

**MEMORANDUM**

June 9, 2011

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz,  Legislative Attorney

SUBJECT: Draft Amendment to the Master Plan for Historic Preservation:  
Greenwich Forest Historic District

On April 27, 2010, the Montgomery County Planning Board transmitted to the Council the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Greenwich Forest; Animal Industry; Higgins Cemetery. The Amendment recommends including one historic district and two individual historic sites in the Master Plan for Historic Preservation:

- Greenwich Forest Historic District #35/165
- Bureau of Animal Industry Building #35/119
- Higgins Family Cemetery #30/25

On June 16, 2010, the Executive submitted comments on the Planning Board Draft Amendment. He fully supported the inclusion of the Greenwich Forest Historic District in the Master Plan for Historic Preservation.<sup>1</sup> He also supported the Council's historic designation of the Bureau of Animal Industry Building and the Higgins Family Cemetery.

On August 23, 2010, staff sent a notice of the Council's public hearing to concerned individuals and organizations. The Council held a public hearing on the Amendment on September 28, 2010.

On October 18, 2010, the Planning, Housing, and Economic Development Committee recommended approval of amendments to the Master Plan for Historic Preservation to include the Bureau of Animal Industry Building #35/119 and the Higgins Family Cemetery #30/25. On October 26, 2010, the Council agreed with the Committee and designated the 2 individual sites. The Committee has not made a recommendation on the Greenwich Forest Historic District to the Council. On May 17, 2011, the Council extended the time for its action on the Greenwich Forest Historic District until August 10, 2011.<sup>2</sup>

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<sup>1</sup> 70 percent of the Greenwich Forest Citizens Association member who voted favored the designation of the district according to a Planning Staff Memorandum to the Planning Board dated September 17, 2009.

<sup>2</sup> Unless the Council extends the time for Council action on a master plan amendment, it must approve, disapprove, or modify and approve the amendment within 180 days from receipt of the Executive's comments. Under Article 28§7-108(d)(2)(ii) of the Maryland Code, if the Council fails to act in any manner, the lack of action constitutes approval of the plan as submitted.

The public hearing and correspondence indicates that residents are split over the wisdom of including Greenwich Forest in the Master Plan.<sup>3</sup>

*How would the Greenwich Forest District compare with the 21 historic districts in the Master Plan for Historic Preservation?*

#### Age

Greenwich Forest would be the youngest of the County's historic districts. Except for the 5 lot Polychrome District (1934-1935), all other districts predate 1930. The Greenwich District dates from 1929 to 1941.

#### Size

Greenwich Forest would be larger than most historic districts; it would have 71 houses as proposed. This is fewer than the numbers of houses in the Chevy Chase Village, Takoma Park, Kensington, Garrett Park, and Capital View Park districts. As measured by the number of housing units, Greenwich Forest would be larger than the other 16 historic districts.

#### Function

Greenwich Forest would be the County's first historic district that is a car oriented suburban subdivision. Many of the County's historic districts are railroad, streetcar, or rural crossroads communities.

#### Shameful History

Historic districts and sites preserve all aspects of the County's history. Montgomery County permitted slavery and segregation. Segregation is still memorialized in the County's land records. Greenwich Forest was a restricted, white only subdivision when it was constructed.<sup>4</sup> The Hawkins Lane District preserves a small African American community that was segregated at its construction. A few slave cabins are designated as individual historic sites.

#### Controversy over designation

Greenwich would not be the first historic district subject to controversy. Chevy Chase Village was a controversial district. There was significant opposition and support for including the district in the Master Plan for Historic Preservation. The fear of overregulation by the Historic Preservation Commission was mitigated by the approval of design guidelines. Those guidelines designate the level of review, lenient or strict, that HPC should give to particular changes. The guidelines were adopted in the Master Plan for Historic Preservation. The Planning Board reviewed the Woodside subdivision for inclusion in the Master Plan for Historic Preservation; however, due to the split of opinion in the community, the Planning Board never proposed it to the Council as a historic district.

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<sup>3</sup> A reader of the correspondence can easily conclude that the residents of Greenwich Forest are particularly emphatic in their opinion. People either STRONGLY support or STRONGLY oppose the designation of the district.

<sup>4</sup> Other historic districts were also segregated, although the facts of segregation are not found in summaries for any of the historic districts.

It is unclear if a community consensus exists for designation with the newly proposed development guidelines for Greenwich Forest.

## Issues

*When is the inclusion of a historic district in the Master Plan for Historic Preservation appropriate?*

Including a district in the Master Plan for Historic Preservation is appropriate when 2 tests are satisfied:

- 1) in the opinion of the Council, a historic resource meets the criteria for historic preservation; and
- 2) the public interest is best served by the designation.

Montgomery County law does not require consent of a property owner to designate the property historic. The recommendations of the Historic Preservation Commission and the Planning Board are based on the legislative criteria for identifying a historic resource.<sup>5</sup> An action by the Council to include a resource in the Master Plan for Historic Preservation is discretionary.<sup>6</sup>

There are instances where the Council found that public interest in the economic redevelopment of Silver Spring to be of greater public interest than the designation of additional historic resources.

In the absence of historic preservation criteria, a desire to prevent or discourage large additions or demolitions is not a reason for historic designation.<sup>7</sup> Zoning standards can be used to address this problem without invoking the Historic Preservation Commission's approval process.

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<sup>5</sup> §24A-3 (b):

In considering historic resources for designation as historic sites or historic districts, the planning board shall apply the following criteria:

- (1) Historical and cultural significance. The historic resource:
  - a. Has character, interest or value as part of the development, heritage or cultural characteristics of the county, state or nation;
  - b. Is the site of a significant historic event;
  - c. Is identified with a person or a group of persons who influenced society; or
  - d. Exemplifies the cultural economic, social, political or historic heritage of the county and its communities.
- (2) Architectural and design significance. The historic resource:
  - a. Embodies the distinctive characteristics of a type, period or method of construction;
  - b. Represents the work of a master;
  - c. Possesses high artistic values;
  - d. Represents a significant and distinguishable entity whose components may lack individual distinction; or
  - e. Represents an established and familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape.

<sup>6</sup>§33A-8(c)(1):

After the public hearing, the District Council must approve or disapprove the Planning Board draft plan or amendment with any modifications or amendments that the District Council finds appropriate.

The code does NOT say that the Council MUST approve the amendment. In most charter Counties, historic preservation is accomplished by a zoning action. Comprehensive zoning is a discretionary legislative act.

<sup>7</sup> Much of the written correspondence from the supporters of designation of Greenwich Forest concerns the reasons of additional mansionization and the destruction of mature trees. Much of the written correspondence submitted in opposition concerns property rights, increased ownership costs, and decreased property values. There is very little material in correspondence on whether the district satisfies the criteria for historic designation.

*Is there a sufficient basis to determine that the resources submitted for designation meet the criteria for historic preservation?*

Staff thinks the short answer is YES. Staff gives great weight to the recommendations of the Historic Preservation Commission and the Planning Board; however, some of the criteria used to justify the Greenwich Forest District are worth examining.<sup>8</sup>

If Council's answer to the next question is yes, then a review of the criteria is warranted.

*Is it in the public interest to include the Greenwich Forest District in the Master Plan for Historic Preservation?*

In upholding the historic designation of a property in Rockville, the Court of Appeals stated the general reason why subjecting a property to historic preservation requirements has a clear public purpose:

In addition to enhancing the quality of life by preserving the character and desirable aesthetic features of a city, historic area zoning serves also the purpose of preventing the premature destruction of historically important structures, landmarks, and geographic areas without first considering adequately their significance. Historic and landmark preservation will be upheld absent arbitrary designation or a taking without just compensation since there is a valid public purpose to such ordinances. The public purpose is to prevent the destruction of historic buildings without adequate consideration of their value or significance in enhancing the quality of life for all and to provide for the potential for preservation.<sup>9</sup>

The consent of a property owner is not required; however, it may be a factor in a Councilmember's determination of where the public interest lies. A landowner's position on historic designation is not the only factor that goes into the determination of the public interest. The public interest is broader than an individual's interest.

*Are the proposed criteria for designation appropriate?*

The draft amendment would designate the Greenwich Forest District under 6 criteria. The district:

- 1) has character interest or value as part of the development heritage or cultural characteristics of the County, State, or Nation;
- 2) is identified with a person or a group of persons who influence society;
- 3) exemplifies the cultural, economic, social, political or historic heritage of the County and its communities;
- 4) embodies the distinctive characteristics of a type, period, or method of construction;
- 5) possesses high artistic values; and
- 6) represents a distinguishable entity whose components may lack individual distinction.

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<sup>8</sup> The source documentation for designation was submitted on behalf of the Greenwich Forest Community Association by Emily Eig, an architectural historian. The historic criteria proposed by Ms. Eig was copied word for word in the draft submitted by the Planning Board.

<sup>9</sup> Casey v. Mayor of Rockville, 400 Md. 259 (2007).

Historic designation only requires meeting 1 criterion. The historic community recognizes historic subdivisions.<sup>10</sup> Staff takes issue with using 3 of the stated criteria:

#### Identification with a person or group

Morris Cafritz owned the company that developed the Greenwich Forest subdivision. As an individual, he never owned the land. He was not the architect. He was not the landscape designer. His company constructed some 5,000 houses and 15,000 apartments in the region. There was no evaluation in the record to determine if Mr. Cafritz is more fittingly identified with other sites. He was a resident of the District of Columbia. His association as the owner of the developing company seems too tangential to find that the resource is identified with him. *Staff recommends deleting criterion (1)(a)(c).*

#### Possesses high artistic values

This criterion is under litigation in Illinois to determine if it is unconstitutionally vague. Finding that a neighborhood possesses high artistic values may lead to unintended consequences. The Mona Lisa possesses high artistic values. Clearly, painting even a small mustache on the Mona Lisa would diminish the artistic value of the art. In fact, any change to the Mona Lisa other than careful restoration would be a problem. High artistic value is easier to apply to the four corners of an oil painting than it is to an entire subdivision. If the Greenwich Forest District is deemed to possess “high artistic values”, there is no limit to the changes that may be deemed to diminish its artistic values. *Staff recommends deleting criterion (2)(c).*

*Should the proposed design guidelines be approved as part of the amendment to the Master Plan for Historic Preservation?*

The Community has been trying to reduce the uncertainty of a historic district by proposing district specific guidelines. The community’s support for these guidelines will be a topic of conversation at the Committee’s worksession. If the Committee recommends designating the historic district, guidelines are appropriate; requiring enforcement by DEP and DPS would not be appropriate.

The Community developed the attached guidelines; staff is not inclined to interfere with any agreements that increase local support. The term “decision-making body” would be the Historic Preservation Commission.

*Staff recommends approval of the attached guidelines and staff authority to make editorial revision for its inclusion in the Master Plan for Historic Preservation.* In the alternative, the Council could choose to amend or disapprove the guidelines.

The guidelines include the following in the first paragraph:

These Principles and Guidelines reflect the specific conditions and history of Greenwich Forest and the views of the majority its residents. They should therefore be used as the primary basis on which the **decision-making body** evaluates the compatibility of proposed **work permits** with the district and County law, taking precedence over other pertinent guidelines. In cases where the specifics of a proposed **work permit** are not

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<sup>10</sup> Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places, Department of the Interior, 2002.

addressed explicitly by these guidelines, the *decision-making body* should be guided by the following Principles and other pertinent laws and guidelines<sup>1</sup>.

<sup>1</sup> Some residents of the proposed historic district believe that these Principles and Guidelines should be the sole basis for decisions on *work permits*.

If community consensus hinges on regulating all aspects of change in the neighborhood that are not covered by the guidelines, the Council could choose to delete the provision above and insert the following text:

These guidelines provide specific direction to the Historic Preservation Commission (the decision-making body) for reviewing historic area work permits within the Greenwich Forest Historic District. Permits that satisfy these guidelines are compatible in character with the district and the purposes of Montgomery County Historic Resources Preservation law. Any historic area work permit sought for any situation not specifically covered by the guidelines above shall be deemed to have an insignificant effect on the historic resource and must be approved by the decision-making body.

*Are there alternatives to historic designation that would preserve trees and the neighborhood scale?*

There may be alternatives to historic designation to preserve trees and neighborhood scale, but the issue before the Council is whether to designate the district as historic.<sup>11</sup> Some district residents proposed an alternative that would require at least 2 pieces of legislation. The success of such legislation would be speculative.

