

**DATE:** June 10, 2020

**SUBJECT:**

Certificate of Appropriateness Request: H-11-20  
Applicant: Mark and Marcia Lewis  
Location of subject property: 356 Union St. S  
Staff Report prepared by: Kristen Boyd-Sullivan, Sr. Planner

**BACKGROUND:**

- The subject property, 356 Union Street, South, is designated as a “Fill” structure in the South Union Street Historic District. (Exhibit A).
- “One-story brick ranch-style residence.” (Exhibit A).
- **Modifications to the property including: Removal of one (1) oak tree.** (Exhibit B).

**DISCUSSION:**

In accordance with the submitted application (Exhibit B) and the request summary (Exhibit C), the applicant is requesting the removal of an oak tree. According to the Tree Hazard Evaluation Form (Exhibit E), the subject tree is 60ft tall with a 40ft wide spread. The Hazard rating is a “4” and details provided by the City Arborist note that the tree has some dieback of upper branches and evidence of Bacterial Wetwood which could cause the decline of the tree’s health over time. Previous topping may have also contributed to the tree’s current condition. However, the tree “has little risk above the normal risk that all healthy trees present.” Due to the Hazard Rating score of “4,” the Historic Preservation Commission must review, consider, and make a determination on whether the tree can be removed.

The applicant has stated in the summary (Exhibit C) that the pruning over the years has caused a lean towards the house and that the Bacterial Wetwood further compromises the stability of the tree. Concern has been expressed that the tree will fall on the home due to the compromised structural integrity. Furthermore, the applicant has noted that the potential for severe weather could further exacerbate what they perceive is a dangerous situation. Several photographs have been submitted by the applicant (Exhibit D) to demonstrate the health, condition, and location of the tree. If removal is approved, the applicants would like replant two (2) Japanese maples on the site.

**ATTACHMENTS**

Exhibit A: Historic Inventory Information  
Exhibit B: Application for Certificate of Appropriateness  
Exhibit C: Project Summary  
Exhibit D: Photographs Submitted by the Applicant  
Exhibit E: Tree Hazard Evaluation Form  
Exhibit F: Aerial Map

**HISTORIC HANDBOOK DESIGN RECOMMENDATIONS:**

**Chapter 5 – Section 8: Landscaping and Trees**

*One of the most visible features of the Districts is the landscaping and the associated tree canopy.*

*Activities which negatively impact any aspect of the landscape should be avoided, such as the removal of healthy trees and mature shrubs.*

*Tree health may be decided upon by the acquisition of a Tree Hazard Evaluation Report issued by the City Arborist or a report submitted by a certified arborist. Healthy trees are trees that have a hazard rating of 4 or lower. Removal of healthy trees over the size of 6 inches in diameter (measured 4 feet above ground) or pruning of healthy tree limbs over 6 inches in diameter requires Historic Preservation Commission review and approval...*

*All trees that are removed should be replaced with a tree of similar species in an appropriate location unless no suitable location exists on the subject site. Trees removed within street view must also have the stumps removed below ground level.*

- Design Guidelines

*2. Trees which are removed shall be replaced by a species which, upon maturity, is similar in scale to the removed specimen. For example, canopy trees shall be replaced with canopy trees, and understory trees with understory trees.*

*Site new additions as inconspicuously as possible, preferably on rear elevations and where historic character defining features are not damaged, destroyed, or obscured.*

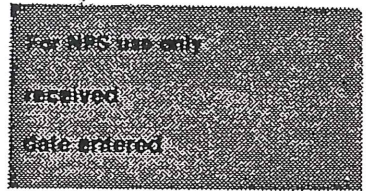
*Additions should be constructed in a structurally self-supporting manner to reduce damage to the historic building. Construct additions in such a way that loss of historic material or details is*

**RECOMMENDATION:**

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
  - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
  - Completed project will be photographed to update the historic properties survey.

