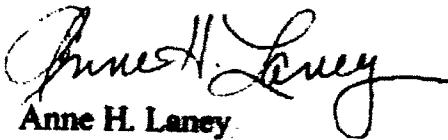


To: Sandra Youla, Senior Planner/Historic Preservation
From: Anne H. Laney

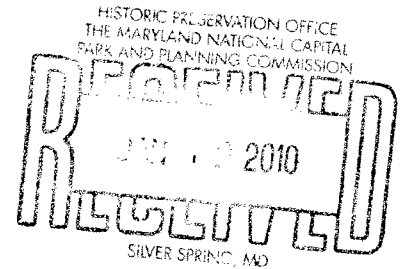
Date: 11 Jan 2010

Subj: James Lauman Farm, 22000 Peachtree Road

Attached are comments from my husband and me stating why we do not want the subject farm included on the Locational Atlas and Master Plan for Historic Preservation. Due to our work hours we will not be able to attend the meeting on 20 Jan 2010.

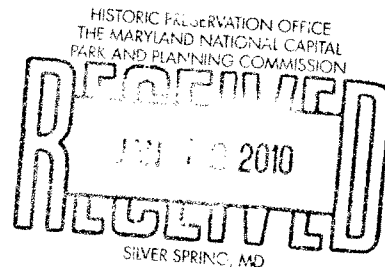


Anne H. Laney
17017 W. Old Baltimore Road
Boys, MD 20841



#12/10

Anne H. Laney
17017 W. Old Baltimore Road
Boyd's, MD 20841



Historic Preservation Commission
8787 Georgia Ave.
Silver Spring, MD 20910

Subj: James Lauman Farm, 22000 Peachtree Road

We do not believe the subject farm/house should be included on the Master Plan for Historic Preservation. The house has been hit by lightening twice in the recent past and the damage caused by fire precludes any reasonable or cost efficient repair. The house has not been lived in since 1997 which has also contributed to deterioration. We feel that there are better examples of historic buildings in the county in much better repair than this one.

We would appreciate this property being taken off the Locational Atlas as soon as practical so that a demolition permit can be obtained and the structure taken down.

Sincerely yours,

Anne H. Laney
Anne H. Laney, Owner

James A. Laney
James A. Laney, Owner

Terra Equis LLC
5008 Benton Avenue
Bethesda, Md. 20814
January 4, 2010

#15/4

Historic Preservation Commission
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Staff Draft Amendment to the Master Plan
Historic Preservation

Dear Members of the Commission:

As per Sandra Youla's letter of December 17, 2009, I am submitting these written comments as President of and on behalf of Terra Equis LLC, which owns the property referred to in the Staff Draft as the "Alfred Baker House" (sic) located at 28901 Kemptown Road in Damascus, MD. Terra Equis strongly opposes the inclusion of this property on the Locational Atlas and also opposes being designated in the Master Plan for Historic Preservation for Montgomery County, Maryland for several reasons enumerated below.

1. Terra Equis is a working equestrian farm with a resident owner manager living on the property. It is the policy of both the State of Maryland and Montgomery County to preserve farmland, and it would be unfortunate if this Commission, by designating this property as historic, would take action to hinder the efficient running of a working farm. According to my reading of the pertinent ordinance, designating this property as an historic site would be a significant hindrance to the running of any working farm, particularly one with animals.

2. I believe there is serious question as to whether the property meets the criteria.

According to the Staff Draft, certain 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. There are two grounds stated in the Staff Draft as bases for listing on the Atlas and Master Plan. The first is historic and cultural significance and the second is architectural and design.

In discussing the Baker house (at page 15 of the Staff Draft) the Staff does not discuss architecture or design as a basis for designation. The Staff's proposal seems to be solely based on historic significance; namely, that it was the home of Alfred Baker, a farmer and a minister of the early Methodist Protestant church in upper Montgomery County (Clagettville) who lived from 1812 to 1885.

As required by Section 24A-3(b) of the Historic Preservations Ordinance, a property may be designated as historic only if one or more of the following criteria are met:

- (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.

Although the Staff Draft in its brief one paragraph discussion of the Baker house does not identify specifically which of the above factors it is relying upon, it appears that it is c and perhaps d. The Draft identifies Baker as a person who played a significant role in the Methodist Protestant Church in Maryland during the nineteenth century. The Staff Draft does not discuss any specific accomplishments by Mr. Baker that make him a significant historical figure. In researching online, I could only find Alfred Baker listed in a report of the Maryland Historical Trust, from which the Staff Draft seems to be directly taken; again, no significant accomplishments were enumerated.

Even if Mr. Baker were considered a significant historical figure who influenced society (as required by subsection c), inconsistencies between my information and the Draft report casts considerable doubt on whether Mr. Baker ever resided in the house for which the Staff proposes designation as an historic site.

At page 15, the Staff Draft states that the earliest part of the house "is believed to date from c 1843-1850." In striking contrast to this rather vague reference as to the date of the house, other properties in the Maryland Historical Trust cite specific dates of land acquisition and transfers listing specific people involved. Neither the Staff Draft nor the Maryland Historical Trust cite specific data on this property as to when and from whom land records list A. Baker purchasing the property. The vagueness of the historical record is shown in a sentence from the report of the Trust. The Report states in pertinent part that "[t]he Alfred Baker house was probably built prior to 1843 and may have been remodeled and extended over time." (Emphasis added). See No. 9, p. 1, 15-4, of the Maryland Inventory of Historical Properties Form.

In addition, my records suggest an inconsistency/error. At the time the property in question was listed for sale in 1998 and purchased by Terra Equis, the listing sheet (copy

enclosed) lists the age as 108 years and lists the year built as 1890, which was five years after Mr. Baker died! Given that fact, there is no way Mr. Baker ever could have lived in the present house located at 28901 Kemptown Road. If the Staff has any contrary information, it is incumbent on the Staff to designate a specific year in which the house was built and to state precisely the data or facts on which it relies. Moreover, the Commission should not proceed to designate this property as historic or to list it in the Master Plan until such time as the data can be produced to show that the house was built prior to 1890 or that Mr. Baker actually acquired the land and resided there.

Additionally, I would like to point out that although the Draft states that the earliest part of the house is in the back, the oldest part is in the front facing Kemptown Road. The remainder was all added later, long after Mr. Baker died, as were most of the outbuildings.

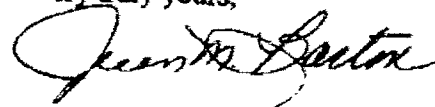
In summary, I would like to note that I am not opposed to historic preservation. As a matter of fact, I have been a member of the National Trust for Historic Preservation for many years and strongly support its basis. However, if its intent and purpose to preserve true history is not to be perverted, accuracy of information and careful research of facts from original documents is essential.

I would note further that the property at 28901 Kemptown Road is a working farm, not a museum or antiquity. Both the State and County have recognized the importance of protecting open spaces and specifically farms, of which there are very few in Montgomery County. Designation of this property as an important historic site would impede the efficient operation of this working farm. As a working farm, it is necessary from time to time to construct outbuildings, paddocks, corrals, walls and fencing in an expeditious manner as the need arises. It also necessary to replace roofing and repair wells when needed. One cannot efficiently take care of such daily problems necessary to operate a farm if we need to secure approval from the Commission and wait 45 days to get approval for a permit.

If the Commission requires any further information concerning our opposition to the Staff Draft, or to the proposal to list the property at 28901 Kemptown Road on the Locational Atlas or the Master Plan for Historic Preservation, please contact me and I will attempt to provide the same.

Thank your for your thoughtful consideration of my position.