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<sup>11</sup> Currently, the district is listed in the Locational Atlas of Historic sites. That status will continue until the Council makes a determination to either add the district to the Master Plan for Historic Preservation or to disapprove the Planning Board's recommendation. If the Council takes no action, and fails to extend its time for action, the district will be added to the Master Plan for Historic Preservation under provisions of Article 28.

Planning Board Draft Amendment to the  
**Master Plan for Historic Preservation:**  
Greenwich Forest; Animal Industry; Higgins Cemetery

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Maryland-National Capital Park and Planning Commission  
April 2010

Planning Board Draft Amendment to the  
**Master Plan for Historic Preservation:**  
Greenwich Forest; Animal Industry; Higgins Cemetery

**ABSTRACT**

This document contains the text, with supporting illustrations, for an amendment to the *Master Plan for Historic Preservation in Montgomery County*; being also an amendment to the 1990 *Bethesda-Chevy Chase Master Plan*; 1992 *North Bethesda-Garrett Park Master Plan*; the 2009 *Twinbrook Sector Plan*; the 2005 *Countywide Bikeways Master Plan* and the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland- Washington Regional District Within Montgomery and Prince George's Counties*. This amendment considers the nomination of one historic district and two individual sites to the *Master Plan for Historic Preservation*.

**SOURCE OF COPIES:**

The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
[www.montgomeryplanning.org/historic](http://www.montgomeryplanning.org/historic)

The Maryland-National Capital Park and Planning Commission

The Maryland-National Capital Park and Planning Commission is a bi-county agency created by the General Assembly of Maryland in 1927. The Commission's geographic authority extends to the great majority of Montgomery and Prince George's Counties; the Maryland-Washington Regional District (M-NCPPC planning jurisdiction) comprises 1,001 square miles, while the Metropolitan District (parks) comprises 919 square miles, in the two counties.

The Commission is charged with preparing, adopting, and amending or extending *The General Plan (On Wedges and Corridors) for the Physical development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*. The Commission operates in each county through Planning Boards appointed by the county government. The Boards are responsible for all local plans, zoning amendments, subdivision regulations, and administration of parks.

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## HISTORIC PRESERVATION MASTER PLAN AMENDMENT

The *Master Plan for Historic Preservation* and the *Historic Preservation Ordinance*, Chapter 24A of the Montgomery County Code, are designed to protect and preserve Montgomery County's historic and architectural heritage. When a historic resource is placed on the *Master Plan for Historic Preservation*, the adoption action officially designates the property as a historic site or historic district, and subjects it to the further procedural requirements of the Historic Preservation Ordinance.

Designation of historic sites and districts serves to highlight the values that are important in maintaining the individual character of the County and its communities. It is the intent of the County's preservation program to provide a rational system for evaluating, protecting and enhancing the County's historic and architectural heritage for the benefit of present and future generations of Montgomery County residents. The accompanying challenge is to weave protection of this heritage into the County's planning program so as to maximize community support for preservation and minimize infringement on private property rights.

The following criteria, as stated in Section 24A-3 of the *Historic Preservation Ordinance*, shall apply when historic resources are evaluated for designation in the *Master Plan for Historic Preservation*:

1. Historical and cultural significance

The historic resource:

- a. has character, interest, or value as part of the development, heritage or cultural characteristics of the County, State, or Nation;
- b. is the site of a significant historic event;
- c. is identified with a person or a group of persons who influenced society; or
- d. exemplifies the cultural, economic, social, political or historic heritage of the County and its communities; or

2. Architectural and design significance

The historic resource:

- a. embodies the distinctive characteristics of a type, period or method of construction;
- b. represents the work of a master;
- c. possesses high artistic values;
- d. represents a significant and distinguishable entity whose components may lack individual distinction; or
- e. represents an established and familiar visual feature of the neighborhood, community, or County due to its singular physical characteristic or landscape.

## **Implementing the Master Plan for Historic Preservation**

Once designated on the *Master Plan for Historic Preservation*, historic resources are subject to the protection of the Ordinance. Any substantial changes to the exterior of a resource or its environmental setting must be reviewed by the Historic Preservation Commission and a historic area work permit issued under the provisions of the County's Preservation Ordinance, Section 24A-6. In accordance with the *Master Plan for Historic Preservation* and unless otherwise specified in the amendment, the environmental setting for each site, as defined in Section 24A-2 of the Ordinance, is the entire parcel on which the resource is located as of the date it is designated on the Master Plan.

Designation of the entire parcel provides the County adequate review authority to preserve historic sites in the event of development. It also ensures that, from the beginning of the development process, important features of these sites are recognized and incorporated in the future development of designated properties. In the case of large acreage parcels, the amendment will provide general guidance for the refinement of the setting by indicating when the setting is subject to reduction in the event of development; by describing an appropriate area to preserve the integrity of the resource; and by identifying buildings and features associated with the site which should be protected as part of the setting. It is anticipated that for a majority of the sites designated, the appropriate point at which to refine the environmental setting will be when the property is subdivided.

Public improvements can profoundly affect the integrity of a historic area. Section 24A-6 of the Ordinance states that a Historic Area Work Permit for work on public or private property must be issued prior to altering a historic resource or its environmental setting. The design of public facilities in the vicinity of historic resources should be sensitive to and maintain the character of the area. Specific design considerations should be reflected as part of the Mandatory Referral review processes.

In many cases, the parcels of land on which historic resources sit are also impacted by other planned facilities in the master plan; this is particularly true with respect to transportation right-of-way. In general, when establishing an Environmental Setting boundary for a historic resource, the need for the ultimate transportation facility is also acknowledged, and the Environmental Setting includes the entire parcel minus the approved and adopted master planned right-of-way. However, in some specific cases, the master planned right-of-way directly impacts an important contributing element to the historic resource. In such cases the amendment addresses the specific conflicts existing at the site, and suggests alternatives and recommendations to assist in balancing preservation with the implementation of other equally important community needs.

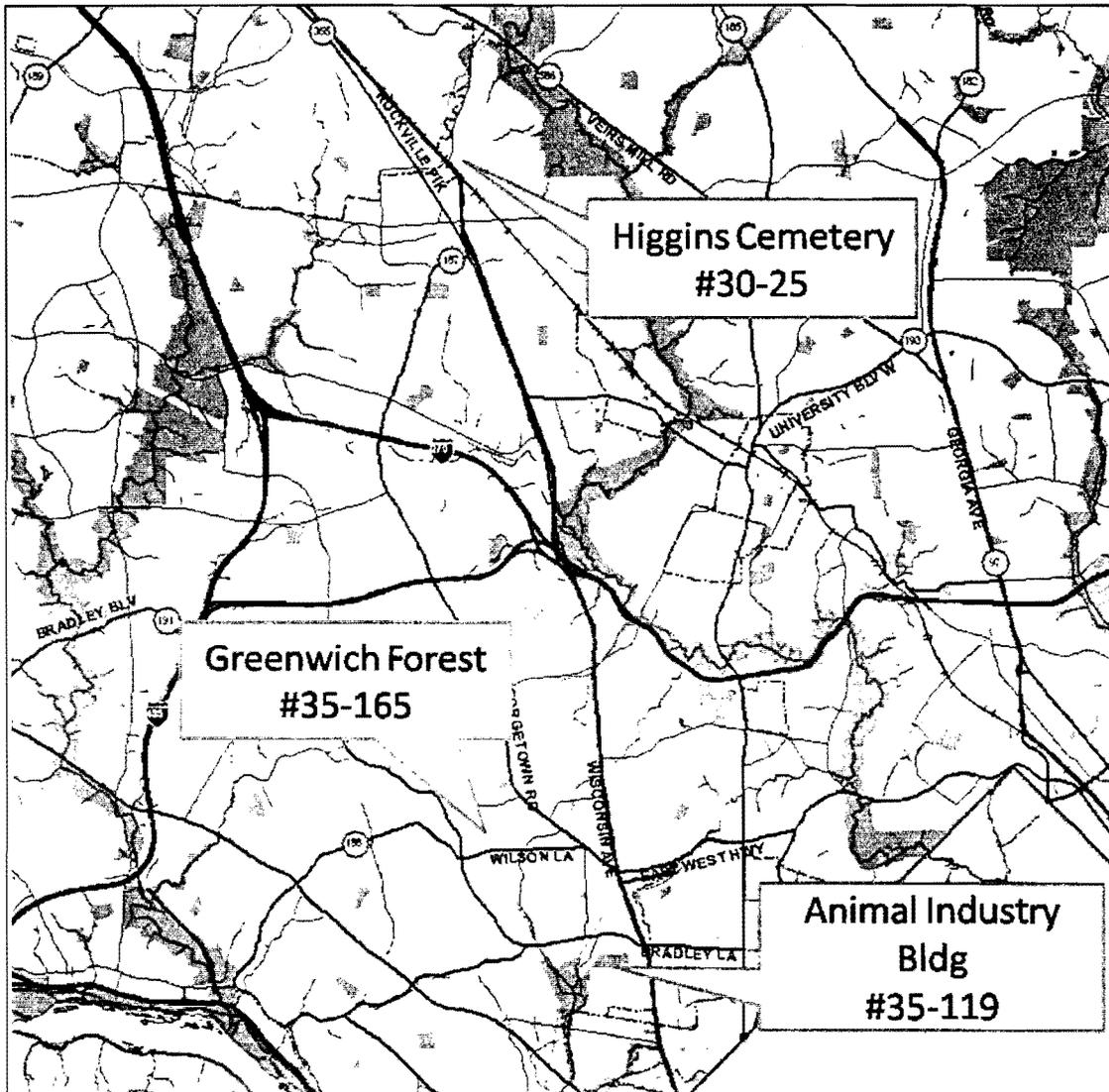
In addition to protecting designated resources from unsympathetic alteration and insensitive redevelopment, the County's Preservation Ordinance also empowers the County's Department of Housing and Community Affairs and the Historic Preservation Commission to prevent the demolition of historic buildings through neglect.

The Montgomery County Council passed legislation in September 1984 to provide for a tax credit against County real property taxes in order to encourage the restoration and preservation of privately owned structures located in the County. The credit applies to all properties designated on the *Master Plan for Historic Preservation* (Chapter 52, Art. VI). Furthermore, the Historic Preservation Commission maintains current information on the status of preservation incentives including tax credits, tax benefits possible through the granting of easements on historic properties, outright grants and low-interest loan program.

## The Amendment

The purpose of this amendment is to designate three resources on the *Master Plan for Historic Preservation*. The resources are currently identified on the *Locational Atlas and Index of Historic Sites*.<sup>1</sup>

<u>Resource #</u>	<u>Name and Address</u>
35/165	Greenwich Forest Historic District Bounded by Wilson Lane, Hampden Lane, Overhill Road, and Lambeth Road, Bethesda
35/119	Bureau of Animal Industry Building (Norwood Park Recreation Building) 4715 Norwood Drive, Bethesda
30/25	Higgins Family Cemetery 5720 Arundel Avenue, Rockville



<sup>1</sup>Planning Board action, September 24, 2009

## Greenwich Forest Historic District , #35/165

The Greenwich Forest Historic District is a residential neighborhood characterized by Tudor Revival and Colonial Revival houses nestled on hilly streets with a mature tree canopy. The district is contained within the area bounded generally by Wilson Lane on the south, Huntington Parkway on the north, Aberdeen Road on the west, and Moorland Lane on the east. Greenwich Forest was largely developed by builder and developer Morris Cafritz between 1926 and 1949.



This historic district meets several criteria, having both historic and architectural significance.

### **(1) Historical and Cultural Significance**

The historic resource:

- a) **has character, interest, or value as part of the development, heritage or cultural characteristics of the County, State, or Nation**
- Greenwich Forest, developed in the second quarter of the twentieth century, was conceived as a cohesive suburban neighborhood providing both excellent design and natural beauty. In both design and fruition, its overall appearance illustrates the ideal suburban life associated with residential design in the 1920s and 1930s when the quality of the natural environment of a house was becoming as important as its design. As a result, Greenwich Forest holds great value as a significant representation of the aesthetic development of twentieth-century communities in the County and the State.

