



23/65-07A 1 North Street  
Brookeville Historic District



## HISTORIC PRESERVATION COMMISSION


Isiah Leggett  
County Executive

Julia O'Malley  
Chairperson

Date: 1/11/07

### MEMORANDUM

TO: Reggie Jetter, Acting Director  
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #441820, tree removal

---

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was Approve with Conditions at the January 10, 2007 meeting.

1. *One tree from Montgomery County's native species list, min. 3" caliper deciduous, will be planted on the property.*
2. *The Commission recommends that the applicant consider planting additional overstory trees on the property.*

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: Richard Kirby

Address: 1 North Street, Brookeville (Brookeville Historic District)

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.





call 800 333-3333 for more information

DPB-188

M

HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Person: RICHARD KIMBY  
Daytime Phone No.: 301-370-0660

Tax Account No. (SEE BELOW)  
Name of Property Owner: RICHARD KIMBY / SKZ INVESTMENT Daytime Phone No.: 301-948-2919  
Address: # 1 NORTH ST BROOKENVILLE MD 20833  
Contractor: DISCOVERY HOMES, INC. Phone No.: 301-948-2919  
Contractor Registration No.: BC3604  
Agent for Owner: RICHARD KIMBY Daytime Phone No.: 301-370-0660

LOCATION OF BUILDING/PREMISE

House Number: 100 Street: NORTH ST.  
Town/City: BROOKENVILLE Nearest Cross Street: MARKET ST.  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Liber: 9551 Folio: 662 Parcel: 320 Tax # 08 02895913  
9551 665 P 265 Tax # 08 00732192

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: TREES

1B. Construction cost estimate: \$ 1,000,000

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.

Richard Kimby  
Signature of owner or authorized agent

Approved: XW/CONDITIONS Date Filed: 1/11/07  
Disapproved: \_\_\_\_\_ Signature: Julia O'Malley  
Application Form No. 441820

**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:

PROPERTY LOCATED OFF MARKET ST  
IN TOWN OF BROOKVILLE, RECENTLY  
SUBDIVIDED INTO 2 LOTS.

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

REMOVAL OF TREES AS INDICATED IN  
ATTACHED ARBORIST REPORT.

**2. SITE PLAN**

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**

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 6 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.

**5. PHOTOGRAPHS**

- 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**

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) 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.

## Benning & Associates, Inc.

Land Planning Consultants

8933 Shady Grove Court

Gaithersburg, MD 20877

(301)948-0240 Phone

(301) 948-0241 fax

[benninglandplan@aol.com](mailto:benninglandplan@aol.com)

November 10, 2006

Mr. Chris Scanlon, Planning Commission Chairman  
Town of Brookeville  
P.O. Box 67  
Brookeville, Maryland 20833

Re: Arborist Report for North Street Subdivision

Mr. Scanlon,

On November 8, 2006 I met with Richard Kirby at the North Street subdivision to conduct a field inspection and discuss several significant trees on the subject property. The purpose of this meeting was to determine the health of trees, assess the impact to the trees from the proposed sewer and water lines, and consider possible stress reduction measures if the trees were suitable for retention.

The property is located off Market Street in the Town of Brookeville. The site is a wooded parcel of land that was recently subdivided into two lots. A house is currently being constructed on one of the two lots

The trees discussed were all Tulip Poplar (*Liriodendron tulipifera*). The first tree is identified as a 24" Poplar located just northeast of the "old school site"; the tree is now 26.1". WSSC informed Mr. Kirby that the proposed 8" water line must be trenched, not tunneled as per the approved Final Forest Conservation Plan. This tree will lose almost 50% of its critical root zone from the water main construction. The tree has several other existing defects and should be removed. The second tree identified as a 15" Poplar located northwest of the "old school site" is now 17.6". This tree will lose at least 21% of its critical root zone from the water main construction. At this time this tree has no target and could be retained, if retained this tree should be monitored for decline. The third tree identified as a 33" Poplar is now 35". This tree will lose at least 47% of its critical root zone and should be removed. The fourth tree identified as a 15" Poplar located on the northwest side of the existing road will lose at least 24% of its critical root zone from construction of the water main with additional area lost to the widening of the existing road. This tree should also be removed. The fifth tree is identified as a 36" Poplar and is located on the edge of the limit of disturbance directly across the existing road from Lot 1. This tree is now 37" but is in very poor health with several severe

defects. Once the house is constructed on Lot 1 this tree will be a severe hazard and should be removed.