Very truly yours,



Dr. Jean M. Barton
President, Terra Equis LLC

MLS#: MC2470825

Short Listing

28801 KEMPTOWN RD, MOUNT AIRY, MD 21771-4411

LIST PRICE: \$439,900

Contract Date: 27-JUL-1998

Settle Date: 30-SEP-1998

STATUS: CONTRACT

Classification: Residential

Ownership: Fee Simple, Sale

List Type: Excl. Right

Legal Subdiv: DAMASCUS OUTSIDE

HOA FEE:

Old Map: 2A8

Advised Subdiv: DAMASCUS OUTSIDE

GROUND RENT:

TBM Map: 734C7

Lot- SF: 880100

Lot/Block/Square:

TAXES:

Area: N/A

Lot- Acres: 22.50

Style: Farm House

Tax Year:

Age: 108

#Lvs: 2 #Fplr: 1

Type: Detached

Tax ID#: 923384

Year Built: 1890

Main Entrance:

THType:

Model:

Finished SF: 0

TOTAL

MAIN

UPR1

UPR2

LWR1

LWR2

SCHOOLS

BR: 4

BR:

BR: 4

BR:

BR:

BR:

ES: DAMASCUS

FB: 2

FB:

FB: 2

FB:

FB:

FB:

MS: DAMASCUS

HB: 1

HB: 1

HB:

HB:

HB:

HB:

HS: DAMASCUS

Main: Living Room, 22 X 13

Upper 1: Bedroom-Master, 16 X 19

Main: Dining Room, 22 X 12

Main: Family Rm, 24 X 18

Upper 1: Bedroom-Second, 16 X 13

Main: Kitchen, 21 X 14

Upper 1: Bedroom-Third, 11 X 9

Upper 1: Bedroom-Fourth, 15 X 14

Basement: YES, Partial, Walkout Stairs

#Garage/Carport Spaces: 4/

Parking: Garage, Garage Type- Detached

#Assigned Spaces:

Heat: Baseboard, Heat Pump(s), Central

Hot Water: Bottled Gas

Cool: Ceiling Fan(s), Central A/C, Electric

Water: Well

TV/Cable/Comm:

Sewer/Septic: Septic

Extra Unit Description:

INTERIOR: Dishwasher, Disposal, Exhaust Fan, Icemaker, Oven/Range-Electric, Refrigerator, Auto Gar Dr Opn, Flue for stove, FP Mantels, MBA/Sep Tub, MBR-BA Full, Shades/Blinds, Sump Pump, Wd Stove Inert, W/W Carpeting, Den/Stdy/Ab, Family Room, Laundry Kit Lvl, Lndry-Sep Rm, Breakfast Room, Sep Dining Rm, Dble Pane Wind, Screens, Storm Door(s), Storm Windows

EXTERIOR: Alum/Steel Siding, Metal, Fenced - Fully, Porch front, Cleared, Farmette, Pond, Stream/creek, Barn/Stable, Shed, Pastoral View

REMARKS: Great horse farm! 40 x 75 barn with 11 stalls 4 paddocks with walk-way to pasture Pond stream 11-acre hay field is a separate parcel Great house with a super location Good fencing 4-car garage with shop area Call Tom or Bev for more info.

DIRECTIONS: RT. 70 EAST TO MT. AIRY EXIT (RT. 27/RIDGE RD.), RIGHT ONTO RT 27; RIGHT ONTO KEMPTOWN RD.

Broker: LONG & FOSTER REAL ESTATE, INC.

Brkr Code: LNCB

Brkr Office: (301)694-8200

Listing Agent: TOM POSS

Agnt Office:

Home: (301)696-8042

Pager: (301)815-1705

Cell:

Home: (301)696-9042

Pager: (301)815-2035

Brkr Code: MIL4

Agency: Buyer Agency

Selling Agent: TONI KOERBER

Show Instructions: Call Office, Lockbox-Comb, Lockbox-Other, Show Anytime

Owner: CRAIG CROPP & MICHELE CROPP

Showing Contact:

List Date: 08-MAY-1998

Orig Price: \$439,900

DOM-MLS: 82

SubComp: 3

Dual: Y

Update Date: 28-JUL-1998

Prior Price:

DOM-PROP: 82

BuyComp: 3

DasR: N

Update Type: Status

Add:

VarC: N

Disclosures: Prop Disclosure

Property Condition: Shows Well

Documents:

Possession: Settlement

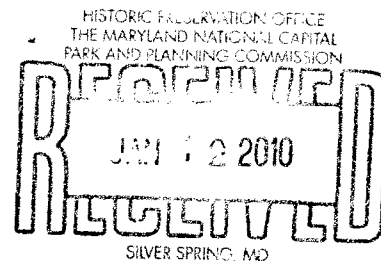
Cur Finance Type:

Cur 1st Trust Bal:

New Finance Types:

Ownt Finance:

Edmond and Joyce Rhodes
28235 Kemptown Road
Damascus, Maryland 20872
301-253-3303



#15/8

January 6, 2010

Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Attention: Sandra Youla
Senior Planner/Historic Preservation

Re: Locational Atlas/Master Plan for Historic Preservation

Dear Ms. Youla:

Thank you for your letter announcing the public hearing and work session on Wednesday, January 20, 2010 to evaluate the historic and architectural significance of certain properties namely the properties within the Clagettsville Historic District.

We own several properties within this designated area and would like to address our concerns on this matter. We have no objection if a person requests their property to be designated as being historic with architectural significance and your commission finds their request valid. However, we do strongly object to being placed in a historic district or having any of our properties designated as being of historical significance without our permission or consent or our taxpaying voice being heard that we absolutely do not want our properties or the use thereof being dictated by a commission of people who have no right to take our freedom of property ownership, property maintenance and use away. Our experience to date with the commission has been to find that the members of this board do not even know where Damascus is let alone have the interest of the property owner at heart. We are astounded that properties in the town of Damascus have been demolished to make way for commercial establishments but all at once the areas of Clagettsville and Etchison have become historical treasures. We see properties labeled "Headwaters of the Patuxent River" that are literally falling down but the commission and county blesses these projects when they are nothing but complete eyesores. Wouldn't a nice home, built with the proper county building permits (not plans dictated by a commission) look better and add to the community than what is a neglected home in disrepair?

Our property at 28020 Ridge Road has a house and outbuilding on it. Both of these structures have been altered many times over the years and do not resemble in any way their original "historic" appearance. We have spent much time and money developing this property into building lots and we will never be

able to sell this land if historic regulations are imposed upon it. There is such a wide range of buildings in the Clagettsville area. If a potential buyer has to submit to the Historical Commission, try to comply with regulations and demands that even the commission is not sure of, and then pay the \$35,000.00 impact fees required by Montgomery County Permitting Services, they would be broke completely before they ever started.

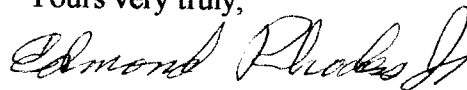
Our property at 28235 Kemptown Road was built in 1960 and is not a historical resource. However, if the entire Clagettsville area is designated as a Historic District, we and any future purchaser would have to comply with regulations mandated by the commission who are located in Silver Spring and obtain historical permits from a group of people who have no ties to the area what so ever. To obtain a building permit to make any cosmetic changes, the home owner would first have to go before this commission for plan reviews, discussion, plan changes, more discussions with valuable time and money spent needlessly. Yes, building codes should be strictly enforced but the proposal of a Historic Commission acting as czars and forcing taxpayers to participate in a program they don't want or desire, is taking all of these requirements way too far.

The commercial property that we own at 28030 Ridge Road has been altered, added on, torn down, and generally changed significantly over the years (prior to our ownership) and there is no way it can contribute to the history of Clagettsville.

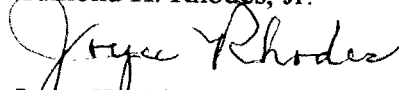
These are just a few examples of the nonsense that is being proposed. It would seem to us in these strapped economic times that the money spent on this absurd project could very well be spent on encouraging folks to maintain their properties in an excellent manner, encourage growth that affects the area in a positive way and brings respect and pride to Clagettsville and Etchison and further encourages young families to come to these areas and proudly call them HOME!

Thank you for considering the feelings and desires of the property owners and not bowing to more bureaucracy, expense, restrictions and restraint.

Yours very truly,



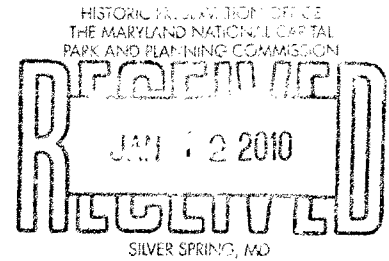
Edmond H. Rhodes, Jr.



Joyce W. Rhodes

9915 Moxley Road
Damascus, MD 20872
January 6, 2010

#15/B



Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Attn: Sandra Youla

What a wonderful country we live in! The main thing people throughout history have fought and died for is Freedom, Family, and their homes, and repairing their homes, as **Free** people have the right to do.