- Located in an area where some of Washington, D.C.'s, wealthiest families historically owned large estates into the mid-twentieth century, this particular tract of land was identified early on as having both a highly desirable location close to Washington, D.C., and the commercial core of Bethesda, and great natural beauty with high elevation, gently rolling hills and mature landscape. The fulfillment of its development promise, more than thirty years after its original purchase as an investment, documents the growth patterns of this area of Montgomery County and the impact of the automobile on the County's growth.
- Greenwich Forest exemplifies a successful implementation of a superior development plan that integrated the design of roads, landscape, and architecture. With its emphasis on 1) idyllic landscapes, which included both new design and retention of existing topography and trees, 2) spacious lots, 3) control over location and orientation of houses to retain trees and topography, and 4) excellent architectural design, extraordinary attention to detail, and fine construction, Greenwich Forest presents a fully developed character that has endured to this day. This character has been emulated to various degrees in the surrounding areas, as well as in other parts of Montgomery County, and holds character, interest and value as a model of development for the County, State, and the Nation.

**c) is identified with a person or a group of persons who influenced society**

- Greenwich Forest is directly identified with its developer, Morris Cafritz, whose name in the first half of the twentieth century was synonymous with quality design and construction and whose work as one of Washington's most prolific developers from the 1920s into the 1960s helped shape the growth of the Washington metropolitan area. As the product of the Cafritz Construction Company, Greenwich Forest is identified with Cafritz, his staff architects Alvin L. Aubinoe and Harry L. Edwards, and landscape architect John H. Small III. Cafritz, after going into business in 1920, quickly established a reputation for providing quality housing for a range of incomes and housing needs in Washington, D.C., and Maryland. His influence as a successful businessman and philanthropist was demonstrably enhanced through the social standing of his wife, Gwendolyn. Together, they gave the Cafritz name a cachet that drew people to both desire and appreciate his company's work.



**d) exemplifies the cultural, economic, social, political or historic heritage of the County and its communities**

- Greenwich Forest developed during a time of great expansion in southern Montgomery County, which was the result of the growth of the federal government after World War I, in the New Deal era, and during World War II. These factors played a significant role in increasing the quality of design for subdivisions like Greenwich Forest in the southern portion of the County. Located just beyond the development of closer-in Chevy Chase during the first two decades of the twentieth century, Greenwich Forest's success depended on the growing interest in and availability of the automobile. The automobile enabled residents to get to their jobs without living in a location that was served by public transportation. As new roads allowed faster travel between Washington, D.C., and its environs, the healthy, green suburbs of Montgomery County became a reasonable option for families of the 1920s and 1930s. Builder and developer Morris Cafritz capitalized on this new situation and went

one step further by designing a neighborhood that was located in a tranquil, verdant landscape and was also convenient to work when commuting by automobile. The Cafritz Construction Company was critical in redefining economic and social traditions throughout the Washington metropolitan area, and Greenwich Forest served as the model. Although based on similar successful Washington, D.C., communities, Cafritz's Greenwich Forest changed the paradigm of suburban development in Montgomery County.

## (2) Architectural and Design Significance

The historic resource:

### a) embodies the distinctive characteristics of a type, period, or method of construction

- Greenwich Forest contains a significant collection of domestic resources that represent three general architectural styles and their various subsets: Colonial Revival, Tudor Revival, and French Eclectic, all of which were highly fashionable for residential suburban architecture in the second quarter of the twentieth century. The romantic interpretations of French and English architecture found in Greenwich Forest were particularly appropriate for the idyllic wooded landscape of the neighborhood.
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- Embodying the distinctive characteristics of a planned residential suburb of the 1920s and 1930s, Greenwich Forest was designed in response to a growing interest across the nation in the possibility for improved life through the planning of suburban environments. In keeping with the concept of a fully planned environment (roads, landscape, architecture) with great attention to quality of design and construction, such communities as Shaker Heights, Ohio; Forest Hills, New York; Radburn, New Jersey; and Roland Park, Maryland illustrated a new American ideal that was highly sought. Greenwich Forest is a significant illustration of this movement as applied to Montgomery County.
  - Greenwich Forest represents an approach to development that resulted in a unique combination of conformity and individualism. Through the application of architectural controls set by the developer, Greenwich Forest includes houses designed by the Cafritz Company architects as speculative ventures, houses designed by Cafritz Company staff architects for specific owners, and houses designed by others for owners who voluntarily agreed to allow the Cafritz Company to approve the designs. By establishing the framework, determining the lot sizes and shapes, controlling the siting, orientation, style, scale, materials, design, and details, the Cafritz Company created a unique neighborhood specifically designed for its setting that continues to present an exceptional example of the 1930s suburban ideal.

- The community embodies the highest standards of integrated landscape design for middle-class suburban communities of the 1920s and 1930s. It is this integration of infrastructure, landscape, and architecture that has resulted in the continued natural beauty and idyllic character of the neighborhood. The landscaping component, designed by J. H. Small & Sons, continues to illustrate the great care and expense taken in establishing the ambience of the setting, protecting grand trees of the area, careful siting of the houses, including deep front setbacks, to minimize tree removal, and the retention of natural topography, and demonstrates the lasting potential for such coordinated design.



**c) possesses high artistic values**

- The architecture of Greenwich Forest possesses high artistic value as a distinctive concentration of quality designs in an idyllic setting where custom designs are incorporated into a coordinated aesthetic. The siting, orientation, scale and proportions, materials, design, details, and construction techniques represent excellent and significant examples of the revival styles as presented in single-family, detached dwellings of the 1920s, 1930s, and 1940s.
- The landscape of Greenwich Forest possesses high artistic value as a presentation of an idyllic, woodland setting for a designed residential neighborhood. The design incorporated existing trees and topography, and added new features, trees and shrubbery while allowing the graceful insertion of 69 single-family detached dwellings.
- The high artistic value of design for both the houses and the landscape instituted by Morris Cafritz, and so astutely fashioned by his staff designers, has endured. Their foresight in meeting the homeowners' need for modern amenities and recreational living space, respect

for historic architectural designs, love for mature planned landscapes while also accommodating their automobiles has notably minimized the need for additions and alterations, thereby preserving the striking beauty of Greenwich Forest.

**d) represents a significant and distinguishable entity whose components may lack individual distinction**

- The compositional whole of Greenwich Forest possesses high artistic value as a planned environment designed to serve a residential community of its time. The overall design creates a cohesive whole where a collection of built resources read as landscape features comfortably nestled into the designed and natural setting, the topography undulates in an easy rhythm, winding roads create a connecting web, flowers, shrubs, and smaller trees ornament the streetscape, and the extensive canopy of mature trees is a character-defining feature. The architectural styles instituted collectively pay homage to historic French, English, and Colonial precedents, and although not identical in design, allow for a comprehensive study of American residential architecture from the second quarter of the twentieth century. Thus, as a whole, Greenwich Forest represents a significant and distinguishable entity, even though its components are more likely to be individually distinctive than not.



- Greenwich Forest's singular physical character is a neighborhood well known for its extraordinary landscape, finely designed and sited houses, and overall beauty. It is a planned environment that has retained its character from its original conception in the 1920s and for more than seventy years since the initiation of its development and it continues to be an extraordinary treasure for Montgomery County.

### **Historic District Boundaries**

The boundaries of the proposed historic district are shown on the facing map. Wilson Lane (MD 188) is a master-planned arterial, A-83. While the minimum right of way varies, the ultimate pavement is not to exceed two lanes. Improvements recommended for Wilson Lane in the 1990 Bethesda-Chevy Chase Master Plan include a bicycle path, bus waiting areas, and other transit facilities. The Master Plan of Bikeways proposes Wilson Lane bike lanes BL-2 between MacArthur Blvd and Elmore Lane. Wilson Lane improvements at Hampden Lane would require Historic Preservation Commission review to ensure compatibility with the historic district. Lots within the historic district boundaries are zoned R-90.



June 9, 2011

Mrs. Valerie Ervin, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Mrs. Ervin,

On September 28, 2010, a public hearing was held before the Montgomery County Council concerning an application to designate Greenwich Forest as an Historic District. About half of the households in the proposed district had submitted letters of support to the Council beforehand and about half of the households had signed a petition opposing approval of the historic district. Approximately 30 residents testified at this hearing, most of them in support of the proposed historic district. At the conclusion of the hearing the Council expressed concern over the division within the neighborhood, yet recognized that the neighborhood might agree on a compromise if further discussions took place between proponents and opponents. Then-President Floreen and Councilmember Berliner asked residents to seek such a compromise that a clear majority of the residents would accept.

A committee was formed by the leading proponents and opponents of the historic district designation. The committee members they selected included four residents who signed the petition opposing designation of the historic district in September 2010 (Nancy Chasen, Mark Kramer, Scott Layman and Adam Prill,) and four residents who submitted letters of support (John Jessen, Christine Parker, David Schindel and Paula Wolff). John Jessen recused himself from the committee in February 2011 when he was nominated to be a member of the County's Historic Preservation Commission (HPC).

The Committee met regularly over the course of eight months in an effort to develop a set of guidelines that would be acceptable to a majority of the residents in the proposed historic district. The resulting guidelines are submitted with this letter for the County Council's consideration. The process leading to this compromise is described in greater detail in Attachments 1 and 2. The guidelines and their associated principles reflect the specific characteristics and history of Greenwich Forest as well as the concerns of a clear majority of residents. Five members of the committee (Nancy Chasen, Mark Kramer, Christine Parker, David Schindel and Paula Wolff) endorse these guidelines and two members, Scott Layman and Adam Prill, oppose them because of one provision described below.

The committee believes that we have achieved consensus among a clear majority of households that favor creation of the historic district that would be administered under the proposed guidelines. All of the 71 houses in the proposed district received copies of the proposed guidelines either by email or by hand delivery two weeks ago and we have received responses from 90% of them. Most households replied soon thereafter by email or phone. Households that did not respond were approached again by email, telephone, and/or in person to learn their views.

The results of these polling efforts (see Attachment 3) indicate that 47 households (66% of the 71 households) either support the proposed guidelines, are neutral, or abstained. These include 11 households (15%) who signed the petition against the historic district last year but

now support the compromise guidelines or are neutral. There are 17 households (24%) that explicitly oppose them and object to their approval. A sample of comments submitted with their objections is provided in Attachment 4. There are 7 households (10%) that still have not responded to the poll and cannot be reached by telephone or in person, despite repeated attempts by members of the committee and other neighbors.

The attached guidelines represent a true compromise in which each side of the committee made significant concessions. Supporters of the proposed historic district agreed that:

- non-original but suitable 'like-materials' may be used on renovations and additions;
- the limit for removing trees without permits should be raised from 6" diameter to 8" diameter (measured 5' above ground level);
- healthy and mature trees may be removed if they interfere with additions as long as replacement trees are planted to maintain the forest canopy; and
- non-contributing houses may be demolished and replaced within limits of architectural style.

Opponents of the historic district proposal agreed that:

- the allowable percentage of lot coverage and side-lot setbacks should be changed to preserve more greenspace;
- 'two-for-one' replacement of trees should be required when removal of a healthy mature trees is approved for purposes of building or landscape modification;
- the architectural style of additions and replacement houses should be limited to the styles represented by contributing houses; and
- the height of additions and replacement houses should be restricted.

In submitting these guidelines for consideration by the Council, the committee presumes that they would be treated in the manner prescribed in County Code Section 24A-8 and be implemented as district-specific guidelines have been in other historic districts such as Takoma Park and Chevy Chase. That is, the committee presumes that these compromise guidelines would be the primary basis on which HPC would make its decisions concerning applications for Historic Area Work Permits submitted by residents of Greenwich Forest, and that these guidelines would take precedence over other guidelines specified in County Code 24A. Two members of the committee (Adam Prill and Scott Layman) believe strongly that the compromise guidelines should be the sole basis for HPC decisions and that other criteria and guidelines in 24A should not apply to Greenwich Forest. Their strong conviction on this point has led them to oppose submission of these guidelines. Messrs. Prill and Layman were invited on multiple occasions to provide a minority report for this letter but they have declined to do so. They will presumably submit their views in a separate communication to the Council.

The Committee also discussed the classification of contributing and non-contributing buildings and properties within the proposed historic district. The committee unanimously recommends that the classification 8009 Westover Road should be changed from contributing (recommended by HPC) to non-contributing. We believe that the following justifications for contributing status included in HPC's proposed amendment to the Master Plan do not apply to this property:

- The proposed amendment notes that " Greenwich Forest contains a significant collection of domestic resources that represent three general architectural styles and their various

subsets: Colonial Revival, Tudor Revival, and French Eclectic, all of which were highly fashionable for residential suburban architecture in the second quarter of the twentieth century." The property at 8009 Westover is a ranch-style house considered transitional to the 'Modern Movement' style. Other Modern Movement houses in the proposed historic district were considered non-contributing in HPC's proposed amendment.