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Inventory—Nomination Form



Continuation sheet	Item number	Page
<u>Inventory List - South Union Street Historic District, Concord</u>	#7	12

13. House  
374 S. Union St.  
ca. 1905  
F

Somewhat altered, one-and-a-half story, double-pile of frame construction similar in form to #12. At an undetermined date, probably during the 1920-1940 period, the attic was converted to living space and dormers were installed on the front and side elevations of the house. The gable-roofed facade dormer has tall casement windows that detract from the character of the house. The hip-roofed dormer on the south (left) elevation has 3/1 bungalow sash windows that suggest the date of the attic's conversion.

14. House  
368 S. Union St.  
ca. 1905  
C

One-story, double-pile, frame cottage with a high, nearly pyramidal hip roof. This house resembles inv. #5, 12 and 13, but retains more of its original Queen Anne style trim. Remaining details include sawn ornament in the projecting gable of the south (left) facade bay, and the chamfered posts with decorative brackets that support the full-facade porch.

15. House  
362 S. Union St.  
ca. 1905  
C

One-story, double-pile cottage nearly identical to inv. #14; only significant difference is that porch wraps around to shelter one bay of north (right) elevation. This may well have been the original configuration of the porch at 368 S. Union St.

16. House  
356 S. Union St.  
ca. 1970  
F

One-story brick ranch-style residence.





NORTH CAROLINA  
High Performance Living

Application for  
Certificate of Appropriateness

5/21/2020

**AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.**

**APPLICANT INFORMATION**

Name: MARK & MARCIA LEWIS  
Address: 356 UNION ST S  
City: CONCORD State: NC Zip Code: 28025 Telephone: 610 248 0189

**OWNER INFORMATION**

Name: MARK & MARCIA LEWIS  
Address: 356 UNION ST S  
City: CONCORD State: NC Zip Code: 28025 Telephone: 610 248 0189

**SUBJECT PROPERTY**

Street Address: 356 UNION ST S P.I.N. # 56301436400000  
Area (acres or square feet): 0.3240 AC Current Zoning: RM-2 Land Use: 0100

<b>Staff Use Only:</b>	
Application Received by: _____	Date: _____, 20 _____
Fee: \$20.00 Received by: _____	Date: _____, 20 _____
<i>The application fee is nonrefundable.</i>	

Exhibit B



**General Requirements**

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: REMOVAL OF TREE FROM FRONT YARD.  
STUMP TO BE GROUND TREES PLANTED
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):

See attached page and photos

**Required Attachments/Submittals**

1. Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted if **16 folded copies** are submitted for distribution.
2. A photograph of the front of the house.
3. Photographs of site, project, or existing structures from a "before" perspective
4. Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
6. Detailed list of materials that will be used to complete the project.

\*\*\*Applications may be submitted electronically.\*\*\*

**Certification**

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

5/21/2020  
 Date

Mark & Marcia Lewis  
 Signature of Owner/Agent

356 Union Street South

5/21/2020

This tree has been pruned for many years to keep the branches from the utility lines that run overhead along Union Street. After all this time, the tree has shifted its growth and now leans heavily over our home. Due to the weight distribution and the lean, there is only one place that tree will land - on our home. The house is a ranch, we have no protection of an upper level to shield us.

In addition, this tree has bacterial wetwood, or slime flux. This slimy ooze becomes toxic to the bark and eats into the tree. Additionally, the fermented sap attracts insects like flies, ants and maggots.

City Arborist Bill Leake told us on his first informal visit on May 5 this tree is at the end of its life span, and has approximately 2-3 years left. However, due to the prevalence of more severe weather patterns, we are very afraid of this tree coming down in a storm, and feel a controlled take down is the safest act to take. Also, NOAA has predicted a more active hurricane season for this year.

We would plant 2 Japanese Maples, 1 where this tree is now, and one on the left side of the house, in our yard facing Union Street.