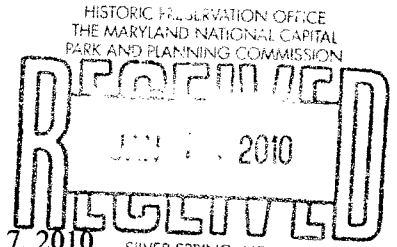
I remember in grade school the teachers telling us how terrible it is to live in a communistic country, where the government tells the citizens what they can and cannot do. People living under these governments feel whipped and hopeless. The governments may last a long time, but they never flourish. Owning a home is one of the top freedoms in a human's existence. The government taking any or all control of that home, with no just cause or compensation, is wrong.

It should be left up to each homeowner to decide to or not to put his home into Historic Preservation. Not the governments. Let's preserve Freedom!


Ronald Walter

cc: Isiah Leggett, County Executive
David Rotenstein

Moxley Farm LLC
28601 Kemptown Rd.
Damascus, Md. 20872



January 7, 2010

Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

15/8 and
10/3

Re: Properties: 28515 Kemptown Rd and 28800 Kemptown Rd.

Historic Preservation Commission:

This letter is in regards to two properties being considered for inclusion in the Master Plan for Historic Preservation: Upper Patuxent Area Resources. The first property is located at 28515 Kemptown Rd. Damascus Maryland and the second property is 28800 Kemptown Road, Damascus, Md.

These properties were owned by Raymond M. Moxley and E. Madeline Moxley. Raymond Moxley passed away in October 1990 and Madeline Moxley passed away more recently in November, 2008. The properties were willed and deeded to their children, Gloria Warfield, Leonard Moxley and myself, Donna Isaacs. The children have since formed a partnership known as Moxley Farm LLC.

The first property at 28515 Kemptown Rd. was put on the real estate market in November 2009. It is listed by Maria Kolic of Remax MC7204589. This property has been neglected for nearly 15 years. Quoting from the listing which I have attached to this letter, "Likely a tear down or a very big project for ONLY the qualified. Please be careful while showing the property. DO NOT walk in back room behind the kitchen. Floor not stable." The cellar of the property is full of water and it needs a new furnace. A small addition was added to the house many years ago and siding was added probably 30 years ago.

We currently have two parties interested in the purchase of the property. One is a landscaping business who would want to add buildings for storage of vehicles and eventually tear down the existing house and build a nice home for their permanent residence.

The property was perked in 1998 and approved for a 4 bedroom home that could be built but only if the existing home was torn down. Designating this property as historic may not give the buyer the option of tearing down the existing house that is in such drastic need of repairs. Adding further restrictions on the listing of this property at the present time would make it even more difficult to sell in today's market. We therefore ask that you remove this property for consideration in the Clagettsville Historic District.

There is some confusion on our part in regards to the property at 28800 Kemptown Road. It is listed as Resource 10/03 John Moxley House to be designated on the Master Plan however, on page 47 of the complete document on the website, the residence at 28800 is listed as Resource not recommended for designation. We hope that this is the case. The wormweed still was identified separately as a historic resource and was previously evaluated and removed from the Atlas. It no longer exists on the property. Because of structural changes made to the original


structure of the house and the removal of a log barn, the property does not have any architectural or historical significance. If in the future we decide to sell this farm of 70 acres, the land is already de-valued because it is in the 25 acre agriculture zoning and cannot be developed. Again, adding more restrictions to the sale of the property would make it difficult to sell.

About 2 years ago, our then 95 year old mother frantically called her daughter on the phone to say that someone was walking around her property taking pictures and she had no idea who they were. After arriving about 20 minutes later, the daughter had the person identify herself. She said she was from the Historical committee. She was told to leave the property and never come back. Now these pictures appear on the internet for all to see without any written permission by the owner.

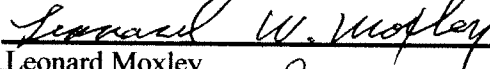
Our parents had no intent of having their properties identified as historic. After almost 80 years of owning the properties they did not want Montgomery County dictating what they could and could not do on their own property. We want to honor their wishes. We asked that because of all the above stated reasons these properties not be included in the Master Plan of Historic Preservation

Sincerely,

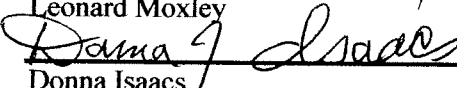
Moxley Farm LLC



Gloria Warfield



Leonard Moxley



Donna Isaacs

Attachment: Real Estate Listing

Cc: Mike Knapp County Council

MC7204589

Residential Short Listing

28515 KEMPTOWN RD DAMASCUS, MD 20872-1334



STATUS: ACTIVE List Type: Excl. Agency Ownership: Fee Simple, Sale LIST PRICE: \$425,000
 Foreclosure: No Auction: No Potential Short Sale: No
 Leg. Sub: DAMASCUS OUTSIDE HOA FEE: / ADC Map: 0000
 Adv. Sub: DAMASCUS OUTSIDE Other Fee: / GROUND RENT:
 Lot AC/SF: 9.91/431,680 Lot/Block/Square: / TOT EST CHRGS: \$3,798 Area:
 #Lvs: 3 #Fpls: 0 Style: Colonial Tax Year: 2009 Age: 113
 Main Entrance: Foyer Type: Detached Tax ID #: 161200937304 Year Built: 1896
 Tax Map: TH Type: Model: Finished SF: 0
 Parcel: P313 Liber: 2510 Folio: 504

	Total	Main	Upper 1	Upper 2	Lower 1	Lower 2	Schools
BR:	2	0	2	0	0	0	ES: Damascus
FB:	1	1	0	0	0	0	MS: John T. Baker
HB:	0	0	0	0	0	0	HS: Damascus

Rooms:

Basement: Yes, Cellar, Cellar Entrance

Parking: Drvwy/Off Str

Heat: Baseboard, Oil

Cool: Window Unit(s), Other

TV/Cable/Comm:

Hot Water: Oil

Water/Sewer/Septic: Public/Septic

Handicap: Other

INTERIOR: Style:

Appliances:

Amenities: Other

Security:

Din/Kit: Sep Dining Rm

Wall/Ceil:

Window/Door:

EXTERIOR: Vinyl Siding,

REMARKS: Attention Agents Please call me first. Likely a tear down or a very big project for ONLY the qualified. Very Old farm house on 9+ prime ac.in Mont. Co. The lot is level & clear. Perfect for horses. New septic system for a 4 BR home has been installed. Please be careful while showing the property. DO NOT walk in back room behind the kitchen. Floor not be stable. Disabled Tenant moving soon. AS IS

DIRECTIONS: Take routew 27 to a left on Route 80 less than a mile on the right. Take 270 to Urbana Exit - route 80. All the way into

Montgomery Co. Pass Penn Shop Rd. House on Left

Company: RE/MAX Realty Centre, Inc., RRC2

Listing Agent: MARIA KOLICK

Email: mariakolick@mrisc.com

Show Instructions: Call 1st-Showing Service, Lockbox-SentriLock

Owner: MOXLEY FARM LLC MOXLEY FARM LLC

Showing Contact: call csa call csa, Maria Kolick

List Date: 13-Nov-2009 Orig Price : \$425,000

Update Date: 14-Dec-2009 Prior Price:

Update Type: Other

Disclosures: Other

Documents: Plat

Property Condition: As-is condition, Fixer-Upper, Rehab potential

Possession: 0-30 Days CD

Gar/Carpt/Assigned: //

Office: (301) 591-3920

Fax: (301) 591-3921

LA Office: (301) 774-5900

LA Home: (301) 391-6188

LA Pager:

LA Cell:

Home:

Office:

Home: (866) 891-7469

Office: (866) 891-7469

DOM-MLS: 34

SubComp: 3

Dual: Yes

DOM-PROP: 34

BuyComp: 3

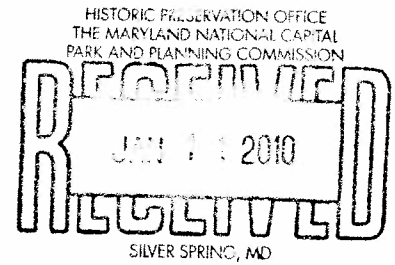
DesR No

Front Fee: \$96.00

Add'l:

VarC: No





#15/19

January 6, 2010

Historic Preservation Commission
Mr. David Rotenstein
8787 Georgia Ave.
Silver Spring, Maryland 20910

Re: Upper Patuxent Area Resources Master Plan – Warthan-Day Farm

Dear Mr. Rotenstein;

On behalf of Kehnemui Family LLC, owner of the Warthan-Day Farm, Resource # 15-19, please accept this letter into the record for your January 20, 2010 Upper Patuxent Area Resources Master Plan public hearing.