- The leadership of Morris Cafritz in the development of Greenwich Forest was cited in the amendment under several criteria for historic district status. According to the inventory of Greenwich Forest properties included in the proposed amendment to the Master Plan (see Appendix 4 of the compromise guidelines), the architect/builder of 8009 Westover Road is unknown.
- The property at 8009 Westover Road was built in 1949 at the very end of the Cafritz development era (1933-1949), putting it at the margin of the period of historic significance;

We appreciate your consideration of this proposal. Please accept our thanks for your patience in this matter.

Sincerely,

David E. Schindel  
On behalf of Nancy Chasen, Mark Kramer,  
Christine Parker, and Paula Wolff

cc: Councilmember Andrews  
Councilmember Berliner  
Councilmember Elrich  
Councilmember Floreen  
Councilmember Leventhal  
Councilmember Navarro  
Councilmember Reimer  
Councilmember Rice

## **Attachment 1: Process of Developing Compromise Guidelines**

Over the last eight months, a committee of residents of the Greenwich Forest neighborhood has developed a set of specific guidelines for the proposed Greenwich Forest Historic District. Four committee members supported the historic district and submitted letters of support prior to the September 28, 2010 County Council hearing (John Jessen, Christine Parker, David Schindel and Paula Wolff). Four committee members signed a petition opposing the historic district that was submitted to the Council at the hearing (Nancy Chasen, Mark Kramer, Scott Layman and Adam Prill). The committee met 12 times between October 27, 2010 and now (see chronology in Attachment 2). In addition to the meetings held there was frequent and substantive email correspondence among Committee members concerning the content of the guidelines. At the committee's ninth meeting (February 15, 2011), John Jessen recused himself from the committee because he had been nominated to serve on the Historic Preservation Commission and believed that this was a disqualifying conflict.

The negotiation of these guidelines involved open discussion and careful consideration of the views of each Committee member. In addition, concerns expressed by residents were conveyed to and considered by the Committee throughout the development of these guidelines. The committee agreed on a preliminary draft of the guidelines in late January 2011 and Mr. Layman proposed to show it to Kevin O'Prey, a leading opponent of the historic district. Mr. Layman suggested that obtaining feedback from Mr. O'Prey at that point would allow the committee to gather feedback prior to seeking input from all other residents. The committee considered Mr. O'Prey's comments in February and revised the guidelines based on his input. A revised version of the guidelines was distributed to all residents of the proposed district in mid-March with a request for comments. Four evening meetings were held at the end of March at which committee members explained the guidelines to other residents, answered questions, and gathered feedback. Printed copies of the guidelines, along with an explanation, were hand-delivered to households in the district that did not participate in one of the meetings. The committee met several times to discuss the issues that were raised during these consultations and to make final revisions.

The compromise guidelines were distributed on May 26, 2011 to all households in the proposed district either by email or by hand-delivered printed copies. Committee members followed up with a second email message, telephone calls and/or personal visits in order to achieve the 90% response rate described in the Attachment 3. A total of 17 drafts of the compromise guidelines were developed by the committee over the period from 16 October 2010 to 9 May 2011. A chronology of the committee's activities is presented in Attachment 2.

The most significant issue raised during the March consultations was whether the compromise guidelines should be "the sole basis" on which decisions would be made concerning applications for work permits or whether they should be "the primary basis, taking precedence over other pertinent guidelines." The committee was divided five to two on this topic. Five committee members, including proponents and opponents to the historic district proposal, supported "primary" and agreed to submit the guidelines to the County Council if a clear majority of the residents in the proposed district had no objections. Messrs. Layman and Prill (both opponents of the historic district proposal) voted against submitting the guidelines to the County Council based on this point.

## Attachment 2: Chronology of committee activities:

16 October 2010:	Update sent to supporters of historic district
27 October 2010:	Meeting #1, agreed on outline and contents of first draft
31 October 2010:	Meeting #2
7 November 2010:	Meeting #3
12 November 2010:	John Jessen sent update to all residents
14 November 2010:	Meeting #4
21 November 2010:	Meeting #5
5 December 2010:	Meeting #6
7 December 2010:	County Council approved extension of Greenwich Forest historic district proposal to 11 February 2011
9 January 2011:	Meeting #7
27 January: 2011:	Meeting #8
31 January 2011:	Scott Layman gave draft guidelines to Kevin O'Prey, a principal opponent of the historic district, for comment
1 February 2011:	County Council approved extension of Greenwich Forest historic district proposal to 12 April 2011
5 February 2011:	Scott Layman received comments from Kevin O'Prey
12 February 2011:	Scott Layman, Adam Prill and Nancy Chasen discussed comments from Kevin O'Prey
13 February 2011:	Scott Layman forwarded proposed revisions to committee based on comments from Kevin O'Prey
15 February 2011:	Meeting #9, John Jessen recused himself from committee; committee discusses comments from Kevin O'Prey, agrees on revisions
3 March 2011:	Meeting #10
12 March 2011:	Committee asked the County Council to extend the deadline for a decision; deadline extended to 11 June 2011
5 March 2011:	Update sent to residents with draft guidelines, request for feedback, and invitation to late March information meetings
30 March - 3 April 2011:	Four evening informational/outreach meetings hosted by committee members for other residents
7 April 2011:	Meeting #11, discussion of feedback from information meetings
9 May 2011:	Meeting #12
17 May 2011	County Council approved extension of Greenwich Forest historic district proposal to 10 August 2011

### Attachment 3: Results of Polling

Residents in the proposed historic district were provided copies of the compromise guidelines and were asked to register their position by selecting one of the following four options:

- A. I support the proposed guidelines and have no objection to the committee submitting them to the County Council for approval.
- B. I don't support or oppose the guidelines and have no objection to the committee submitting them to the County Council for approval.
- C. Our household is divided. One of us has no objections to the guidelines and the other opposes their submission to the County Council for approval.
- D. We object to the submission of the guidelines to the County Council for approval.

Households that did not select one of these categories were placed in one of the following categories:

- E. Households that received the guidelines but did not identify a preference of A to D. Receipt of guidelines was confirmed by phone calls or email from committee members.
- F. Households that could not be contacted despite repeated efforts by email, telephone and personal visits. The committee could not confirm their receipt of the guidelines.

#### Results of polling as of 9 June 2011:

	Number of houses in proposed historic district	Households supporting guidelines, divided or neutral (A, B, C)*	Households opposing guidelines (D)	Abstained (confirmed receipt of guidelines but didn't comment (E) *	No confirmation of receipt of guidelines (F)
Contributing	62 (87%)	39 (55%)	13 (18%)	5 (7%)	6 (8.5%)
Non-Contributing	9 (13%)	3 (4%)	4 (6%)	0	1 (1.4%)
Total	71	42 (59%)	17 (24%)	5 (7%)	7 (10%)

\* Of the 47 households (66%) that support the guidelines, are neutral or divided, or abstained from voting (categories A, B, C, and E):

- 39 (55%) supported for the guidelines (A),
- 3 (4.2%) were neutral (B),
- None were divided (C), and
- 5 (7.0%) confirmed that they had received the guidelines and abstained (E).

#### **Attachment 4: Excerpts of Comments from Objections to Guidelines**

*We are not opposed to most of the shared goals. However, we are opposed to the historic designation of the neighborhood and the use of the Montgomery County Historic Preservation Commission (HPC) as the "decision-making body".*

*It is unclear to me whom will be designated as the members of this decision-making body - I assume the proposal is for it to be the county's HPC, but I lack an appreciation or ability to assess the skills of that body to appropriately make these judgement calls on what is likely the greatest asset (or liability) of each of these families. I have a difficult time turning over these critical decisions to people that may lack specific knowledge or appreciation.*

*...subject homeowners to some nebulous governing body that has no clear rules to follow*

*The incremental impact of inserting another governing body into the permitting review process is overly restrictive and undesirable.*

*I believe these guidelines could create legal inconsistencies regarding priority of which governs and applies - County permitting vs. Historic District guidelines.*

*The level of subjectiveness associated with "the creation of extensive new impermeable hardscape surfaces (e.g., driveways) should be avoided whenever possible". Procedurally speaking, what defines "extensive"?*

## Greenwich Forest Historic District Guidelines

These Guidelines were developed by residents of the proposed Greenwich Forest Historic District in order to provide the County's decision-making body with guidance in approving and declining applications for work permits for certain building and landscape modifications. A map of the proposed historic district is presented in Appendix 1. These Guidelines reflect the specific nature and history of Greenwich Forest and a majority view among residents on the appropriate balance between preservation and the ability to maintain and improve houses in the proposed historic district.

The following Principles provide the basis for Guidelines on *additions*, renovations, *replacement* of houses, and more specific elements of the Greenwich Forest streetscape. (Terms that are *highlighted* throughout this document are explained in section B, Definitions.) All decisions under these Principles and Guidelines shall be made using the level of scrutiny set forth in Appendices 2A and 2B, as defined in section B. These Principles and Guidelines reflect the specific conditions and history of Greenwich Forest and the views of the majority its residents. They should therefore be used as the primary basis on which the *decision-making body* evaluates the compatibility of proposed *work permits* with the district and County law, taking precedence over other pertinent guidelines. In cases where the specifics of a proposed *work permit* are not addressed explicitly by these guidelines, the *decision-making body* should be guided by the following Principles and other pertinent laws and guidelines<sup>1</sup>.

### A. PRINCIPLES

The preservation of the following essential elements of Greenwich Forest should be the highest priority in making decisions concerning applications for *work permits*. These Principles are not meant to stop or create unreasonable obstacles to normal maintenance, reasonable modifications, and the evolving needs of residents.

- A1. Greenwich Forest was conceived of, built, and to a great degree preserved as a park-like canopied forest with gentle topographic contours, in which the presence of houses and hardscape are understated relative to the natural setting. The removal of mature trees and the significant alteration of topographic contours on private property, the *Greenwich Forest Triangle*, and the public right-of-way in Greenwich Forest should be avoided whenever possible. The Greenwich Forest Citizens Association (GFCA) will continue to support the replacement of trees. In order to protect mature trees and the natural setting of Greenwich Forest, and to limit run-off into the Chesapeake Bay, the creation of extensive new impermeable hardscape surfaces (e.g., driveways) should be avoided whenever possible.
- A2. The houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. These Guidelines were developed to preserve this environment by ensuring that approved *work permits* include appropriate safeguards that protect the following three essential elements of this fabric:
  - a. An array of revival American *architectural styles* that, taken together, make a significant statement on the evolution of suburban building styles (see Appendix 3).
  - b. The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way. The original developers made decisions on these three elements to understate the presence of structures relative to the forest. For example, minimum side set-backs at the time were 7' but placement and spacing produced distances between houses that far exceeded the

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<sup>1</sup> Some residents of the proposed historic district believe that these Principles and Guidelines should be the sole basis for decisions on *work permits*.

- minimum 14'. Additions and new houses have, in almost all cases, preserved generous space between houses and minimized visual crowding with plantings.
- c. High-quality building materials and high level of craftsmanship.
- A3. The neighborhood needs to evolve to meet the needs of its residents while maintaining the charm and architectural integrity that have been maintained since the 1930s. Introducing new **architectural styles** that are not already present in the neighborhood will detract from its integrated fabric.
- A4. These decisions concerning applications for **work permits** must be legally enforceable. Voluntary safeguards have proven to be ineffective. As a result, these Guidelines must be enforced in a legally binding way.
- A5. A **contributing house** may not be torn-down and replaced unless there is significant/extensive damage that makes it economically unreasonable to preserve the original structure (see D2). Extreme damage like this may be the result of a fallen tree, fire, flood or other natural disaster.
- A6. A **non-contributing house** may be torn down and replaced within the Guidelines provided here as long as the **replacement** house replicates the **architectural style** of its predecessor or the style of one of the contributing houses in Greenwich Forest (see Appendix 3).

## **B. BALANCING PRESERVATION AND FLEXIBILITY**

Greenwich Forest represents a period in the evolution of Montgomery County worthy of preservation but it has also changed in response to the needs of residents since it was created in the 1930s. These Guidelines seek a reasonable compromise between preservation and the needs of residents in several ways.