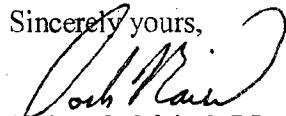
While on the property I observed several large Tulip Poplars along the property line between Lots 1 and 2. This area is a forest save area beside the existing road which was not placed into a conservation easement. Super silt fence was installed alongside the trunks of a few significant trees in this area. The majority of roots for these trees are located in the top 12" of soil. The installation of the fence may have impacted a significant amount of the feeder roots in the critical root zones for these trees. They should be closely monitored for decline.

Mr. Kirby also asked that I evaluate a tree for Fred Teal on Lot 4. Mr. Teal was home and was able to provide me with some history on the tree. This tree is also shown on the approved Final Forest Conservation Plan and is identified as 39". This tree, which is also a Tulip Poplar, is located adjacent to the driveway to Mr. Teal's home. Mr. Teal informed me that the utilities installed for his house were trenched next to this tree and the driveway to serve his house was cut into the critical root zone. Some areas around the tree were filled. This tree has co-dominated stems. One of the two stem is a hazard to the garage for the adjacent house on Lot 3. The stem has a wound at the elevation of the branch union. The wound has compartmentalized but a cavity has formed and decay is visible. The tree has broken limbs with decay and several snags in the canopy. Decay was also observed on the root collar. This tree is a poor candidate for retention because of all these problems and should be removed.

All of these trees were inspected by visual tree inspection from the ground. *Liriodendron tulipifera* is a fast growing, weak-wooded tree that is prone to disease, insects and break-up from ice and severe storms. The species has moderate to poor tolerance to construction. It is intolerant to root pruning or mechanical damage, has poor compartmentalization of wounds and is not resistant to decay. Ideally, disturbance should be limited to 15% of the critical root zone for this species. Most of the trees discussed have major defects that will be compounded by the significant loss of critical root zone area. All of the trees discussed are poor candidates for retention for the reasons noted and should be removed.

Please feel free to contact me with any questions and/or concerns regarding this report.

Sincerely yours,



Joshua O. Maisel, RLA  
ISA Certified Arborist # MA-4514A

Encl.

## SIGNIFICANT TREE CHART

TREE IDENTIFICATION	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS
24" Poplar	Liriodendron tulipifera	Tulip Poplar	26.1"	Moderate - Poor	English Ivy growing up trunk, girdling root around root collar, wound in root collar, signs of vertical crack and internal decay and reactionary wood growth on upper trunk
15" Poplar	Liriodendron tulipifera	Tulip Poplar	17.6"	Good	Slight lean
33" Poplar	Liriodendron tulipifera	Tulip Poplar	35.0"	Moderate	Poison Ivy on trunk and co-dominant stems
15" Poplar	Liriodendron tulipifera	Tulip Poplar		Moderate	Wounds on root collar and trunk, decay in wound
36" Poplar	Liriodendron tulipifera	Tulip Poplar	37.0"	Moderate - Poor	Co-dominate stems, two vertical cracks, decay in cracks, indicators of decay in trunk, reactionary wood growth and broken limbs in canopy
39" Poplar	Liriodendron tulipifera	Tulip Poplar		Moderate - Poor	Co-dominate stems, broken branches with decay in canopy, widow makers in canopy, Poison Ivy on trunk, roots cut for installation of house and driveway, decay in root collar, compartmentalized wound at branch union with cavity and decay

**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b>	1 North Street, Brookeville	<b>Meeting Date:</b>	1/10/2007
<b>Resource:</b>	Outstanding Resource Brookeville Historic District	<b>Report Date:</b>	1/3/2007
<b>Applicant:</b>	Richard Kirby	<b>Public Notice:</b>	12/27/2006
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	23/65-07A	<b>Staff:</b>	Michele Oaks
<b>PROPOSAL:</b>	Tree Removal		