We support the recommendation of the historic planning staff to remove this site from the Historic Atlas. Over the years, this complex of buildings has seen numerous alterations and no longer meets the goals necessary to achieve nomination to the County's Historic Sites Master Plan. A series of alterations have been made by the owners over the years to the exterior sidings to all the buildings and barns including a new roof to the home in 2007. I have attached a recent picture of the house for your information.

If you have any questions on this matter please contact me.

Sincerely,

A handwritten signature in black ink that reads "Perry Berman". The signature is written in a cursive style with a long, sweeping underline.

Perry Berman

Attachment



Warthan-Day Farm - view of the house

Merhle Wayne Warfield
7307 Damascus Road
Laytonsville, Maryland 20882

15/27

January 12, 2010

Ms. Sandra Youla, Senior Planner
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Ms. Youla,

We received your letter dated December 17, 2009, regarding the public hearing to evaluate the historic properties in the Upper Patuxent area of Montgomery County. Our property listed as:

- Resource Name - Col. Lyde Griffith/Mehrle Warfield Farm
- Address - 7305 Damascus Road
- Tax District - Tax ID - 01-00010362

First, I would appreciate your department taking the time to CORRECT the spelling of my grandfather's name to MERHLE, as I am sure your department should be able to do this from their records, since the purchase was in the 1900's!!! As the current owner and operator of the Babble Brook Farm on this property, I would like to address my concerns and objections to this process.

To the matter of consideration for the inclusion of our farm on the Location Atlas and Master Plan for Historic Preservation, our farm is one of the last operating dairy farms in Montgomery County. Within the past 10 years, we have totally modernized our farming operation to be able to continue in this business, which in Montgomery County is becoming extremely difficult. We have completely altered the dairy facility including construction of update milking equipment, milking parlor reconstruction, and electrical updates. At present, all buildings have been updated with insulation, where there was none, siding, where there was none, addition of porches to original buildings, garages, where there were none, and have completely updating the electrical and heating wiring and components. None of the homes or farm buildings are original. So nothing is historic on this farm!

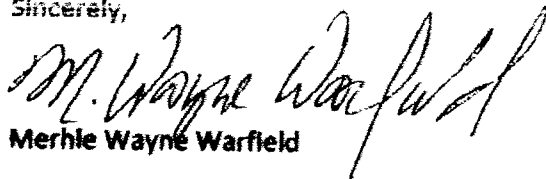
If you consider that the property has been farmed for over 100 years, that would be a correct analysis, but does that constitute it has historic, I don't think so!! And if you consider that the

land is older than 100 years, just as God made it, that only makes the dirt old, not the people who live on it or the buildings that are currently constructed on it!

This family and this business want **NO** parts of historic designation. I find nothing in this county that has benefited from neither your historic designation, nor the limited resources and interference you cause. If anything, this would prevent me from continuing to modernize my facility in order to continue dairy farming in Montgomery County. This would certainly **NOT** be cost effective for me as it would **NOT** allow me to participate in many government programs offered to dairy farmers today. And most importantly, it would **NOT** make my farmland more valuable; if anything it would hurt my value tremendously. With the current tax status and the current tax index, we in Montgomery County currently pay some of the highest fuel, electric and telephone bills in the state of Maryland.

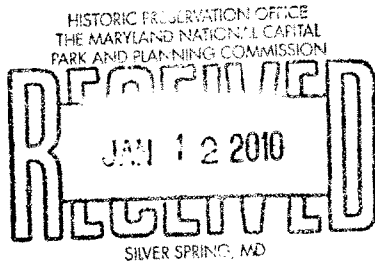
Work to help those who are living in this county by using our tax dollars to reconstruct our roads and for the upkeep for the many buildings that are currently in need of these tax dollars. Don't try to add more ways to spend money on people who don't want your commission and don't need your commission to dictate how we live. So, you can consider this farm and the owners **NOT** interested in this process and would definitely **NOT** be interested in any future discussion of this matter.

Sincerely,



Merhle Wayne Warfield

cc: Jeremy Criss, Department of Economic Development, Agricultural Services
 Nancy, Floreen, President, Montgomery County Council
 Phil Andrews, District 3, Montgomery County Council Member
 Roger Berliner, District 1, Montgomery County Council Member
 Marc Elrich, At-Large, Montgomery County Council Member
 Valerie Ervin, District 5, Montgomery County Council Member
 Mike Knapp, District 2, Montgomery County Council Member
 George Leventhal, At-Large, Montgomery County Council Member
 Nancy Navarro, District 4, Montgomery County Council Member
 Ducky Trachtenberg, At-Large, Montgomery County Council Members
 Isiah Leggett, County Executive, Montgomery County, Maryland
 Earl Hance, Secretary, Maryland Department of Agriculture



15/29

Aaron L. Kimber
Mary Clare H. Kimber
24200 Laytonsville Road
Gaithersburg, Maryland 20882

January 11, 2010

Sandra Youla
Senior Planner/Historic Preservation
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Via facsimile to 301-563-3412
and first-class mail

- Re: Response to *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources ("Staff Draft Amendment")* and *Maryland Historical Trust Maryland Inventory of Historic Properties Form Inventory No. 15-29 ("Historic Properties Form")*
- (1) Designation of Resource 15/29 Etchison Historic District ("District") on *Master Plan for Historic Preservation for Montgomery County, Maryland ("Master Plan")*
 - (2) Designation of 24200 Laytonsville Road, Gaithersburg, Maryland 20882 ("24200 Laytonsville Road") within District on *Master Plan*

Dear Ms. Youla:

As the property owners of 24200 Laytonsville Road, we write this letter urging that the Historic Preservation Commission ("HPC") *not* designate the above-referenced District on the above-referenced *Master Plan* as the District does not meet the criterion of a "group of historic resources which are significant as a cohesive unit." If, however, the HPC does decide to recommend designation, we ask that 24200 Laytonsville Road be removed from the District because it played no part in the history of the development of Etchison and is not historically significant itself.

Etchison Should Not be Designated on the *Master Plan*.

The area currently under consideration for designation as a historic district does not meet the criteria for designation. Section 24A-2 of the Montgomery County Code requires that a "historic district" be composed of a "group of historic resources which are significant as a cohesive unit."

The proposed historic district utterly fails any reasonable use of the term "cohesive unit." The nineteen buildings included in the proposed historic district were built during a time period that extended over one hundred and eighteen years and include residences that were built as late as 1994.

Not only were these buildings built generations apart, but they also represent a diverse variety of building styles. According to the Staff's own classifications in the *Staff Draft Amendment*, there are twelve different architectural styles represented by the nineteen buildings. Moreover, it is only the most recent and least historically significant residences that are the most homogeneous: five of the residences are tract ranch houses and three are bungalows.

This lack of cohesiveness is the exact reason why, during an earlier examination of this proposed historic district, it was found that the District was only a "marginal resource," the lowest rating an existing resource could be given. In support of that finding, the following was noted:

The district's ranking is not as high as some of the other districts for two reasons: 1) the number of resources within it is so small, and 2) the boundaries are odd in that they contain the cluster of contiguous buildings at the intersection of Routes 650 and 180 [sic], but then jump to embrace the Mount Tabor United Methodist Church several properties away. In between the intersection and the church are several small, one-story tract homes and a brick commercial structure. Therefore, this relatively weak district could be approached in two ways: 1) the notion of making it a district could be reconsidered, or 2) the church might be designated a separate resource.

Unlike a century ago, modern-day Etchison does not have a sense of community. Today, Etchison's residents consist almost wholly of individuals who have no connection to the families who lived there during its historical significance. Its current residents are not related to each other, and Etchison is no longer a kinship community.