Exhibit C

356 Union Street South

5/21/2020

## PHOTOS OF TREE

- 1 - front of house
- 2 - shows how asymmetrical the tree is due to pruning
- 3 - shows heavy growth over the house
- 4 - more of the growth over the house
- 5 - shows dead branches
- 6 - more of the lean over the house



2



1

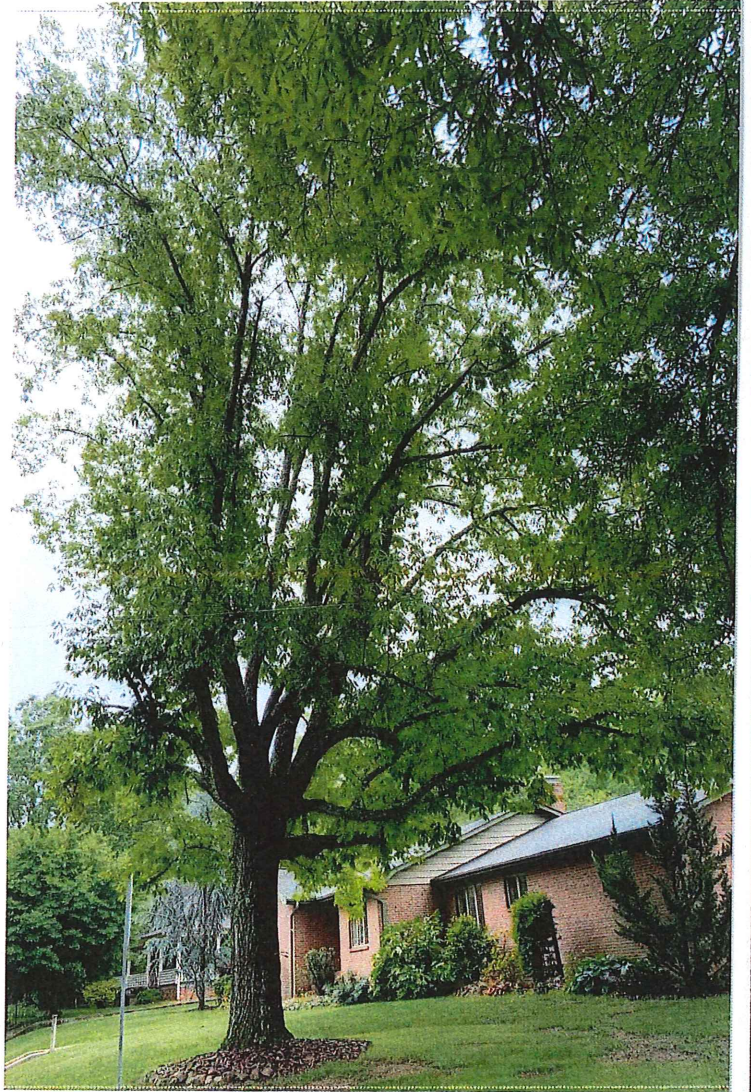




4



3





6



5





# TREE RISK ASSESSMENT FORM

Site/Address: 356 Union St S

Map/Location: Northeast corner of front yard

Owner: public: \_\_\_\_\_ private:  unknown: \_\_\_\_\_ other: \_\_\_\_\_

Date: 05/14/20\_\_\_\_ Inspector: Bill Leake

Date of last inspection: 2016

## RISK RATING:

<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>
Failure Potential	+ Size of part	+ Target Rating	= Hazard Rating

If approved for removal, the replacement tree species and location shall be listed on the certificate of appropriateness.

## TREE CHARACTERISTICS

Tree #: 1 Species: Chestnut Oak (*Quercus montana*)

DBH: 34" # of trunks: 1 Height: 60' Spread: 40'

Form:  generally symmetric  minor asymmetry  major asymmetry  stump sprout  stag-headed

Crown class:  dominant  co-dominant  intermediate  suppressed

Live crown ratio: 95 % Age class:  young  semi-mature  mature  over-mature/senescent

Pruning history:  crown cleaned  excessively thinned  topped  crown raised  pollarded  crown reduced  flush cuts  
 cabled/braced  none  multiple pruning events Approx. dates:

Special Value:  specimen  heritage/historic  wildlife  unusual  street tree  screen  shade  indigenous  protected by gov. agency

## TREE HEALTH

Foliage color:  normal  chlorotic  necrotic Epicormics:

Foliage density:  normal  sparse Leaf size:  normal  small

Annual shoot growth:  excellent  average  poor  none Twig Dieback:

Woundwood:  excellent  average  fair  poor

Vigor class:  excellent  average  fair  poor

Major pests/diseases: Bacterial Wetwood

## SITE CONDITIONS

Site Character:  residence  commercial  industrial  park  open space  natural  woodland/forest

Landscape type:  parkway  raised bed  container  mound  lawn  shrub border  wind break

Irrigation:  none  adequate  inadequate  excessive  trunk wetted

Recent site disturbance? YES  sidewalk construction  soil disturbance  grade change  herbicide treatment

% dripline paved: 30% Pavement lifted: NO

% dripline w/ fill soil: 0%

% dripline grade lowered: 0%

Soil problems:  drainage  shallow  compacted  droughty  saline  alkaline  acidic  small volume  disease center  history of fail  
 clay  expansive  slope \_\_\_\_\_ ° aspect: \_\_\_\_\_

Conflicts:  lights  signage  line-of-sight  view  overhead lines  underground utilities  traffic  adjacent veg.  \_\_\_\_\_

Exposure to wind:  single tree  below canopy  above canopy  recently exposed  windward, canopy edge  area prone to windthrow

Prevailing wind direction: SW Occurrence of snow/ice storms  never  seldom  regularly

## TARGET

Use Under Tree:  building  parking  traffic  pedestrian  recreation  landscape  hardscape  small features  utility lines

Can target be moved? NO Can use be restricted? NO

Occupancy:  occasional use  intermittent use  frequent use  constant use

Exhibit E

# TREE DEFECTS

## ROOT DEFECTS:

Suspect root rot: NO Mushroom/conk/bracket present: NO ID:

Exposed roots:  severe  moderate  low Undermined:  severe  moderate  low

Root pruned: distance from trunk Root area affected: \_\_\_\_\_ Buttress wounded:  When: \_\_\_\_\_

Restricted root area:  severe  moderate  low Potential for root failure:  severe  moderate  low

LEAN: 0 deg. from vertical  natural  unnatural  self-corrected  Soil heaving:

Decay in plane of lean:  Roots broken:  Soil cracking:

Compounding factors: Lean severity:  severe  moderate  low

Concern Areas: Indicate presence of individual structural issues and rate their severity (S = severe, M = moderate, L = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow		L		
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				L
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

## RISK RATING

Tree part most likely to fail in the next six months: Branches

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe Size of part: 1 - <6" 2 - 6-18" 3 - 18-30" 4 - >30"

Target rating: 1 - occasional use 2 - intermittent use 3 - frequent use 4 - constant use

### Maintenance Recommendations

Failure Potential + Size of Part + Target Rating = Hazard Rating  
1 1 2 4

- none  remove defective part  reduce end weight  crown clean  
 thin  raise canopy  crown reduce  restructure  cable/brace

Inspect further  root crown  decay  aerial  monitor

Remove tree  If replaced, a similar sized tree species would be appropriate in same location

If replaced, alternate tree replacement locations are available

Effect on adjacent trees:  none  evaluate

Notification:  owner  manager  governing agency Date: 5/14/20

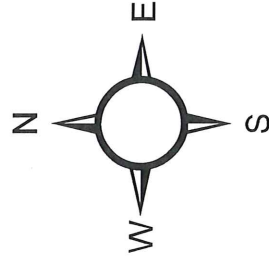
## COMMENTS

This tree is in good overall shape but has a history of Bacterial Wetwood. This condition is not always fatal to a tree but over time these bacteria can contribute to a decline in vigor of mature tree. This decline has started with evidence of twig dieback in one small area of the upper branches. Previous topping of this tree may have caused areas of decay in the limbs that is now covered with new tissue. It is my assessment that this tree has little risk above the normal risk that all healthy trees present.

Bill Leake



H-11-20  
Marcia Lewis  
356 Union St. S.  
Tree Removal



Source: City of Concord  
Planning Department

**Disclaimer**

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



Exhibit F