**RECOMMENDATION:** Approve with a Condition

**STAFF RECOMMENDATION:** Staff recommends that the Commission approve this HAWP application with the condition that:

**One tree from Montgomery County's native species list, min. 3" caliper deciduous, will be planted on the property.**

**HISTORIC INFORMATION**

Richard Thomas founded the community of Brookeville in 1794 by on land his wife Deborah Brooke Thomas inherited from grandfather James Brooke. Brooke was an influential Quaker settler and major landholder in Montgomery County. Thomas laid out 56 quarter-acre lots sited along two major streets and two side streets. The majority of houses in the historic district date from the 1800s with several Federal style buildings that were built in the early 1800s.

Quickly growing as a bustling market town, Brookeville had two mills, a tanning yard, stores, a post office, and two schools. During the early 1800s, Brookeville was a center for commerce and education serving the surrounding, largely agricultural area. The Brookeville Academy was a regionally prominent center of learning, which attracted students from Baltimore, Washington, and Frederick.

**ARCHITECTURAL DESCRIPTION**

This c.1880 house is a two-story, gabled farmhouse with center hall plan, typical of the vernacular residential building forms of the period. Ell-shaped in plan, the frame house is clad with German siding and sheathed in standing seam metal. The windows on the main massing are 6/6 double hung sash windows and are flanked with operable two, paneled louvered shutters. The roof is detailed with a center chimney.

A one-story frame addition set upon a concrete block foundation, with a porch extension protrudes from the west, side elevation of the house. The rear ell has a small, one-story shed roof addition along its west elevation. The addition is detailed with 8-light paired, casement windows. In July of 2005, the HPC approved a very sympathetic rear ell to be constructed onto this historic house, which is almost complete.



The current lot upon which this house currently resides is accessed by a shared gravel driveway extension of North Street. The property is located behind the historic, one-room, frame schoolhouse located at the terminus of North Street. This and the adjacent new home lots, which were part of a recent HPC supported subdivision, are very, heavily wooded.

**PROPOSAL:**

The applicant is proposing to remove six (6), tulip poplar trees, five from the subject lot and one (1) from the adjacent property, which hangs over the existing driveway.

**APPLICABLE GUIDELINES**

When reviewing alterations within the Brookeville Historic District two, main documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *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.

*Secretary of the Interior's Standards for Rehabilitation*

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.
- The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**STAFF DISCUSSION**

The attached arborist report indicates that five (5) of the six (6) trees are in declining health. The Brookeville Planning Commission has reviewed the report and supports the removal of five (5) of the subject six (6) trees, see attachment on circle . Staff is recommending that the Commission support

the removal of all the subject trees on the property based on the combined recommendations of the certified arborist and the Brookeville Planning Commission, with the condition that a replacement tree min. 3" D.B.H. deciduous tree be replanted to replace the 24" dia. poplar tree at the top of the hill behind the schoolhouse.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve with the above-mentioned condition** this 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,

and with the Secretary of the Interior Guidelines.

This HAWP approval is subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will contact the Historic Preservation Office **if any alterations** to the approve plans are made prior to the implementation of such changes to the project.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
155 ROCKVILLE PIKE, 2010 BLDG, ROCKVILLE, MD 20850  
(301) 751-3100

DPS-488

M

HISTORIC PRESERVATION COMMISSION  
301/563-3400

APPLICATION FOR  
HISTORIC AREA WORK PERMIT

Contact Person: RICHARD KIRBY  
Daytime Phone No.: 301-370-0660

Tax Account No.: (SEE BELOW)  
Name of Property Owner: RICHARD KIRST / SK2 INVESTMENT Daytime Phone No.: 301-948-2919  
Address: # 1 NORTH ST BROOKENVILLE MD 20833  
Street Number City State Zip Code  
Contractor: DISCOVERY HOMES, INC. Phone No.: 301-948-2919  
Contractor Registration No.: BC3604  
Agent for Owner: RICHARD KIRBY Daytime Phone No.: 301-370-0660