Furthermore, Etchison is the location of various commercial businesses. Currently, the intersection of Routes 108 and 650 is dominated by a large landscaping business. That operation includes several properties (some of which are to be included in the historic district) that have numerous large industrial buildings from which truck and trailer traffic is heavy. A small store is operated at the location of the original Etchison Store; however, that store has long since stopped being a "general store" patronized by the local community but is now merely a small convenience store for passing motorists. Other businesses that reside in Etchison also serve mainly those passing through Etchison rather than its residents and include a motorcycle-repair shop and a shop selling second-hand goods.

For these reasons, the District should not be designated on the *Master Plan*.

24200 Laytonsville Road Should be Excluded from the District.

In the event that the HPC decides to designate Etchison on the *Master Plan*, it should include only those properties that form the core of historical Etchison: Walter & Ida Allnutt House, Etchison Store, Etchison-Hawkins House, Hipsley-Hawkins House, William and Pearl Moore House, Hawkins Feed Store, and, separately, Mt. Tabor Church. The remaining properties add little to the historical value of the District and therefore should not be burdened by historical designation.

In particular, 24200 Laytonsville Road should be excluded from the District because the property has not retained any historical or architectural significance. The Staff itself acknowledges, in the *Historic Properties Form*, that the property has been modernized by: the replacement of the original porch railings and columns with iron railings and wood columns; the replacement of the original three-over-one windows with one-over-one vinyl windows (the report erroneously states the replacement windows are aluminum); the addition of aluminum siding; the replacement of the ground-level garage's original carriage doors with a roll-top door; the building of a detached, two-car garage with a storage addition; and the addition of an asphalt driveway.

In addition to the changes noted in the *Historic Properties Form*, the character of 24200 Laytonsville Road has been further altered through the following changes that have occurred over the years: the rear porch has been enlarged and enclosed; a large wooden deck and a staircase have been built off of the rear porch; an aluminum-framed screen door has been added to the front entry; and vinyl shutters have been added to the windows. With all these changes that have taken place, it is no wonder that the Staff concluded that the property lacked "the more interesting details present" on other, similar properties.

Because of these changes, 24200 Laytonsville Road does not retain enough integrity to qualify as a district-level resource and should be excluded from the District.

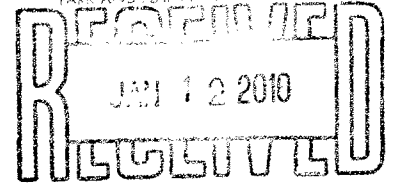
Sincerely,



Aaron L. Kimber



Mary Clare H. Kimber



SILVER SPRING, MD

15/29



LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
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SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*

SWCARTER@MMCANBY.COM

January 5, 2010

Sandra Youla
Senior Planner
Historic Preservation
M-NCPPC
1400 Spring Street, Suite 500W
Silver Spring, MD 20910

RE: Etchison Historic District

Dear Sandra:

Thank you for providing us with information pertaining to the public hearing that the Historic Preservation Commission (HPC) will be conducting on January 20, 2010 pertaining to the proposed Etchison Historic District. As you know, our firm is representing Greenlink, Incorporated in connection with zoning issues related to its existing landscape contracting business located at 7100 Damascus Road. The property that Greenlink leases consists of a single recorded lot (Lot 17, Block B, "Seneca Overlook" subdivision). It appears that the subject property is located adjacent to, but not within, the proposed historic district.


Although our client shares an easement for access to the subject property across a small area of intervening property that is proposed for inclusion in the historic district, this area will not be included within the proposed special exception area. This driveway has been used historically to provide on-site circulation/rear access to the various businesses located near this intersection and we would, therefore, anticipate that its continued use as a shared easement for access would not be inconsistent with the establishment of an historic district.

We do not plan to appear to provide testimony at the public hearing insofar as the property our client leases is outside of the proposed historic district. However, we would appreciate it if we could remain on the distribution list for future meetings or discussions.

Thank you.

Very truly yours,

MILLER, MILLER & CANBY


Susan W. Carter

SWC/dlt

cc: Mark Shekletski
Jody Kline, Esquire



AGRICULTURAL PRESERVATION ADVISORY BOARD

January 13, 2010

Ms. Sandra Youla, Senior Planner
Montgomery Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Molesworth-Burdette Farm: 28600 Ridge Road
Historic Preservation Designation

Dear Ms. Youla:

On behalf of the Agricultural Preservation Advisory Board (APAB), please consider the following comments regarding our opposition to the Historic Preservation Designation of the Molesworth-Burdette Farm. This property is also known as Rock Hill Orchard and is owned by Richard and Nancy Biggs as outlined in the December 17, 2009 notice of Public Hearing scheduled for January 20, 2010. The notice for this public hearing did not arrive in time for the Board's December meeting. However, it was discussed at length during our January 12, 2010 regular meeting.

We are concerned that this designation may impact the agricultural production capabilities of this farm and any farm where this designation is pursued. Of particular interest in this case is the fact that this property is encumbered by a Maryland Agricultural Land Preservation Foundation Easement that was purchased by the State of Maryland and recorded among the land records of Montgomery County in Liber 35268 at Folio 334. This easement contains covenants that include restrictions on the use, subdivision and off-conveyances of land. More specifically, this easement states "said land shall be preserved solely for agricultural use in accordance with the provisions of the Agriculture Article, Title 2, subtitle 5 of the Annotated Code of Maryland." The easement is clear that its purpose is to "enable the land to remain in agricultural use for the production of food and fiber by preserving and protecting in perpetuity its agricultural value, character, use, and utility, and to prevent any use or condition of the land that would impair or interfere with its agricultural value, character, use or utility." This easement states further that "Unless written approval is first obtained from the Grantee, no easement or other restriction may be granted to any person or **government agency** in the land subject to this deed of easement."

The Historic Preservation Designation on this property represents a vehicle by which additional restrictions, covenants or other requirements may "impair or interfere with its agricultural value, character, use or utility". Furthermore, a Historic Preservation Designation is an act of government which applies certain restrictions and compliance requirements to the

Agricultural Services Division

18410 Manchester Road • Derwood, Maryland 20855 • 301-590-2823 FAX 301-590-2839

land. Under Section II, A. 3. of the easement, written approval from the Foundation must be obtained before any Historic Preservation Designation on this property can be approved. This process starts with a request for consideration before the Agricultural Preservation Advisory Board (APAB). The APAB is required by law to advise the MALPF Board on the reasons for a Historic Preservation Designation on the farm and any repercussions that will affect the integrity of the existing agricultural land preservation easement.

The designation of Historic Preservation on working farm properties will place additional restrictions upon the land that may increase costs to farmers, threaten their economic viability and limit the use of their properties through the regulatory Historic Area Work permitting process.

The Biggs family has demonstrated their dedication and commitment not only to the structures on their property, but to their family's historical heritage as well. One must ask several questions of why this property has been identified: why is the designation needed at this time? Have the Biggs exhibited a reluctance or inability to protect this important historical structure? Given the nature of their agricultural enterprise and their well-documented contribution to farmland preservation, has every opportunity been provided to allow this agricultural operation to continue to prosper? The residents of Montgomery County have consistently demonstrated their interest in and support of local agriculture and the County must recognize this and maintain maximum flexibility in order for our local farms to continue to be competitive in the agricultural marketplace. Unfortunately, the Historic Preservation Designation reduces the flexibility that is needed for agricultural viability.

Therefore, we respectfully request that the Molesworth-Burdette Farm, also known as Rock Hill Orchard, located on 28600 Ridge Road be removed from the list of properties under consideration for Historic Preservation until such a time that both the APAB and the MALPF Board of Trustees have determined the impact of the proposed Historic Preservation Designation on the property encumbered by the easement and written approval from the Foundation is received.

On behalf of the Agricultural Preservation Advisory Board we thank you in advance for considering our formal recommendations for the Molesworth-Burdette Farm (Rock Hill Orchard property) and our request to remove this property from formal Historic Preservation Designation at this time.

