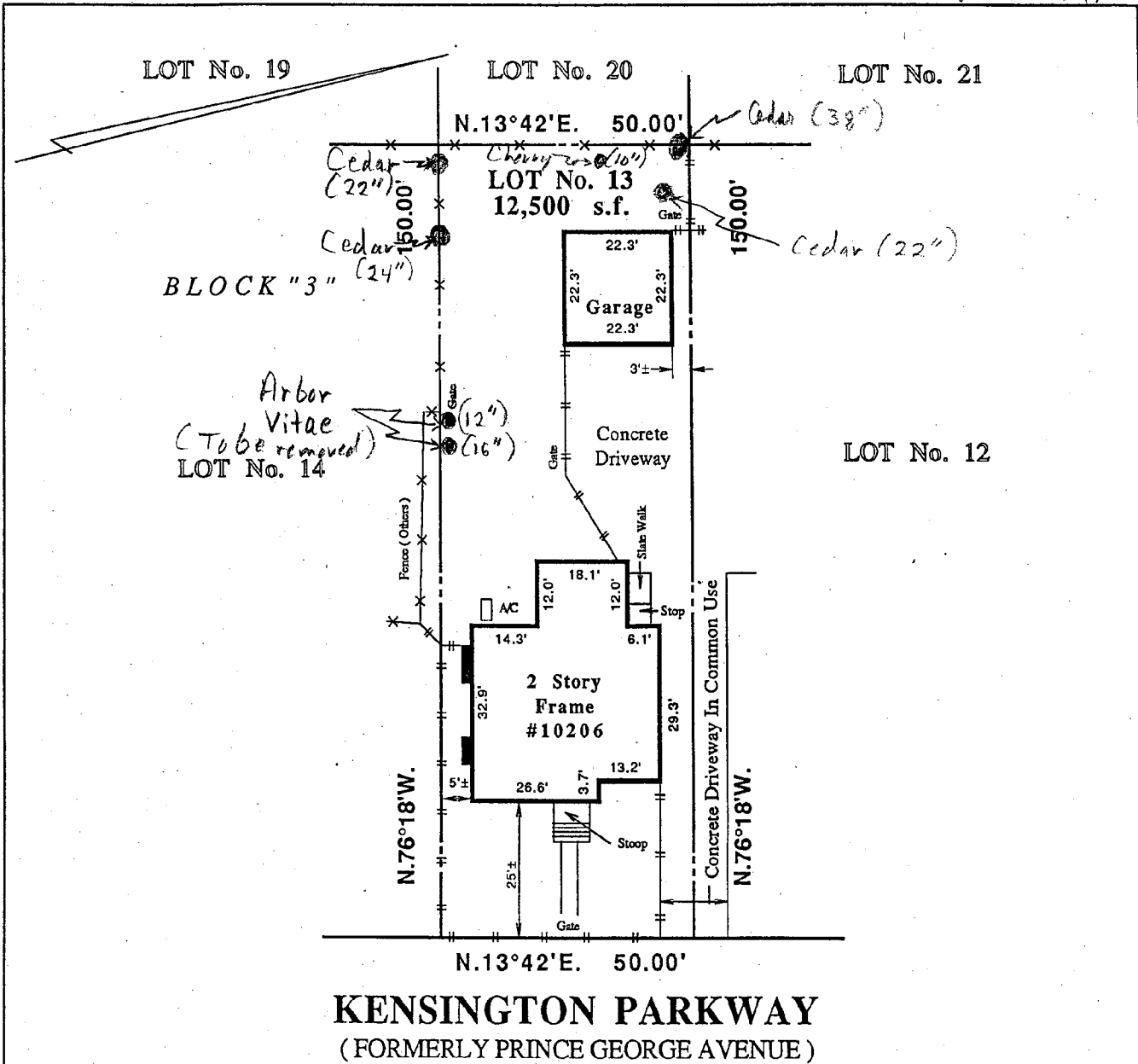
Lewis C. Price
 Signature of owner or authorized agent

Oct. 15, 2006
 Date

Approved: _____ For Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: _____ Date: _____
 Application/Permit No.: 438019 Date Filed: 11/7/06 Date Issued: _____

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
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KENSINGTON PARKWAY
(FORMERLY PRINCE GEORGE AVENUE)

HOUSE LOCATION SURVEY
LOT No. 13 BLOCK 3
KENSINGTON PARK

Election District No. 13
Scale 1" = 30'