LOCATION OF BUILDING/PREMISE

House Number: 150 Street: NORTH ST.  
Town/City: BROOKENVILLE Nearest Cross Street: MARKET ST.  
Lot: Block: Subdivision:  
Liber: 9551 Folio: 662 Parcel: 320 TAX # 08 0295973  
9551 665 P 265 TAX # 08 00732192

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
- Fence/Wall (complete Section 4)
- Other: TREES

1B. Construction cost estimate: \$ 1,000,000

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]  
Signature of owner or authorized agent

Date

Approved: \_\_\_\_\_ For Chairman, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Application Form No. 441820 Date Filed \_\_\_\_\_

**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:

PROPERTY LOCATED OFF MARKET ST  
IN TOWN OF BROOKVILLE, RECENTLY  
SUBDIVIDED INTO 2 LOTS.

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

REMOVAL OF TREES AS INDICATED IN  
ATTACHED ARBORIST REPORT.

**2. SITE PLAN**

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**

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.

**5. PHOTOGRAPHS**

- 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**

If you are proposing construction adjacent to or within the drieline 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, Hockville, (301/279-1355).

ADJACENT OWNERS:

FRED TEAL  
9 NORTH ST.  
BROOKVILLE, MD 20833

HARRY MONTGOMERY  
211 MARKET ST.  
BROOKVILLE, MD 20833

**Benning & Associates, Inc.**

Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301)948-0240 Phone  
(301) 948-0241 fax  
[benninglandplan@aol.com](mailto:benninglandplan@aol.com)

November 10, 2006

Mr. Chris Scanlon, Planning Commission Chairman  
Town of Brookeville  
P.O. Box 67  
Brookeville, Maryland 20833

Re: Arborist Report for North Street Subdivision

Mr. Scanlon,

On November 8, 2006 I met with Richard Kirby at the North Street subdivision to conduct a field inspection and discuss several significant trees on the subject property. The purpose of this meeting was to determine the health of trees, assess the impact to the trees from the proposed sewer and water lines, and consider possible stress reduction measures if the trees were suitable for retention.

The property is located off Market Street in the Town of Brookeville. The site is a wooded parcel of land that was recently subdivided into two lots. A house is currently being constructed on one of the two lots

The trees discussed were all Tulip Poplar (*Liriodendron tulipifera*). The first tree is identified as a 24" Poplar located just northeast of the "old school site"; the tree is now 26.1". WSSC informed Mr. Kirby that the proposed 8" water line must be trenched, not tunneled as per the approved Final Forest Conservation Plan. This tree will lose almost 50% of its critical root zone from the water main construction. The tree has several other existing defects and should be removed. The second tree identified as a 15" Poplar located northwest of the "old school site" is now 17.6". This tree will lose at least 21% of its critical root zone from the water main construction. At this time this tree has no target and could be retained, if retained this tree should be monitored for decline. The third tree identified as a 33" Poplar is now 35". This tree will lose at least 47% of its critical root zone and should be removed. The fourth tree identified as a 15" Poplar located on the northwest side of the existing road will lose at least 24% of its critical root zone from construction of the water main with additional area lost to the widening of the existing road. This tree should also be removed. The fifth tree is identified as a 36" Poplar and is located on the edge of the limit of disturbance directly across the existing road from Lot 1. This tree is now 37" but is in very poor health with several severe

defects. Once the house is constructed on Lot 1 this tree will be a severe hazard and should be removed.

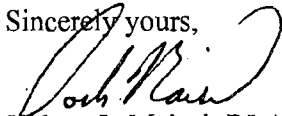
While on the property I observed several large Tulip Poplars along the property line between Lots 1 and 2. This area is a forest save area beside the existing road which was not placed into a conservation easement. Super silt fence was installed alongside the trunks of a few significant trees in this area. The majority of roots for these trees are located in the top 12" of soil. The installation of the fence may have impacted a significant amount of the feeder roots in the critical root zones for these trees. They should be closely monitored for decline.