Sincerely,



David O. Scott, Chairman

Agricultural Preservation Advisory Board

Attachment: Easement

cc: Montgomery County Council
Royce Hanson, Chairman MCPB
MALPF Board of Directors
APAB Committee
AAC Committee
Rock Hill Orchard

1/20/2010

**MONTGOMERY COUNTY FARM BUREAU, INC.
24110 LAYTONSVILLE ROAD
GAITHERSBURG, MARYLAND 20882**

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
HEARING – JANUARY 20, 2010**

I AM GEORGE LECHLIDER, PRESIDENT OF MONTGOMERY COUNTY FARM BUREAU. THE MONTGOMERY COUNTY FARM BUREAU IS THE SECOND LARGEST FARM BUREAU IN THE STATE OF MARYLAND WITH 3,700 FAMILY MEMBERS. AS YOU KNOW, THERE ARE NOT THAT MANY FARM FAMILIES IN MONTGOMERY COUNTY. HOWEVER, WE HAVE THREE TO FOUR HUNDRED FARM BUREAU MEMBERS WITH A BETHESDA ADDRESS, THREE TO FOUR HUNDRED MEMBERS WITH A TACOMA PARK ADDRESS, THREE OR FOUR HUNDRED WITH A ROCKVILLE ADDRESS. THE FACT THAT THESE FAMILIES BELONG WITH FARM BUREAU SHOULD TELL YOU THAT THERE ARE A LOT OF PEOPLE THAT WANT TO KEEP AGRICULTURE IN MONTGOMERY COUNTY. I MIGHT ADD THAT THESE FAMILIES PAY \$60.00 YEARLY MEMBERSHIP DUES TO BELONG TO THIS ORGANIZATION.

THE MONTGOMERY COUNTY FARM BUREAU ANNUAL MEETING AND BANQUET WAS HELD ON NOVEMBER 10, 2009, AND THEY VOTED TO ADOPT THE FOLLOWING RESOLUTIONS FOR 2009-2010.

THE MONTGOMERY COUNTY FARM BUREAU STRONGLY SUPPORTS THE COUNTY HISTORIC PRESERVATION HPA 09-01 AMENDMENTS SPONSORED BY COUNCILMEMBER MIKE KNAPP. THE FARM BUREAU DOES NOT SUPPORT THE DESIGNATION OF RURAL AND AGRICULTURAL STRUCTURES INCLUDING PROPERTIES AS HISTORIC WITHOUT THE AGREEMENT AND CONSENT OF THE PROPERTY OWNER. FARM BUREAU STRONGLY OPPOSES THE PRACTICE OF INCLUDING THE ENTIRE PROPERTY WITHIN THE HISTORIC DESIGNATION MASTER PLAN PROCESS, AS THE ONLY AREA IMMEDIATELY SURROUNDING THE HISTORIC STRUCTURES SHOULD BE NECESSARY.

THE FARM BUREAU SUPPORTS A REVISION TO THE STATE LAW TO RESTRICT PARK AND PLANNING STAFF TO PRIVATE PROPERTY TO NO GREATER THAN IS ALLOWED TO LAW ENFORCEMENT AGENCIES.

BELOW ARE THE REASONS FOR THE ABOVE RESOLUTIONS:

THE LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES WAS PUBLISHED IN OCTOBER 1976. ALL OF THE SITES IDENTIFIED IN THIS ATLAS ARE USED FOR CONSIDERATION FOR CHANGING THEIR DESIGNATION AS PART OF THE PROPOSED AMENDMENTS TO THE MASTER PLAN FOR HISTORIC PRESERVATION. THIRTY-THREE YEARS HAVE PASSED SINCE THIS ATLAS WAS PUBLISHED AND PROPERTY OWNERS HAVE NATURALLY TAKEN IT UPON THEMSELVES TO MAKE NECESSARY IMPROVEMENT TO MODERNIZE THEIR HOMES FOR SAFETY REASONS AND IMPROVE ENERGY EFFICIENCY AND THESE IMPROVEMENT SHOULD DISQUALIFY THEM FROM MEETING THE HISTORIC CRITERIA AND GUIDELINES AS OUTLINED IN THE LAW. HOWEVER, THE HPC STAFF CONCLUDES THE SITES STILL MEET THE HISTORIC CRITERIA AND GUIDELINES. THIS OUTCOME IS SIMPLY WRONG AND IT NEEDS TO BE LOOKED AT AND EVALUATED BY THE COUNTY COUNCIL.

FURTHERMORE, IF THE PROPOSED SITES ARE APPROVED FOR HISTORIC PRESERVATION MASTER PLAN DESIGNATION, WILL THE PROPERTY OWNERS BE REQUIRED TO REMOVE THE IMPROVEMENTS THEY HAVE MADE OVER THE PAST 32 YEARS AND RESTORE THEM TO ORIGINAL CONDITION?

AND FINALLY, IF THE SITES ARE APPROVED, AND THE PROPERTY OWNER PROPOSES TO CONSTRUCT AN ADDITION, WILL THE PROPERTY OWNER BE REQUIRED TO OBTAIN A HISTORIC WORK PERMIT FOR A PROPOSED ADDITION WITH TERMS AND CONDITIONS THAT WOULD REQUIRE THE SITE BE RESTORED TO ITS ORIGINAL CONDITION?

WE BELIEVE A DISPROPORTIONAL BURDEN HAS BEEN PLACED ON THE AGRICULTURAL COMMUNITY AS MOST OF THE HISTORIC SITES IN THE ATLAS ARE LOCATED IN THE AGRICULTURAL RESERVE.

HISTORIC PRESERVATION AND AGRICULTURAL PRESERVATION ARE NOT ALWAYS COMPATIBLE WHEN FARM PROPERTIES ARE ENCUMBERED BY AGRICULTURAL EASEMENTS AND THIS REPRESENTS A PUBLIC POLICY CONFLICT THAT ALSO NEEDS TO BE ADDRESSED.

THE CURRENT PROCESS FOR HISTORIC PRESERVATION IS NOT CONDUCTIVE TO THE NEEDS OF THE AGRICULTURAL COMMUNITY IN MANY DIFFERENT WAYS. HISTORIC PRESERVATION NEEDS TO BE MORE SENSITIVE TO THE ECONOMIC REALITY OF AGRICULTURE AS FARMERS DO NOT ALWAYS HAVE THE ECONOMIC MEANS TO MAKE THE REQUIRED HISTORIC IMPROVEMENTS. HISTORIC

The Montgomery County Historic Preservation Commission
January 20 2010
Page 3 of 3

PRESERVATION SHOULD ONLY INVOLVE THE IMMEDIATE PROPERTY SURROUNDING THE HISTORIC SITE ITSELF AND NOT THE ENTIRE PROPERTY. WHEN THE HISTORIC MASTER PLAN DESIGNATION ENCOMPASSES THE ENTIRE FARM, THIS REPRESENTS A HARDSHIP ON THE FARMER WHEN AGRICULTURAL IMPROVEMENTS ARE PROPOSED WHICH INVOLVES APPROVAL OF A HISTORIC PRESERVATION WORK PERMIT. THE AGRICULTURAL PRESERVATION PROGRAMS PROVIDE FLEXIBILITY IN ALLOWING AGRICULTURAL IMPROVEMENTS LIKE FENCES. HISTORIC PRESERVATION INVOLVES A MORE DIFFICULT REVIEW AND APPROVAL PROCESS FOR ANY TYPE OF IMPROVEMENT PROPOSED ON A HISTORIC PROPERTY.

THE AGRICULTURAL COMMUNITY IS NOT AGAINST HISTORIC PRESERVATION; HOWEVER, WE NEED TO FIND WAYS TO MAKE PEOPLE WANT TO PARTICIPATE AND DO IT WITHOUT THE HEAVY BURDEN OF GOVERNMENT.

IF A PROPERTY OWNER DOES NOT CONSENT TO THE SITE'S INCLUSION IN THE MASTER PLAN FOR HISTORIC PRESERVATION, THE BURDEN SHOULD BE PLACED ON THE PLANNING BOARD TO DETERMINE THAT THE SITE MEETS MORE HISTORIC PRESERVATION CRITERIA THAN A SITE IN WHICH THE PROPERTY OWNER DOES CONSENT.

IF YOU HAVE ANY QUESTIONS AND/OR WOULD LIKE TO DISCUSS OUR CONCERNS IN DETAIL, PLEASE GIVE ME A CALL AT 301-253-1501.

THANK YOU FOR YOUR TIME AND ATTENTION.



GEORGE E. LECHLIDER, PRESIDENT

MONTGOMERY COUNTY FARM BUREAU

1/20/2010

MONTGOMERY COUNTY HISTORIC PRESERVATION
COMMISSION HEARING

JANUARY 20, 2010

I AM GEORGE LECHLIDER AND I AM WRITING IN REGARD TO MY PROPERTY AT 24110 LAYTONSVILLE ROAD.