- B1. Most of the houses in the Greenwich Forest Historic District are designated "**contributing**" because they contribute to the architectural and historic nature of the district. **Contributing structures** are shown in dark grey in Appendix 1. These Guidelines are more specific for **contributing houses**.
- B2. Other houses in the district are designated **non-contributing** either because (1) they were built more recently than **contributing houses** with other **architectural styles** (see Appendix 3) or (2) their original features have been significantly altered by subsequent modifications. **Non-contributing structures** are shown in red in Appendix 1. The Guidelines provide greater flexibility for owners of **non-contributing houses**.
- B3. These Guidelines reflect the reality that nearly all houses in Greenwich Forest have been modified since their construction. Owners are not expected to return their houses to their original configurations. The modifications they are permitted to make under these Guidelines are based on the current reality in the neighborhood, provided that those modifications are consistent with the Principles set forth in these Guidelines.
- B4. Property owners have additional flexibility under these Guidelines to make more extensive changes to the parts of their houses that are less **visible from the public right-of-ways** in front of their houses. The Guidelines accomplish this by stipulating different levels of review for specific elements on different parts of a house (see Definitions for **Limited**, **Moderate** and **Strict Scrutiny**).

Appendix 2 summarizes how these Guidelines apply the different **levels of scrutiny to contributing and non-contributing properties**.

### **C. DEFINITIONS**

**Addition** refers to any permanent extension to an existing house.

**Architectural styles** refers to the range of styles represented by the **contributing houses** in the Greenwich Forest Historic District. As a point of reference, the **architectural styles** of the **contributing houses** are illustrated in "Greenwich Forest: Three Quarters of a Century" and the Visual Guidelines to Greenwich Forest. See Appendix 3 for a list of the **architectural styles** of the **contributing houses** present in the proposed Greenwich Forest Historic District.

**Contributing house, property or structure** refers to a house and associated structures and lot that were part of the Cafritz development era of Greenwich Forest (1929-49; see map, Appendix 1). Individual structures on a property can be **contributing** or **non-contributing** and these are shown in different colors in Appendix 1. If the main house on a property is **contributing**, the entire property is considered **contributing**. These properties contribute to the integrated fabric of the neighborhood.

**Decision-making body** refers to the organization that will have the authority to accept, reject, or negotiate applications for **work permits** in Greenwich Forest.

**Demolition** (also known as 'tear-down') means the removal of more than 50% of the existing perimeter walls or any significant alteration of the original front elevation.

**Front elevation or façade** means the view of the main portion of a house, not including side porches, from the public right-of-way facing the front door.

**Greenwich Forest Triangle** means the triangular park at the intersection of Hampden Lane and Overhill Road.

**Levels of review** refers to the nature of review applicable to a proposed modification. The three levels of review are:

- **Limited scrutiny** is the least rigorous level of review. With this level, the scope or criteria used in the review of applications for work permits is more limited and emphasizes the overall structure rather than materials and architectural details. The decision-making body should base its review on maintaining compatibility with the design, texture, **scale, spacing and placement** of surrounding houses and the impact of the proposed change on the streetscape.
- **Moderate scrutiny** is a higher level of review than **limited scrutiny** and adds consideration of the preservation of the property to the requirements of **limited scrutiny**. Alterations should be designed so the altered structure does not detract from the fabric of Greenwich Forest while affording homeowners reasonable flexibility. Use of compatible new materials or materials that replicate the original, rather than original building materials, should be permitted. Planned changes should be compatible with the structure's existing architectural designs.
- **Strict scrutiny** is the highest level of review. It adds consideration of the integrity and preservation of significant architectural or landscape features and details to the requirements of the **limited** and **moderate scrutiny** levels. Changes may be permitted if, after careful review, they do not significantly compromise the original features of the structure or landscape.

**Non-contributing house, property or structure** refers to houses and their associated lots and structures that were constructed after 1949, after the period of development of Greenwich Forest by Morris Cafritz (see map, Appendix 1). If the main house on a property is considered **non-contributing**, the entire property is considered **non-contributing**. The term also refers to houses that were constructed during the period of historic significance (1929-1949) but either (1) did not follow one of the main **architectural**

*styles* used during the Cafritz era or (2) no longer retain sufficient integrity because substantial alterations and/or additions render it unrepresentative of the original period.

**Replacement** means the construction of a new house following any allowable **demolition**.

**Scale, spacing, and placement** refer to the overall appearance of a house relative to adjacent houses and as part of the streetscape as viewed from the public right-of-way in front of the house. It reflects the footprint and height of the house and its position on the property.

**Work permit** refers to the document required for all modifications to houses and property within the Greenwich Forest Historic District.

**Visible from public right-of-way** refers to portions of a house that are part of the streetscape viewed facing the **front elevation**.

#### **D. MAJOR GUIDELINES**

- D1. Changes to architectural style:** Changes to the **façades of contributing houses** and additions thereto are permitted if (1) the new **front elevation** is consistent with a style of another **contributing house** (see Appendix 3), and (2) is suitable to and does not significantly alter the original outline, shape and scale of the original structure.
- D2. Demolition:** **Demolition and replacement of contributing houses is prohibited except in cases of catastrophic damage by natural causes that render it economically unreasonable to repair the house. Demolition of non-contributing houses is acceptable under any circumstances but any replacement structure must follow the Guidelines specified below.**
- D3. Replacement:** **Contributing houses** that are demolished due to catastrophic damage by natural causes may be replaced by a house that is consistent with (a) the height of the ridge line of the original house, and (b) the **architectural style of a contributing house**. **Additions** that are consistent with these Guidelines can be included in the construction of a **replacement house**. **Non-contributing houses** that are demolished may be replaced with a house having an **architectural style** and scale that is consistent with its predecessor or with a house that is compatible in **architectural style** and scale with a **contributing house** (see Principles and Appendix 3).
- D4. Additions:** Additions to **contributing and non-contributing houses** are allowed. The style of **additions** must be compatible and in keeping with the prevailing styles of that house. The style of the **addition** must be compatible with the style of the original house, unless the owner wishes to change the **architectural style** of both the house and addition to another style of a **contributing house** in Greenwich Forest (see Changes to **architectural style**, below). **Additions to contributing houses** must preserve as a recognizable entity the outline of the original house (not including subsequent additions). Side **additions to contributing houses** are allowed but the limits of the original **façade** must be demarcated by stepping back the front plane of the addition and a change in the addition's roofline. Rear **additions to contributing houses** are allowed within limitations on height and setbacks (see D5).
- D5. Guidelines on dimensions:** Total lot coverage by a house and accessory buildings may not exceed 30%, of which a house may not exceed 25% of total lot area and accessory buildings may not exceed 5%. The area of an accessory building may be increased by 2% (to 7% of total lot coverage) if the increase is offset by a 2% reduction to the house size (to 23% of total lot coverage).

Additions should try to preserve ample spacing between houses (see Principle 2b). For example, visual crowding between houses could be minimized by: placing an addition toward the back of a

property; placing an addition on the side of a property with greater distance to the adjacent house (especially when a side-lot abuts the rear setback of an adjacent corner house); or by screening additions with plantings. The total of the two side-lot setbacks must be at least 18' with no less than 7' on one side. Rear-lot setbacks must be at least 25', though decks no higher than 3' from the ground may extend to an 11' setback.

The elevation of the main or predominant ridgeline(s) of a **contributing house** as viewed from the front may not be increased. To avoid excessive increases in the visual mass of houses, the elevation of any separate ridgelines of an addition to the rear of the house may not be more than 3' above that of the main ridge line.

- D6. Subdivision of lots:** The R-90 zoning of Greenwich Forest will remain unchanged. Subdivision of single lots of 9000 feet or greater or the construction of a second house on a single lot is not permitted.

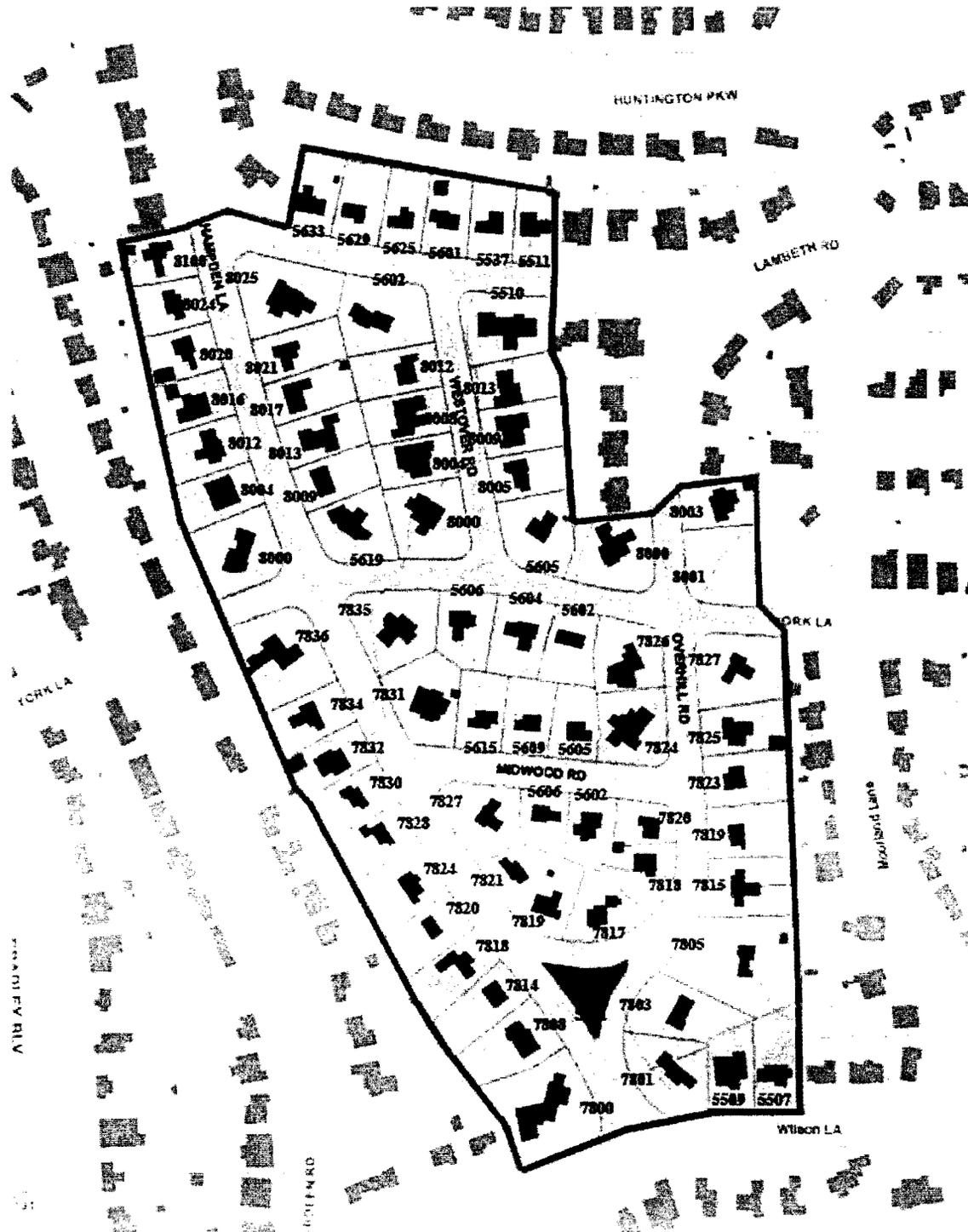
### **GUIDELINES FOR SPECIFIC ELEMENTS**

- D7. Building materials:** Replacement of roofs, siding, and trim with original materials is strongly recommended and is considered maintenance that will not require an application for a work permit. Use of non-original "like-materials" requires a work permit to ensure that they match the scale, texture and detail of the original materials and are consistent with the overall design of the existing house. For example, homeowners wishing to replace slate or tile roofs may use alternative materials that match the scale, texture and detail of the roof being replaced. If an original slate or tile roof had been replaced with non-original material prior to creation of the historic district, the homeowner is allowed to replace the existing roof in kind or with another material consistent with the architectural style of that house.
- D8. Driveways and parking areas:** Replacement or minor reconfiguration of existing driveways is permitted without an application for a **work permit**. Proposals to install new driveways and parking areas require a **work permit**. They should minimize new hardscape areas (see Principle 1) and should not interrupt the setting **visible from the public right-of-way**. Installation of circular driveways is not compatible with these Guidelines and is prohibited.
- D9. Fences:** Fences were not part of the original Greenwich Forest streetscape. No front yard fences have been added since then though some homeowners have added backyard fences and/or fences along side-yard property lines. To preserve the uninterrupted greenspace adjacent to the public right-of-way, front fences are not allowed. To enable the creation of enclosed yards for families, fences up to 6'6" tall are permitted in back- and side-yards. In the case of side-yards, fences may extend up to just behind the front plane of the house, preserving at least a 3' setback from the facade. Fence style and material should be in keeping with the **architectural style** of the house and the forest surroundings.
- D10. Porches:** The **addition** of front porches is permitted if they are compatible with the **architectural style** of the house. Enclosures of existing side and rear porches have occurred throughout Greenwich Forest and they should be permitted but reviewed to ensure that they are compatibly designed.
- D11. Runoff control:** Proposals for **work permits** should consider rainwater run-off problems that may be created by **additions** and other property and structural alterations. Solutions to these problems should protect trees and maximize the on-property control of this run-off by drainage fields, installation of permeable rather than impermeable surfaces, and other available means.