Mr. Kirby also asked that I evaluate a tree for Fred Teal on Lot 4. Mr. Teal was home and was able to provide me with some history on the tree. This tree is also shown on the approved Final Forest Conservation Plan and is identified as 39". This tree, which is also a Tulip Poplar, is located adjacent to the driveway to Mr. Teal's home. Mr. Teal informed me that the utilities installed for his house were trenched next to this tree and the driveway to serve his house was cut into the critical root zone. Some areas around the tree were filled. This tree has co-dominated stems. One of the two stem is a hazard to the garage for the adjacent house on Lot 3. The stem has a wound at the elevation of the branch union. The wound has compartmentalized but a cavity has formed and decay is visible. The tree has broken limbs with decay and several snags in the canopy. Decay was also observed on the root collar. This tree is a poor candidate for retention because of all these problems and should be removed.

All of these trees were inspected by visual tree inspection from the ground. *Liriodendron tulipifera* is a fast growing, weak-wooded tree that is prone to disease, insects and break-up from ice and severe storms. The species has moderate to poor tolerance to construction. It is intolerant to root pruning or mechanical damage, has poor compartmentalization of wounds and is not resistant to decay. Ideally, disturbance should be limited to 15% of the critical root zone for this species. Most of the trees discussed have major defects that will be compounded by the significant loss of critical root zone area. All of the trees discussed are poor candidates for retention for the reasons noted and should be removed.

Please feel free to contact me with any questions and/or concerns regarding this report.

Sincerely yours,



Joshua O. Maisel, RLA  
ISA Certified Arborist # MA-4514A

Encl.

## SIGNIFICANT TREE CHART

TREE IDENTIFICATION	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS
24" Poplar	Liriodendron tulipifera	- Tulip Poplar	26.1"	Moderate - Poor	English Ivy growing up trunk, girdling root around root collar, wound in root collar, signs of vertical crack and internal decay and reactionary wood growth on upper trunk
15" Poplar	Liriodendron tulipifera	Tulip Poplar	17.6"	Good	Slight lean
33" Poplar	Liriodendron tulipifera	Tulip Poplar	35.0"	Moderate	Poison Ivy on trunk and co-dominant stems
15" Poplar	Liriodendron tulipifera	Tulip Poplar		Moderate	Wounds on root collar and trunk, decay in wound
36" Poplar	Liriodendron tulipifera	Tulip Poplar	37.0"	Moderate - Poor	Co-dominate stems, two vertical cracks, decay in cracks, indicators of decay in trunk, reactionary wood growth and broken limbs in canopy
39" Poplar	Liriodendron tulipifera	Tulip Poplar		Moderate - Poor	Co-dominate stems, broken branches with decay in canopy, widow makers in canopy, Poison Ivy on trunk, roots cut for installation of house and driveway, decay in root collar, compartmentalized wound at branch union with cavity and decay



**Oaks, Michele**

---

**From:** HousingArt@aol.com  
**Sent:** Wednesday, November 29, 2006 9:54 AM  
**To:** Benninglandplan@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** North Street / Town Arborist Recommendations

Mr. Maisel,

Chris Scanlon of the Brookeville Planning Commission is in agreement with your report regarding impacts of w/s construction and the removal of Mr. Teal's tree and the tree with the co-dominant stems threatening Lot 1. However, Mr. Scanlon has indicated the desire to save the 24" dia. poplar at the top of the hill behind the schoolhouse.

Kindly send your report to Michele Oaks of HPC so that their formal review of the suggested tree removals may take place.

Thank you,  
Richard Kirby  
301-370-0660

**Oaks, Michele**

---

**From:** Fred Teal Jr [ftealjr@yahoo.com]  
**Sent:** Monday, December 04, 2006 2:51 PM  
**To:** Oaks, Michele  
**Subject:** Fw: Removal of Tulip Poplar

Sorry, I had the wrong address on the first transmission.  
FTTjr

----- Forwarded Message -----

From: Fred Teal Jr <ftealjr@yahoo.com>  
To: Michele.oaks@Mnppc-mc.org  
Cc: Richard Kerby <HousingArt@aol.com>  
Sent: Monday, December 4, 2006 2:43:53 PM  
Subject: Removal of Tulip Poplar

Hello Ms Oaks:

Yes, my wife and I would like to have the diseased tulip poplar at the corner of our driveway removed. We are arranging to have it done through Richard Kerby. We hope this meets with your approval.