Montgomery County, Maryland
Date: 07/31/91

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REFERENCE: PLAT BOOK "B" PLAT No. 4

Alexander G. Feldman & Associates
Land Surveying

14504 Chrisman Hill Drive, Boyds, Maryland 20841
301-540-3428

NO TITLE REPORT FURNISHED
CERTIFIED CORRECT

Alexander G. Feldman R.P.L.S. Md. # 122 Date 7/31/91

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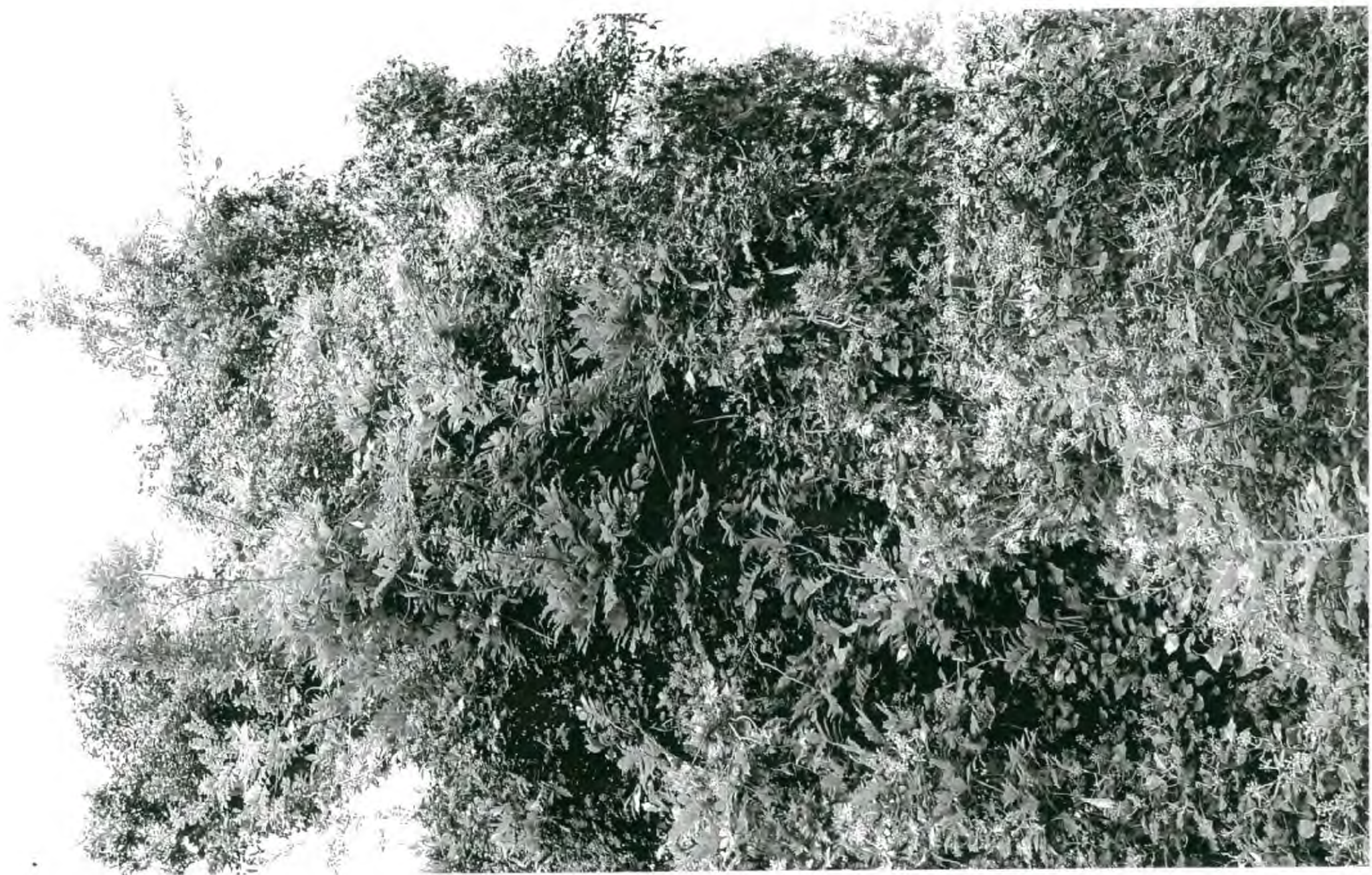
11







14



10206 Kensington Parkway



arbor vitae to be removed as seen from driveway behind house