- D12. Satellite dishes visible from the public right-of-way** are not permitted. Satellite dishes that are placed so that they are not **visible from the public right-of-way** are permitted with review to ensure that they are not visible from the public right-of-way..
- D13. Skylights** on forward-facing roof surfaces are not permitted. Skylights on non-forward facing roof surfaces are permitted with review to ensure that they are not visible from the public right-of-way.
- D14. Solar panels** are not permitted on forward-facing roof surfaces. Solar panels on non-forward facing areas are permitted subject to review to ensure that they are not visible from the public right-of-way. Solar panels on non-forward facing roof surfaces should be of a type that blends with the existing materials such as solar shingles rather than large solar panels.
- D15. Tree removal:** The preservation of the large mature trees in Greenwich Forest is a high priority of these guidelines but there are circumstances in which removal may be unavoidable. Trees smaller than 8" in diameter (measured at 5' height) may be removed without an application for a **work permit**. Larger trees may be removed without an application for a **work permit** if a certified arborist provides documentation to the **decision-making body** stating that the tree is dead, diseased, dying or a hazard (e.g., a threat to public safety or the structural integrity of the house). Each tree removed for these reasons should be replaced by one tree in the manner described below.
- In planning landscape modifications, **additions** and **replacement** houses, homeowners may propose the removal of trees with diameters greater than 8" (measured at 5' height). If there is an obvious alternative siting that would avoid removal of mature trees, the application for a **work permit** should include a brief explanation of why that alternative was rejected. In such cases the functional needs of the homeowner should be respected. If applications propose the removal of trees larger than 8" in diameter (measured at 5' height), the site plan for the proposed modification must include the installation of two replacement trees for each tree removed as a result of the modification. These proposals will be subjected to strict scrutiny (see Appendix 2) to ensure that homeowners have not overlooked option that would avoid tree removal and that the site plan for installing new trees adheres to the following guidelines. Each tree removed from the forest canopy must be replaced with two trees chosen from canopy species already established in the region (e.g., White Oak, Nuttall Oak, Scarlet Oak, Greenspire Linden, American Beech, Ash, and Tulip Poplar). If the forest canopy is well established over the site, one of the two replacement trees can be chosen from an understory species that is already established in the region (October Glory Red Maple, Red Sunset Red Maple, Black Gum, and Sycamore.) Ornamental trees such as American Dogwood, Serviceberry or Amelanchier, and Eastern Redbud are native and desirable plantings, but they cannot be counted as replacement trees because they do not contribute to the canopy.
- D16. Walkways and patios:** Reconfiguration and replacement of existing pathways and patios are considered landscaping and do not require an application for a **work permit**. The installation of new walkways and patios require a **work permit** and should minimize the creation of new impermeable hardscape surfaces (see Principle 1).
- D17. Windows, dormers & doors:** Door and window replacements are acceptable as long as the replacements are compatible with the **architectural style** of the house. Replacement windows with true or simulated divided lights are acceptable but removable ('snap-in') muntins are not permitted on contributing houses. Front-facing dormer additions to third floors are not permitted.

### Appendix 1. Map of Proposed Greenwich Forest Historic District

The boundary of the proposed Greenwich Forest Historic District is shown in blue. **Contributing structures** within the district are shown as dark grey. **Non-contributing structures** are shown in red. Appendix 4 provides an inventory of houses in Greenwich Forest.



**Appendix 2A. Levels of Review Applicable to Contributing Properties**

	<b>Work Permit Required?</b>	<b>Limited scrutiny</b>	<b>Moderate Scrutiny</b>	<b>Strict Scrutiny</b>
Additions	Yes		Rear additions and non-forward facing portions of side additions	Front-facing portions of additions that extend beyond the sides of the existing structure
Replacement of houses	Yes			X
Changes to architectural style	Yes			X
Guidelines on dimensions	Yes			X
Building materials	Yes		X	
Driveways and parking areas	Yes, except for replacement or minor reconfiguration		X	
Fences	Yes		X	
Porches	Yes		If not visible from right-of-way	If visible from right-of-way
Runoff control	Yes			X
Satellite dishes	Yes	To confirm that installation is not visible from right-of-way		
Skylights	Yes	To confirm that installation is not visible from right-of-way		
Solar panels	Yes	To confirm that installation is not visible from right-of-way		
Tree removal	Yes			X
Walkways and patios	No for replacement or minor reconfiguration	Review of runoff control only		
Windows, dormers and doors	Yes	If not visible from right-of-way		If visible from right-of-way
Interior modifications	No			
Routine maintenance	No			

**Appendix 2B. Levels of Review Applicable to Non-contributing Properties**

	<b>Work Permit Required?</b>	<b>Limited scrutiny</b>	<b>Moderate Scrutiny</b>	<b>Strict Scrutiny</b>
Additions	Yes	X		
Replacement of houses	Yes		X	
Changes to architectural style	Yes	X		
Guidelines on dimensions	Yes			X
Building materials	Yes	X		
Driveways and parking areas	Yes, except for replacement or minor reconfiguration		X	
Fences	Yes		X	
Porches	Yes	If not visible from right-of-way	If visible from right-of-way	
Runoff control	Yes			X
Satellite dishes	Yes	To confirm that installation is not visible from right-of-way		
Skylights	Yes	To confirm that installation is not visible from right-of-way		
Solar panels	Yes	To confirm that installation is not visible from right-of-way		
Tree removal	Yes			X
Walkways and patios	Not for Replacement or minor reconfiguration Yes for new installations	Review of runoff control only		
Windows, dormers and doors	Yes	X		
Interior modifications	No			
Routine maintenance	No			

### **Appendix 3. Architectural Styles Represented by Contributing Houses in the Greenwich Forest Historic District**

In Greenwich Forest most of the houses are designed in Colonial Revival and Tudor Revival styles of architecture, with two houses, one demolished, designed in French Eclectic architecture. All of these houses share common materials, such as slate roofs, and an attention to scale, proportion, and architectural detail that unifies the distinctly different architectural styles. These styles also complement each other through thematic elements such as dormers breaking the gutter line. The revival styles found in Greenwich Forest were part of a national movement which revived pure examples of European and colonial architecture.

#### Colonial Revival:

The Colonial Revival houses in Greenwich Forest fall into different subcategories. These include Dutch Colonial, Cape Cod, Williamsburg Colonial, Georgian, Neoclassical, and several houses originally advertised as "Pennsylvania Farmhouses."

In these styles the houses are symmetrical, side gabled, three bays wide, with chimneys, in all but one case, located on the exterior ends of the houses, front doors accented with pediments and porticos, entries at the center or side, porches attached at the end as side wings, and details such as quoins, cornices, columns, and pilasters.

#### Tudor Revival:

Tudor houses draw on the characteristics of late medieval English houses. The Tudor houses in Greenwich Forest have steeply pitched roofs, half-timbering, arched brackets and hand hewn posts ornamenting the front door porches, tall casement windows, diamond paned lights, decorative brickwork, and weatherboard in the upper gable ends, chimney pots, and front dormers.

#### French Eclectic:

In Greenwich Forest this style is side gabled and distinguished by conical towers in the corner of the L shaped façade, large chimneys, casement windows, and shed dormers. The appearance brings to mind a house in Normandy, France.

Two additional resources provide information on the architecture of Greenwich Forest:

- "Greenwich Forest: Three Quarters of a Century" is a booklet that presents an introduction to the history and architecture of Greenwich Forest.
- Visual Guidelines to the architectural styles and streetscape were prepared by the Greenwich Forest Citizens Association. They were approved on 2 January 2007 as a component of a Voluntary Preservation Code.

## Appendix 4: Inventory of Houses in Greenwich Forest

### Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. M:35-165

Name Greenwich Forest Historic District  
Continuation SheetNumber 7 Page 10

#### INVENTORY

In the following inventory, all resources have been considered either contributing or non-contributing based upon their association with the criteria for designation in the Master Plan for Historic Preservation in Montgomery County and based upon the period of significance that extends from circa 1929, the construction of the first houses in the neighborhood, through 1950, which captures the last significant phase of development in Greenwich Forest and the end of the Cafritz association with the neighborhood. Therefore, non-contributing resources were constructed after 1950. Additionally, if the resource was constructed within the period of significance but no longer retains sufficient integrity due to alterations and/or additions, it cannot represent the period and areas of significance and has been deemed a non-contributing resource.

Street Number	Street	Current Bldg Use	Style	Date <sup>s</sup>	Architect/Builder	District Status
7800	Hampden Lane	Dwelling	Tudor Revival	1934	Cafritz Construction Co.	C
7801	Hampden Lane	Dwelling	Tudor Revival	1933	Alvin Aubinoe, Cafritz Company	C
7808	Hampden Lane	Dwelling	Colonial Revival	1964	Unknown	NC
7814	Hampden Lane	Dwelling	Tudor Revival	1934	Cafritz Construction Co.	C
7817	Hampden Lane	Dwelling	Dutch Colonial Revival	1935	Cafritz Construction Co.	C
7818	Hampden Lane	Dwelling	Tudor Revival	1934	Cafritz Construction Co.	C
7819	Hampden Lane	Dwelling	Tudor Revival	ca. 1935	Cafritz Construction Co.	C
7819	Hampden Lane	Outbuilding	Not visible		Unknown	NC
7820	Hampden Lane	Dwelling	Other	2007	Unknown	NC
7821	Hampden Lane	Dwelling	Colonial Revival	1935	Cafritz Construction Co.	C
7824	Hampden Lane	Dwelling	Tudor Revival	1934	Cafritz Construction Co.	C
7827	Hampden Lane	Dwelling	Colonial Revival	1935	Cafritz Construction Co.	C

<sup>s</sup> The dates of construction for the resources were determined from information found in the *Washington Post* pertaining to the Greenwich Forest development which often described a Greenwich Forest model house or advertised an identifiable house for sale. In addition, dates of construction were determined from a study of historic maps and plats, as well as an assessment of the resources' architectural style and form. Although current Montgomery County tax records for the resources were checked, often their information and dates of construction were found to be contradictory to that seen in the *Washington Post* and in relevant historic maps and plats for the area, therefore, they were not included the following inventory.