Thanks,

Fred T Teal, Jr

---

Any questions? Get answers on any topic at [www.Answers.yahoo.com](http://www.Answers.yahoo.com). Try it now.

---

Everyone is raving about [the all-new Yahoo! Mail beta](#).

**Oaks, Michele**

---

**From:** Benninglandplan@aol.com  
**Sent:** Thursday, November 30, 2006 9:56 AM  
**To:** HousingArt@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** Re: North Street / Town Arborist Recommendations

Michele,

Richard Kirby asked that I send you my Arborist Report for the subject property.

Please let me know if you have any questions and/or concerns.

Sincerely yours,

Joshua O. Maisel, RLA  
ISA Certified Arborist

Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, Maryland 20877  
Phone: (301)948-0240  
Fax: (301)948-0241  
E-mail: Benninglandplan@aol.com

## Oaks, Michele

---

**From:** Bunnag, Candy  
**Sent:** Monday, December 04, 2006 12:59 PM  
**To:** Oaks, Michele  
**Subject:** RE: North Street / Town Arborist Recommendations

Michele -- Since this is in the Town of Brookeville, we (M-NCPPC) have no jurisdiction to review Forest conservation plans on properties within the town. The town either has its own review authority or Md. Dept. of Natural Resources reviews FCPs for properties in the town (I am not sure which approach the town decided to take). The DNR person who would know how the town deals with forest conservation law is Marian Honeczy (410-260-8511 or [mhoneczy@dnr.state.md.us](mailto:mhoneczy@dnr.state.md.us)). Hope this helps. Candy

-----Original Message-----

**From:** Oaks, Michele  
**Sent:** Monday, December 04, 2006 9:49 AM  
**To:** Bunnag, Candy  
**Subject:** FW: North Street / Town Arborist Recommendations

Candy,

Does any of these trees need to come through your review process?

See attached document.

Michele

---

Michele Oaks, Senior Planner  
Historic Preservation Section  
Montgomery County Department of Planning  
Maryland-National Capital Park and Planning Commission  
1109 Spring Street, Suite 801  
Silver Spring, MD 20910  
(301) 563-3400 (phone)  
(301) 563-3412 (fax)  
[michele.oaks@mncppc-mc.org](mailto:michele.oaks@mncppc-mc.org)  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

-----Original Message-----

**From:** Benninglandplan@aol.com [mailto:Benninglandplan@aol.com]  
**Sent:** Thursday, November 30, 2006 9:56 AM  
**To:** HousingArt@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** Re: North Street / Town Arborist Recommendations

Michele,

Richard Kirby asked that I send you my Arborist Report for the subject property.

Please let me know if you have any questions and/or concerns.

Sincerely yours,

Joshua O. Maisel, RLA  
ISA Certified Arborist

Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, Maryland 20877  
Phone: (301)948-0240  
Fax: (301)948-0241  
E-mail: [Benninglandplan@aol.com](mailto:Benninglandplan@aol.com)

**Oaks, Michele**

---

**From:** HousingArt@aol.com  
**Sent:** Wednesday, November 29, 2006 9:54 AM  
**To:** Benninglandplan@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** North Street / Town Arborist Recommendations

Mr. Maisel,

Chris Scanlon of the Brookeville Planning Commission is in agreement with your report regarding impacts of w/s construction and the removal of Mr. Teal's tree and the tree with the co-dominant stems threatening Lot 1. However, Mr. Scanlon has indicated the desire to save the 24" dia. poplar at the top of the hill behind the schoolhouse.

Kindly send your report to Michele Oaks of HPC so that their formal review of the suggested tree removals may take place.