I PURCHASED THIS PROPERTY IN JUNE 1985. SINCE THE DATE OF PURCHASE, I HAVE MADE THE FOLLOWING IMPROVEMENTS TO THE PROPERTY:

REPLACED ALL WINDOWS WITH ENERGY EFFICIENT DOUBLE PANE WINDOWS, REPLACED ROOF, REPLACED GUTTERS, REPLACED FURNACE, REPLACED AIR CONDITING SYSTEM, LANDSCAPED PROPERTY SO THAT THE WATER WILL RUN AWAY FROM THE HOUSE, REMODELED BATHROOMS TO MAKE THEM MORE ACCESSIBLE TO OLDER PEOPLE, MAKE ENTRY WAYS MORE ACCESSIBLE AND SAFER FOR OLDER PEOPLE, AND THE IMPROVEMENT LIST COULD GO ON AND ON.

HOW WOULD YOU LIKE FOR ME TO COME TO YOUR HOME AND TELL YOU THAT YOU HAVE TO REVERSE ALL THE IMPROVEMENTS BACK TO THE ORIGINAL WINDOWS, DOORS, ROOF, AND SIDING.

I WOULD LIKE TO KNOW IF THE MONTGOMERY COUNTY HISTORICAL PRESERVATION SOCIETY IS WILLING TO PAY FOR THE RIDICULOUS CHANGES THAT COME WITH THESE HISTORICAL DESIGNATION.

THE LEADERS OF MONTGOMERY COUNTY HAVE MADE IT VERY CLEAR THAT THEY WANT ALL THE RESIDENTS OF MONTGOMERY COUNTY TO DO EVERYTHING POSSIBLE TO SAVE ENERGY AND TO LIVE MORE "GREEN" IN MONTGOMERY COUNTY. I HAVE SPENT A CONSIDERABLE AMOUNT OF MONEY ON THESE IMPROVEMENTS TO ENSURE THAT MY HOME IS ENERGY EFFICIENT AND, THEREFORE, USES LESS OF OUR NATURAL RESOURCES.

I AM REQUESTING THAT YOU NOT INCLUDE MY PROPERTY IN THE MASTER PLAN FOR HISTORIC PRESERVATION.

THANK YOU,
George E. Lechlida
GEORGE E. LECHLIDER

1/20/2010
copy

Historic Preservation Committee

Testimony by Merhle Wayne Warfield

January 20, 2010

Property – 7301 Damascus Road, Laytonsville, Maryland 20882

384!!! Remember that number **384!!** You are probably wondering why this number is so important. Let me explain.

Dairy farming in Montgomery County has been the pride of many who have lived here for decades; and my farm having been in existence since 1927. My grandfather, my father, myself and now my son are proud of the heritage that we have as a family, living and farming in Montgomery County.

What do you consider historical on my property? What buildings of mine are in need of your experts and their ability to transform what we already have existing on our farm? What funds are you using to better these buildings and the buildings of others? Why would I need or consider changing my status on a 2010 dairy operating business to anything other than what it already is? And finally, how would your SOCIETY know what changes I need to stay in the dairy business? To me, this Historic Preservation Society isn't what I need!!

The property I farm on Damascus Road are all designated as agricultural. 80% of the existing buildings were constructed since 2000, and the existing dairy barn has been completely rebuilt to facilitate an automated/updated milking system with holding area. NOT ANY HISTORIC BUILDINGS HERE!! How would any of these building benefit from your experts!!

It is my understanding that the funds used by the Historic Society are not identifiable or allocated in the county budget. Changing my status to historic: what would that change!

My farming operation and my daily routine are something I am sure none of you could even begin to understand. My operation is simple, efficient and productive, and most importantly cost effective. Changing it to HISTORIC - doesn't change my routine, my operation, my efficiency or productivity, BUT cost effective; now that's where I see the problem.

Let's say my cattle break down a fence. It's a fence YOU have designated as attached to a historic building. I need to fix that fence before my cattle wonder into Route 108. Who do I call? You work from 8,9,10 a.m. to 3,4,5 p.m. Monday - Friday, this happens at 3 a.m. Sunday morning, not an uncommon occurrence on any cattle farm. When do I get your approval to fix my fence? Do you have people who will come and watch my animals until you make a decision how I should fix a fence? Now that's could be a problem, would you not say!!! So, how will this affect my daily operation; I think badly!!!!

Testimony by Merhle Wayne Warfield

1/20/2010

Roger and Chandra Buxton
3597 Medd Avenue
Mt. Airy, MD 21771

January 20, 2010

Montgomery County Historic Preservation Commission
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE; PROPOSAL FOR RISDON MOXLEY PROPERTY
3597 MEDD AVENUE,
MT. AIRY, MD 21771

To Whom It May Concern:

We have corresponded with your office on several occasions, expressing our opinion against adding the above mentioned property into a historic district. Since our voice seems to be falling on deaf ears, we are here tonight to further express our reasons for not wanting to be included in this project.

There are many obvious reasons, such as expense, devalue of the property and others. But the main and I would think the most important reason, is that the house in question, no longer exists and has not for approximately 80 years. We have a picture of the house from 1930 and it was falling down then. This house originally belonged to Jacob Moxley, the father of Risdon Moxley. The house was located in our backfield, behind the barn, but close to the stream. There is no evidence of where the house even stood, the foundation is gone and covered over. This field has been used as a sheep, cow and horse pasture for at least the past 75 years. How can you put a house in the historic district when it isn't even there?

The house we live in was originally built in the late 1920s, is located approximately 250 feet north of the Risdon Moxley home, and belonged to Basil Walter Buxton, and now belongs to Roger and Chandra Buxton. Since then, it has been gutted, torn down, added to, and remodeled several times, to make it the modern house that it is, complete with sunken tubs and a wrap-around porch with composite decking. Parts of the property itself have been divided out and sold and now has modern homes built on it. The property that our current home is on stands in two counties, Montgomery and Frederick County – we pay taxes in both counties, and just recently our voting district has been changed to Frederick County. So how can Montgomery County make a decision on the property?

We thank you for this opportunity to express our views, and we hope that you can now understand why we feel you can not designate a house historical that isn't even there.

Most Cordially,

A handwritten signature in cursive script that reads "Chandra Buxton". The signature is written in black ink and is positioned above the printed name.

Roger and Chandra Buxton

1/20/2010
handwritten

MCHPC Item I-A: Evaluation of Upper Patuxent Amendment to the MPHP 01.20.10

My name is Perry Kephart Kapsch. I ask that the HPC recommend for approval the Upper Patuxent Area Staff Draft Amendment. My family lives and works on a farm that borders Poolesville in the western part of the Ag Reserve. Our family, we are Griffiths, Perrys, Chiswells, and Waters, has been farming in the upper county for nearly three centuries, through good times and bad. With our roots so deep in the soil of this county, it is important to us that irreplaceable historic structures and open spaces, especially those in the Ag Reserve, be preserved for future generations to enjoy.

Our entire farm was one of the first properties designated in the 1970's to the Historic Preservation Master Plan. Having lived with designation for 30+ years, we are very familiar with its impact on an active farm. We also tend to be a family that does not like to be told what we can or cannot do with our property so I thought our experience might be useful to those whose properties are being considered for designation.

Like a lot of our neighbors, we have a MALPF - a state conservation - easement on our farm, but there is no conflict with the historic designation as Chapter 24-A specifically excludes any restriction on farming. Except that it increased our interest in farming history, historic designation has had zero impact on our farm operations. We are able to build, paint, rehabilitate or remove any farm buildings we like. We are able to change fence lines, harvest trees, plant crops, raise animals, store equipment, pave barnyards or farm lanes, do anything that relates to the farm without any input from the county or state.

As stewards of a 250-year old homestead, the designation has been a godsend for us. We receive tax credits, both state and local, for work on the house and designated buildings. The value of the property, when we need to use it as collateral, is substantially more than its value as just land or farmland because it is designated as a historic property. When we have questions about maintenance or repairs on the buildings or the landscape, the highly trained HPC staff is available to provide expert advice - for free; a productive use of our county tax dollars. The HPC has a list of specialists and other resources to help us with our projects. These consultation services have been invaluable.