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## Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. M:35-165

Name Greenwich Forest Historic District  
Continuation Sheet

Number 7 Page 11

Street Number	Street	Current Bldg Use	Style	Date	Architect/Builder	District Status
7828	Hampden Lane	Dwelling	Colonial Revival	1935	Cafritz Construction Co.	C
7830	Hampden Lane	Dwelling	Colonial Revival	1935	Cafritz Construction Co.	C
7831	Hampden Lane	Dwelling	Neoclassical	1936	Cafritz Construction Co.	C
7831	Hampden Lane	Outbuilding	Not visible		Unknown	NC
7832	Hampden Lane	Dwelling	Colonial Revival	1935	Cafritz Construction Co.	C
7832	Hampden Lane	Garage	Other	ca. 1990	Unknown	NC
7834	Hampden Lane	Dwelling	Colonial Revival	ca. 1935	Cafritz Construction Co.	C
7835	Hampden Lane	Dwelling	Tudor Revival	1938	Cafritz Construction Co.	C
7836	Hampden Lane	Dwelling	Colonial Revival	1937	Cafritz Construction Co.	C
8000	Hampden Lane	Dwelling	Colonial Revival	1939	Cafritz Construction Co.	C
8004	Hampden Lane	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
8009	Hampden Lane	Dwelling	Colonial Revival	1937	Cafritz Construction Co.	C
8012	Hampden Lane	Dwelling	Tudor Revival	ca. 1941	Cafritz Construction Co.	C
8013	Hampden Lane	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
8016	Hampden Lane	Dwelling	Colonial Revival	1938	Cafritz Construction Co.	C
8016	Hampden Lane	Garage	Other	ca. 1980	Unknown	NC
8017	Hampden Lane	Dwelling	Colonial Revival/Tudor Revival	ca. 1941	Cafritz Construction Co.	C
8017	Hampden Lane	Outbuilding	Not visible		Unknown	NC
8020	Hampden Lane	Dwelling	Colonial Revival	1938	Cafritz Construction Co.	C
8020	Hampden Lane	Garage	Other	ca. 1990	Unknown	NC
8021	Hampden Lane	Dwelling	Tudor Revival	ca. 1941	Cafritz Construction Co.	C
8024	Hampden Lane	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
8025	Hampden Lane	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
8100	Hampden Lane	Dwelling	French Eclectic	1949	VTH Bien, architect; H.J. Korzendorfer, builder	C
8100	Hampden Lane	Shed	Not visible		Unknown	NC
5510	Lambeth Road	Dwelling	Other	ca. 1945	Unknown	NC
5511	Lambeth Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C

## Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. M:35-165

Name Greenwich Forest Historic District  
Continuation Sheet

Number 7 Page 12

Street Number	Street	Current Bldg Use	Style	Date	Architect/Builder	District Status
5537	Lambeth Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
5601	Lambeth Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
5601	Lambeth Road	Outbuilding	Not visible		Unknown	NC
5602	Lambeth Road	Dwelling	Colonial Revival	1939	Royal Barry Willis, Cafritz Co.	C
5625	Lambeth Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
5629	Lambeth Road	Dwelling	Tudor Revival	ca. 1941	Cafritz Construction Co.	C
5633	Lambeth Road	Dwelling	Dutch Colonial Revival	1939	Cafritz Construction Co.	C
5633	Lambeth Road	Outbuilding	Not visible		Unknown	NC
5602	Midwood Road	Dwelling	Tudor Revival	1936	Cafritz Construction Co.	C
5605	Midwood Road	Dwelling	Tudor Revival/Colonial Revival	1936	Cafritz Construction Co.	NC
5606	Midwood Road	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
5609	Midwood Road	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
5615	Midwood Road	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
7803	Overhill Road	Dwelling	Tudor Revival	1937	Cafritz Construction Co.	C
7805	Overhill Road	Dwelling	Tudor Revival	ca. 1929	Unknown	C
7805	Overhill Road	Outbuilding	Not visible		Unknown	C
7815	Overhill Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
7818	Overhill Road	Dwelling	Colonial Revival	ca. 1929	Unknown	C
7818	Overhill Road	Outbuilding	Not visible	ca. 1931	Unknown	C
7819	Overhill Road	Dwelling	Tudor Revival	ca. 1941	Cafritz Construction Co.	C
7820	Overhill Road	Dwelling	Tudor Revival	ca. 1929	Unknown	C
7823	Overhill Road	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
7824	Overhill Road	Dwelling	Tudor Revival	1936	Cafritz Construction Co.	C
7825	Overhill Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
7825	Overhill Road	Outbuilding	Not visible		Unknown	NC
7826	Overhill Road	Dwelling	Colonial Revival	1938	Cafritz Construction Co.	C
7827	Overhill Road	Dwelling	Colonial Revival/Tudor Revival	1936	Cafritz Construction Co.	C
8000	Overhill Road	Dwelling	Tudor Revival	1935	Alvin Aubinoe, Cafritz Company	C

## Maryland Historical Trust Maryland Inventory of Historic Properties Form

Inventory No. M:35-165

Name Greenwich Forest Historic District  
Continuation Sheet

Number 7 Page 13

Street Number	Street	Current Bldg Use	Style	Date	Architect/Builder	District Status
8001	Overhill Road	Outbuilding	Not visible		Unknown	NC
8003	Overhill Road	Dwelling	Colonial Revival	ca. 1941	Cafritz Construction Co.	C
8003	Overhill Road	Outbuilding	Not visible		Unknown	NC
8000	Westover Road	Dwelling	Tudor Revival	ca. 1941	Cafritz Construction Co.	C
8004	Westover Road	Dwelling	Other	ca. 1997	Unknown	NC
8005	Westover Road	Dwelling	Tudor Revival	ca. 1945	Unknown	C
8008	Westover Road	Dwelling	Modern Movement	ca. 1979	Unknown	NC
8009	Westover Road	Dwelling	Modern Movement	ca. 1949	Unknown	C
8012	Westover Road	Dwelling	Colonial Revival	ca. 1945	Unknown	C
8013	Westover Road	Dwelling	Other	ca. 1950	Unknown	NC
5602	York Lane	Dwelling	Tudor Revival	1936	Cafritz Construction Co.	C
5604	York Lane	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
5605	York Lane	Dwelling	Colonial Revival	1938	Cafritz Construction Co.	C
5605	York Lane	Outbuilding	Not visible		Unknown	NC
5606	York Lane	Dwelling	Colonial Revival	1936	Cafritz Construction Co.	C
5619	York Lane	Dwelling	Colonial Revival	1937	Cafritz Construction Co.	C
Intersection of Hampden Lane & Overhill Road		Park	Other	1928	Cafritz Construction Co.	C
Intersection of Hampden Lane & Overhill Road		Sign	Other	ca. 1933	Cafritz Construction Co.	C

**C = Contributing Resource**  
**NC = Non-contributing Resource**

Historic District Proposal, Redux – Register Your Opposition to the 26 May Document

June 5, 2011

Dear Neighbor:

It has been several months since many neighbors asked the County Council to shelve the idea of making our neighborhood a historic district. In response, the Council asked residents to come up with a compromise proposal instead. One proposal, titled, ***Greenwich Forest Historic District Guidelines*** (May 26, 2011), was circulated by email last week. It deserves your careful examination.

We believe that this proposal, as drafted, will bring almost the same volume of historic-preservation restrictions that a formal declaration of Greenwich Forest as a Historic District would have brought. We believe that a much simpler and less heavy-handed approach would be just as effective in preserving the lovely character of Greenwich Forest and would enjoy the support of many more neighbors. We attach that alternative to this letter.

In one sense, the revised guidelines offer a slight improvement over the status quo because Greenwich Forest is currently on the County's atlas as a historic preservation zone. In particular, the proposed document provides some relief for homeowners looking to replace their roofs and windows.

However, the draft proposal also creates a host of other issues that would prove to be worse than the status quo.

1. Despite the formal expression of a majority of households that they oppose historic designation, the draft "compromise" document continues to claim that a portion of Greenwich Forest + two houses on Wilson Lane constitutes a historic district. This is not merely a literary flourish; it will probably have real consequences for us if the draft proposal is approved by the Council. For example, it will enable whoever enforces the proposal to decide any issue not specifically addressed in the document by reference to historic standards, as opposed to what homeowners actually want.
2. The draft "compromise" document does not specify the enforcement agency, but since it was released, one of its drafters has admitted that the intent is that it be the county Historic Preservation Commission (HPC). In other words, this draft document, if embraced by the County Council, would permanently bring the neighborhood right back to the same place it was before the majority of households expressed opposition to a historical designation.
3. The highlighted legalese at the beginning of the document – concerning "primary" as opposed to "sole" – is actually highly significant. Read it carefully and you will find it allows a variety of other, as-yet-undefined regulations to be applied to the neighborhood. Among other things, the Historic Preservation Commission could easily use that loophole to claim the right to scrutinize proposed changes to the *interiors* of houses in the zone.
4. The draft document also contains a variety of idiosyncratic and arbitrary restrictions that seem more the expression of personal taste, rather than an effort to represent the interests of all members of the community. Among many other things:
  - a. It bans the use of window snap-ins for contributing houses. Why? No one would be able to tell the difference from the street.
  - b. It bans street-facing satellite dishes, which would in effect ban anyone with a west-facing home from having satellite television.

- c. It bans certain fences, unfairly singling out homes on corner lots or those located on busy streets.
5. There is no procedure for amending the document. Once it is approved, there will be no way for the neighborhood to make its voice heard or ask for changes. Over the years, we will no doubt find many of the particulars in this document to be obsolete or against our interests. But there will be nothing we'll be able to do about it since there is no process for correcting the mistake.

Most of these concerns were raised with the drafters of this document; the objections seemed to have no effect on the final text.

Having talked to members of virtually every household in the proposed restriction zone during our canvassing last year, we concluded then and remain of the view now, that a simple, more basic approach is more consistent with the desires of the majority of households. For that reason, we have taken the liberty of crafting an alternative proposal, which consists of precisely three objective points, each of which can be administered and as necessary enforced, through the current zoning/planning/building permitting process, without the involvement of the Historic Preservation Commission. We are attaching it here. The three objective points are:

1. **Lot coverage and building height limits (Department of Permitting Services oversight).**
2. **Façade preservation on contributing homes (Department of Permitting Services oversight).**
3. **Tree canopy preservation (Department of Environmental Protection oversight).**

The most important matter is to make sure the neighborhood's voice is heard. The committee of folks who drafted the other proposal seems to be opposed to conducting another complete and formal poll of the neighborhood so we are endeavoring to contact every household to collect their views on the entire range of options. Therefore we are separately circulating a form (both by e-mail and by making door-to-door visits to ensure that no one gets missed either due to a lack of access to e-mail or the work of an overzealous spam filter) that you can sign and return to us to express either your household's position on the proposed "compromise" document, the simplified approach, the original historic preservation designation, or abstention. We plan to make the results of this polling available to anyone who requests it so that there is no chance that anyone will question the process.

If you do not agree with the committee's draft "compromise" proposal, it is also essential that you make your voice heard and notify the County Council of your opposition. You may also register your opposition by e-mailing:

[Councilmember.floreen@montgomerycountymd.gov](mailto:Councilmember.floreen@montgomerycountymd.gov) (Attn: Rebecca Lord)  
(Tel: 240-777-7959)

[Councilmember.berliner@montgomerycountymd.gov](mailto:Councilmember.berliner@montgomerycountymd.gov) (Attn: Cindy Gibson)  
(Tel: 240-777-7828)

Sincerely,

Stephen and Susan Sherman

Kevin O'Prey and Maren Proulx

Michael and Pat Hertzberg

Thomas Frank

# Greenwich Forest Preservation Guidelines

June 5, 2011

These Guidelines have been developed by residents of the Greenwich Forest neighborhood in order to preserve key elements of the neighborhood's character. Consistent with the County Council's efforts to protect Montgomery County neighborhoods from excessive tear-down activity and excessive tree-removal, the Greenwich Forest neighborhood proposes the below simple measures to be articulated in an overlay and enforced by the County's Planning Commission (through the Department of Permitting Services) and the Department of Environmental Protection. These guidelines are designed to provide existing residents with the flexibility to undertake improvements to their properties in ways that are consistent with the overall appearance of the neighborhood and the scale of its homes as well as to encourage the preservation of the neighborhood's existing tree canopy and facilitate tree replenishment for the future.

## Principles

Greenwich Forest was conceived of, initially built, and to a great degree preserved as a park-like canopied forest in which the presence of houses and hardscape are understated relative to the natural setting. Many houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. In particular, the following two elements characterize the original development of Greenwich Forest homes:

- A park-like *canopy of shade trees*.
- An array of revival American *architectural styles*.
- The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way.

The neighborhood needs to evolve to meet the needs of its residents while maintaining its charm and architectural integrity. Replacing the original housing stock – “contributing” houses – with new architectural styles that are not already present in the neighborhood and/or of a size that lacks symmetry with surrounding houses will detract from its integrated fabric. Similarly, replenishment of the tree canopy is critical to maintaining the forest- or park-like setting.

## Guidelines

Based on the above principles, we propose the following guidelines.

### **Tree Canopy Replenishment (to be overseen by the Montgomery County Department of Environmental Protection)**

Each tree removed from a homeowner's property that is a member of a “Canopy Species” (Canopy Species shall mean: White Oak, Nuttall Oak, Scarlet Oak, Greenspire Linden, American Beech, Ash, and Tulip Poplar) that is larger than 8” in diameter (measured at 5' height) must be replaced with two trees chosen from the Canopy Species. Removal of Canopy Species trees larger than 8” in diameter (measured at 5' height) requires a *work permit*. However, a Canopy Species tree may be removed without a *work permit* if a certified arborist provides documentation to the Department of Environmental Protection and the Department of Planning Services stating that the tree is dead, diseased, dying or a hazard (e.g., a threat to public safety or the structural integrity of the house). Each

Canopy Species tree removed for one of these specific reasons is to be replaced by one Canopy Species tree.

### **Style, Scale, and Spacing of Homes (to be overseen by the Montgomery County Department of Permitting Services)**

Many of the houses in the Greenwich Forest neighborhood are designated "**contributing**" because they contribute to the architectural nature of the district. **Contributing structures** are shown in dark grey in Appendix 1. Other houses in the neighborhood are designated **non-contributing** either because (1) they were built more recently than **contributing houses** with other **architectural styles** (see Appendix 2) or their original features have been significantly altered by subsequent modifications.