Thank you,  
Richard Kirby  
301-370-0660

**Oaks, Michele**

---

**From:** Fred Teal Jr [ftealjr@yahoo.com]  
**Sent:** Monday, December 04, 2006 2:51 PM  
**To:** Oaks, Michele  
**Subject:** Fw: Removal of Tulip Poplar

Sorry, I had the wrong address on the first transmission.  
FTTjr

----- Forwarded Message -----

From: Fred Teal Jr <ftealjr@yahoo.com>  
To: Michele.oaks@Mnppc-mc.org  
Cc: Richard Kerby <HousingArt@aol.com>  
Sent: Monday, December 4, 2006 2:43:53 PM  
Subject: Removal of Tulip Poplar

Hello Ms Oaks:

Yes, my wife and I would like to have the diseased tulip poplar at the corner of our driveway removed. We are arranging to have it done through Richard Kerby. We hope this meets with your approval.

Thanks,

Fred T Teal, Jr

---

Any questions? Get answers on any topic at [www.Answers.yahoo.com](http://www.Answers.yahoo.com). Try it now.

---

Everyone is raving about [the all-new Yahoo! Mail beta](#).

ADJACENT OWNERS:

FRED TEAL  
9 NORTH ST.  
BROOKVILLE, MD 20833

HARRY MONTGOMERY  
211 MARKET ST.  
BROOKVILLE, MD 20833



## Oaks, Michele

---

**From:** Bunnag, Candy  
**Sent:** Monday, December 04, 2006 12:59 PM  
**To:** Oaks, Michele  
**Subject:** RE: North Street / Town Arborist Recommendations

Michele -- Since this is in the Town of Brookeville, we (M-NCPPC) have no jurisdiction to review Forest conservation plans on properties within the town. The town either has its own review authority or Md. Dept. of Natural Resources reviews FCPs for properties in the town (I am not sure which approach the town decided to take). The DNR person who would know how the town deals with forest conservation law is Marian Honecny (410-260-8511 or [mhonecny@dnr.state.md.us](mailto:mhonecny@dnr.state.md.us)). Hope this helps. Candy

-----Original Message-----

**From:** Oaks, Michele  
**Sent:** Monday, December 04, 2006 9:49 AM  
**To:** Bunnag, Candy  
**Subject:** FW: North Street / Town Arborist Recommendations

Candy,

Does any of these trees need to come through your review process?

See attached document.

Michele

---

Michele Oaks, Senior Planner  
Historic Preservation Section  
Montgomery County Department of Planning  
Maryland-National Capital Park and Planning Commission  
1109 Spring Street, Suite 801  
Silver Spring, MD 20910  
(301) 563-3400 (phone)  
(301) 563-3412 (fax)  
[michele.oaks@mncppc-mc.org](mailto:michele.oaks@mncppc-mc.org)  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

-----Original Message-----

**From:** Benninglandplan@aol.com [mailto:Benninglandplan@aol.com]  
**Sent:** Thursday, November 30, 2006 9:56 AM  
**To:** HousingArt@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** Re: North Street / Town Arborist Recommendations

Michele,

Richard Kirby asked that I send you my Arborist Report for the subject property.

Please let me know if you have any questions and/or concerns.

Sincerely yours,

Joshua O. Maisel, RLA  
ISA Certified Arborist

Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, Maryland 20877  
Phone: (301)948-0240  
Fax: (301)948-0241  
E-mail: [Benninglandplan@aol.com](mailto:Benninglandplan@aol.com)

**Oaks, Michele**

---

**From:** Benninglandplan@aol.com  
**Sent:** Thursday, November 30, 2006 9:56 AM  
**To:** HousingArt@aol.com  
**Cc:** Oaks, Michele; cscanlon@davisconst.com; mzubkus@msn.com  
**Subject:** Re: North Street / Town Arborist Recommendations

Michele,

Richard Kirby asked that I send you my Arborist Report for the subject property.

Please let me know if you have any questions and/or concerns.

Sincerely yours,

Joshua O. Maisel, RLA  
ISA Certified Arborist

Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, Maryland 20877  
Phone: (301)948-0240  
Fax: (301)948-0241  
E-mail: Benninglandplan@aol.com