#### **A contributing house:**

- May not be torn-down and replaced unless there is significant/extensive damage<sup>1</sup> caused by accident.
- May be substantially renovated as long as those renovations maintain the original front-facing façade.

**Non-contributing structures** are shown in red or within the red boundaries in Appendix 1. **Non-contributing houses** are not restricted from demolition or in terms of architecture.

**Additions:** Additions to **contributing** and **non-contributing houses** are permitted as long as they adhere to the guidelines on Scale and Footprint (as defined below) of houses on the property.

**Dimensions and spacing ("Footprint"):** Total lot coverage by a house and accessory buildings may not exceed 30%, of which a house may not exceed 25% of total lot area and accessory buildings may not exceed 5%. The area of an accessory building may be increased by 2% (to 7% of total lot coverage) if the increase is offset by a 2% reduction to the house size (to 23% of total lot coverage).

The total of the two side-lot setbacks must be at least 18' with no less than 7' on one side. Rear-lot setbacks must be at least 25', though decks no higher than 3' from the ground may extend to an 11' setback.

**Scale:** The elevation of the main or predominant ridgeline(s) of a **contributing house** as viewed from the front may not be increased. To avoid excessive increases in the visual mass of houses, the elevation of any separate ridgelines of an addition to the rear of the house may not be more than 3' above that of the main ridge line.

### **Amendments**

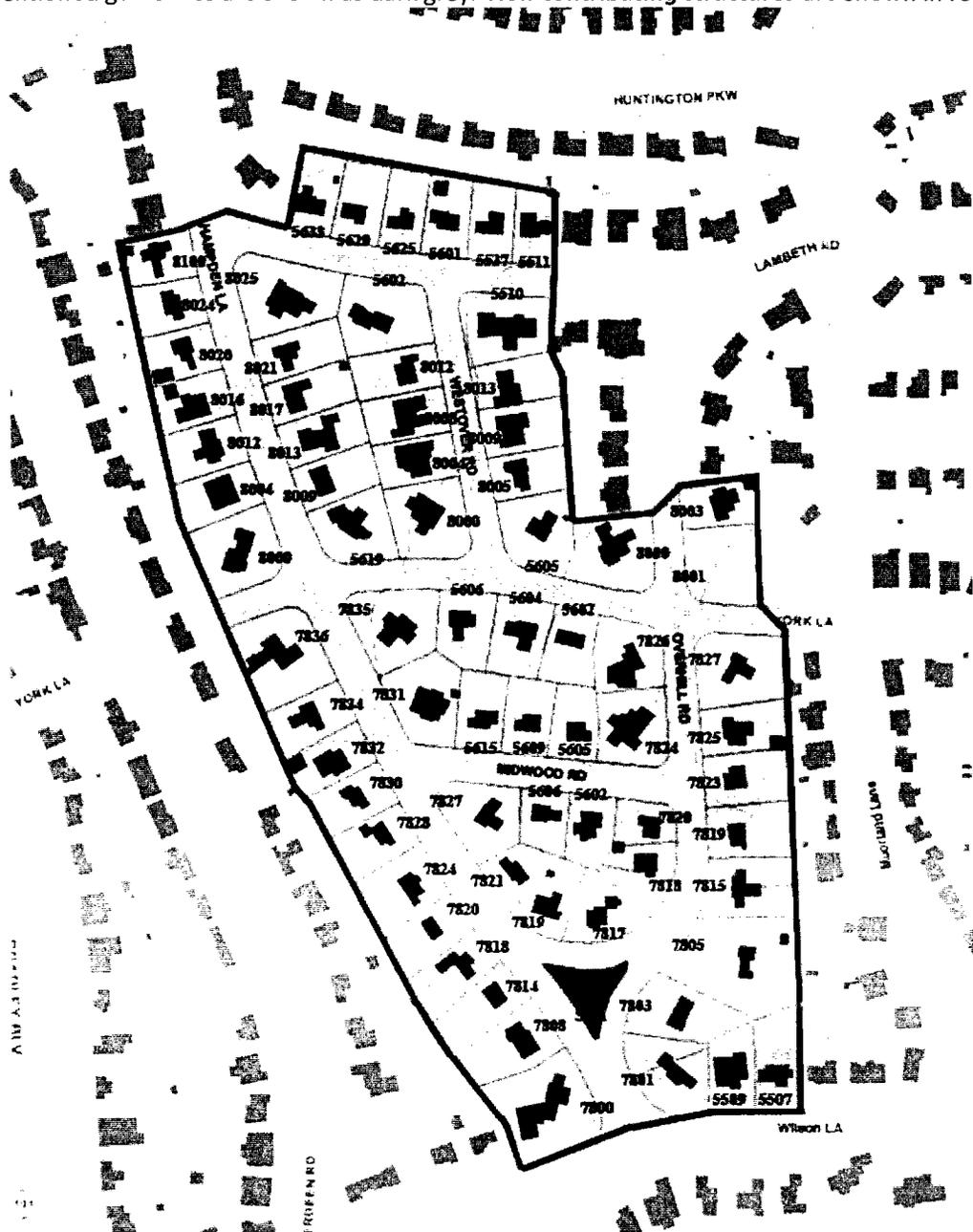
Amendments to these guidelines can be adopted by a super-majority (66%) vote of all households in the Greenwich Forest that are situated within the designated zone where one household equals one vote. Proposals receiving the documented support of a super-majority of households will be presented to the County Council for action.

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<sup>1</sup> Extensive damage is defined as repair costs equal to or greater than 50 percent of the value of the property in its most recent tax assessment.

### Appendix 1. Map of Greenwich Forest

The boundary of the portion of the Greenwich Forest neighborhood that is to be subject to the aforementioned guidelines is shown in blue. *Contributing structures* within the area subject to the aforementioned guidelines are shown as dark grey. *Non-contributing structures* are shown in red.



## **Appendix 2. Architectural Styles Represented by Contributing Houses in Greenwich Forest**

In Greenwich Forest most of the houses are designed in Colonial Revival and Tudor Revival styles of architecture, with two houses, one demolished, designed in French Eclectic architecture. All of these houses share common materials and an attention to scale, proportion, and architectural detail that unifies the distinctly different architectural styles.

### Colonial Revival:

The Colonial Revival houses in Greenwich Forest fall into different subcategories. These include Dutch Colonial, Cape Cod, Williamsburg Colonial, Georgian, Neoclassical, and several houses originally advertised as "Pennsylvania Farmhouses."

In these styles the houses are symmetrical, side gabled, three bays wide, with chimneys, in all but one case, located on the exterior ends of the houses, front doors accented with pediments and porticos, entries at the center or side, porches attached at the end as side wings, and details such as quoins, cornices, columns, and pilasters.

### Tudor Revival:

Tudor houses draw on the characteristics of late medieval English houses. The Tudor houses in Greenwich Forest have steeply pitched roofs, half-timbering, arched brackets and hand hewn posts ornamenting the front door porches, tall casement windows, diamond paned lights, decorative brickwork, and weatherboard in the upper gable ends, chimney pots, and front dormers.

### French Eclectic:

In Greenwich Forest this style is side gabled and distinguished by conical towers in the corner of the L shaped façade, large chimneys, casement windows, and shed dormers. The appearance brings to mind a house in Normandy, France.

### Appendix 3. Definitions

**Architectural styles** refers to the range of styles represented by the **contributing houses** in the district. As a point of reference, the **architectural styles** of the **contributing houses** are illustrated in “Greenwich Forest: Three Quarters of a Century” and the visual Guidelines to Greenwich Forest. See Appendix 2 for a list of the **architectural styles** of the **contributing houses** present.

**Contributing house, property or structure** refers to a house and associated structures and lot that were part of the Cafritz development era of Greenwich Forest (1929-49; see map, Appendix 1). Individual structures on a property can be **contributing** or **non-contributing** and these are shown in different colors in Appendix 1. If the main house on a property is **contributing**, the entire property is considered **contributing**. These properties contribute to the integrated fabric of the neighborhood.

**Demolition** (also known as ‘tear-down’) means the significant alteration of the original outline, shape and scale of a house by the removal of any portion of the **front elevation** and more than 50% of the existing perimeter walls, including the **front elevation**.

**Front elevation or façade** means the view of a house from the public right-of-way facing the front door.

**Non-contributing house, property or structure** refers to houses and their associated lots and structures that were constructed after 1949, after the period of development of Greenwich Forest by Morris Cafritz (see map, Appendix 1). If the main house on a property is considered **non-contributing**, the entire property is considered **non-contributing**. The term also refers to houses that were constructed during the period of historic significance (1929-1949) but either (1) did not follow one of the main **architectural styles** used during the Cafritz era or (2) no longer retain sufficient integrity because substantial alterations and/or additions render it unrepresentative of the original period.

**Replacement** means the construction of a new house following any allowable **demolition**.

**Scale, spacing, and placement** refers to the overall appearance of a house relative to adjacent houses and as part of the streetscape as viewed from the public right-of-way in front of the house. It reflects the footprint and height of the house and its position on the property.

**Changes to architectural style:** Changes to the **façades** of **contributing houses** and additions thereto are permitted if (1) the new **front elevation** is consistent with a style of another **contributing house** (see Appendix 2).

**Demolition:** *Demolition and replacement of contributing houses is prohibited except in cases of significant or extensive damage. Demolition of non-contributing houses is acceptable under any circumstances.*

**Replacement:** **Contributing houses** that are demolished must be replaced by a house that is consistent with (a) the height of the original house, and (b) the **architectural style of any contributing house**.

# Proposed Greenwich Forest Guidelines

## Minority Opinion

### Rejection of the Guidelines and Process of Acceptance

Our objections to the proposed guidelines are focused in two areas. First, the inclusion of the county's historical guidelines within the compromise document and second, the lack of a process of acceptance that ensures that a real majority of the property owners in GF approves of the compromise document. Both are significant in their content and affect.

We will first discuss the issue that is depicted as a "one" word disagreement, that is *sole* vs. *primary/principal*. The entire premise was to create community specific guidelines that would be the *sole* basis for evaluating what could be done to a property in Greenwich Forest. It was the expectation that this very directed approach would eliminate the permitting uncertainties often associated with working under the Counties Historical Guidelines. The encouraging portion of the discussions was the idea that we shared common goals on preserving our neighborhood. While we encountered speed bumps throughout the process these disagreements were generally resolved in a very congenial fashion amongst those working to try to create a solution for the neighborhood, on behalf of the neighborhood, not the Council.

However, within the last 30 days, the concept of the compromise document being the *sole* document quickly became a very controversial issue. The proponents sited concerns around the legality of requiring that the HPC only reference the compromise document in the permitting process, stating that HPC is legally bound to use not only our guidelines, but the other documents listed in the HPC "rules". The opponents disputed this point and, along with one the proponents, organized a conference call with the County Attorney, Jeff Zyontz. On this call, and in a subsequent email, Jeff confirmed that there was no legal obligation for HPC to consider any documents other than those documents approved by the County Council as long as language to that affect was contained in our guidelines. Once the legal argument for inclusion of these additional documents was eliminated, the proponents then said we need the "safety net" of these additional documents in case our guidelines do not cover a situation therefore injecting concepts that contradicted the initial concept of a compromise.

The document referencing the Counties Historical Guidelines is now being rushed through the process at the 11th hour without allowing any meetings or discussion except emails to resolve this significant issue. In fact, those in opposition had planned to personally contact every member of the neighborhood that has originally opposed designating GF as a historical

neighborhood to determine their position on the document. When we did not reach a unanimous decision on the committee, the committee decided, to our objection, to distribute a document that would allow HPC to consider other documents in the event that our document did not address or was not clear on an issue. The guidelines were also sent out with a note that if they did not hear back from someone, they are presumed a yes vote. That is a very big presumption. We suggest silence as a "no" not a "yes" and the "votes" counted accordingly. Therefore, unless the County has signatures of homes that agree to the document after reading the opposition report, the "vote" that the committee is representing is extremely flawed.

In summary, we agreed to a compromise of community based, and only community based, guidelines administered by a County appointed group (likely HPC) and such guidelines would be approved by a vast majority of the neighborhood. The first is not what is being presented and we are concerned that the second will occur based on the rushed approach currently being followed. It is under this report that we stand in opposition of a process that is now seriously flawed after many months of hard work.