Although farming heritage is promoted heavily by the county and the Ag Advisory Board enthusiastically supported our Certified Heritage Areas, I would caution that there has been a steady stream of misinformation, sometimes from members or staff of the Ag Advisory Board, about the county historic preservation program and what is or is not allowed if a farm or property is designated. Ironically, some members of the board, who live and farm and sell real estate in the Ag Reserve (and have been heard to malign historic preservation), whenever possible make it a point to headline properties for sale with the boast that they are "Historic" and therefore premium.

Another cautionary tale is that, 30 years ago, Poolesville bitterly opposed having a historic district and thereby lost much of its historic streetscape. To partially mitigate that mistake, the town included a lengthy historic preservation appendix in its master plan. One result of the appendix was the construction of an award-winning new town hall designed in accordance with the historic architectural guidelines.

The rich and vibrant history of the Upper Patuxent is well-represented by the proposed amendment. We grieve for the resources that have been lost since the Atlas was written. We ask that the irreplaceable properties that remain *be designated* for the benefit of their current owners and as a legacy for the future. Thank you.

Testimony by: Elizabeth Perry Kapsch, 18200 Beallsville Road POB 38, Poolesville, MD (301.221.1107)

1/20/2010

MONTGOMERY

PRESERVATION

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To Promote the Preservation, Protection and Enjoyment of Montgomery County's Rich Architectural Heritage and Historic Landscapes

TESTIMONY TO THE HISTORIC PRESERVATION COMMISSION
ON THE STAFF DRAFT AMENDMENT
TO THE MASTER PLAN FOR HISTORIC PRESERVATION: UPPER PATUXENT AREA RESOURCES
Lorraine J. Pearsall

January 20, 2010

My name is Lorraine Pearsall, I am testifying tonight as President of Montgomery Preservation, Inc (MPI), an organization that was formed to promote the preservation and protection of our County's architectural heritage and historic landscapes. MPI supports the recommendations in the Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources. This amendment will place 13 individual sites and 2 historic districts on the Master Plan for Historic Preservation. MPI supports removal of the 16 individual sites from the Locational Atlas and Index of Historic Sites as recommended by staff.

Upon review of this amendment, one cannot help but notice the richness of the landscape and open space in this area, something quite rare in other areas of Montgomery County. Conservation of open space is very important not only for those of us who can experience and enjoy this today, but for future generations as well. This is also so for the richness of the history and architectural resources that runs with this land. Conservation and preservation are two sides of the same coin. As a society, we recognize their importance, and that is why MPI is here today.

The individual resources in this amendment are some of the finest we have seen and are worthy of protection. The two historic districts represent a remarkable span of time from the early 1800s to the mid-20th Century. The wonderful character of both Claggettsville and Etchison are defined by these important and varied resources. The historic buildings in the Upper Patuxent Area are as fragile as the land on which they are located, and once they are gone, they are gone forever. Our farming heritage and our rural landscapes are totally intertwined and are extremely important to preserve together. This is particularly true as we race toward ever-increasing urbanization. Historic designation provides our rural property owners with an important protection of their respected and valued heritage for the future.

Since beginning a dialogue with residents in the agricultural district last year, we have recognized there is an on-going need for good communication on the benefits of historic designation. MPI realizes that farms are more than homes, they are businesses. Many farming families are worried that designation will impede their business. We believe this is not true. We also suspect that people here this evening have heard a lot of general misinformation, and may not be aware of the County tax credit program and its simplicity of application. As MPI endorses this amendment to the Master Plan for Historic Preservation, we welcome an opportunity for dialogue with Upper Patuxent property owners on the benefits of designation.

Thank you.

1/20/2010

MONTGOMERY COUNTY HISTORICAL PRESERVATION COMMISSION HEARING JANUARY 20, 2010

Our congregation at Mt. Tabor United Methodist Church would like to go on record as opposing a historic designation for the following properties:

Mt. Tabor United Methodist Church – 24101 Laytonville Road and Mt. Tabor United Methodist Church Parsonage – 24115 Laytonville Road.

We are a small congregation dedicated to the community and to keeping the buildings of the church in good condition. We continue to do improvements on the church building to keep it safe and functional for our members and community. We have redone the bell tower of the church building, put in a new heating and air conditioning system, and plan to put on a new roof in the near future just to name a few. We keep the building painted and well maintained. We have installed a PA system in the sanctuary so that folks with hearing impairment can hear the sermons and participate in the worship services. We continue to make improvements to the church building so that it is more energy efficient and in keeping with the mission to use less energy.

Mt. Tabor United Methodist Parsonage has been updated with new heating and air conditioning system. We have replaced windows with double pane energy efficient ones, refinished the hardwood floors, painted the entire house, and updated the bathrooms. At the present time, we are renting the parsonage because our current pastor has her own home and does not need to live in the parsonage. The company that is managing this rental has had the county to inspect the house and it has been approved as a safe and well maintained dwelling.

If you have questions and/or would like more information, please call 301-253-3871.

Lisa Benton	Doug Beckler	Tom Snyder
Jane King	John V. Orr	Jane Snyder
Thomas King	John A. Jones	John Snyder
Jane Wilkes	Tom Wilgerman	MCEP
Deese & Anderson	Doug Beckler	W R King
Frank E. Orr	John A. Jones	John Snyder
	Paul D.

1/20/2010

Hearing Testimony January 20, 2010
Donna Isaacs

My name is Donna Isaacs and I'm speaking this evening in regard to 2 properties being considered for inclusion in the Master Plan for historic Preservation. The first property is located at 28515 Kemptown Rd, Damascus Maryland and the 2nd property is 28800 Kemptown Road, Damascus, Maryland.

These properties are owned by Gloria Warfield, Leonard Moxley and myself, Donna Isaacs and known as Moxley Farm LLC.

The property at 28800 is listed as Resource 10/03 John Moxley House to be designated on the Master Plan however on page 47 of the complete document on the website, the residence at 28800 is listed as Resource not recommended for designation. After speaking with Ms. Youla she stated that it is not being recommended. We hope that this is the case.

The property at 28515 was put on the real estate market in November 2009. Quoting from the listing, "likely a tear down or a very big project for ONLY the qualified. Please be careful while showing the property. Do Not walk in back room behind the kitchen. Floor not stable" The cellar of the property recently flooded and the house needs a new furnace. Another realtor looking at the property said that there was also a crack in the foundation. A small addition was added to the house many years ago and siding was added probably 30 years ago. The true value to this property is the almost 10 acres of land.

We currently have 2 parties interested in the purchase of the property. One is a landscaping business who would want to add buildings for storage of vehicles and eventually tear down the existing house and build a nice home for their permanent residence.

The property was perked in 1998 and approved for a 4 bedroom home that could be built but only if the existing home was torn down. Designating this property as historic may not give the buyer the option of tearing down the existing house that is in such drastic need of repairs. Adding further restrictions on the listing of this property at the present time would make it even more difficult to sell in today's market. These properties already lie in the 25 acre agriculture zoning. We therefore ask that you remove this property for consideration in the Clagettsville Historic District.

About 2 years ago, our then 95 year old mother frantically called her daughter on the phone to say that someone was walking around her property taking pictures and she had no idea who they were. After arriving about 20 minutes later, the daughter had the person identify herself. She said she was from the Historical committee. Now these pictures appear on the internet for all to see without any written permission by the owner

I hope that each of you on the commission have driven through the area to become Clagettsville Historic district. The 1 mile drive up route 80 has 63 homes. Of these, only 21 of them were built before 1950. Of these 21 homes, I would say at least half if not more of them have been altered in some way from their original structures, either by additions, new siding, new windows, etc. I'm holding the book of Moxley ancestry entitled: Nehemiah Moxley, His Clagettsville Sons and Their Descendants. I hope that each of you have looked at this resource since several quotes are

taken from it in the descriptions of these homes seen on the internet. The true historic structures of Clagettsville no longer exist, the store, school, original church and hall are all gone and Nehemiah Moxley himself never lived in Clagettsville but was born in Anne Arundel County and had a farm there.

Certainly no one of true historic significance ever lived in Clagettsville and the homes up and down this road are a combination of ramblers, 2 stories and split levels that cannot possibly meet the criteria you list as Historic.

I and many others strongly object to the manner in which you come on private properties, take pictures and display them on a web site for all to see without any written or verbal permission.

Our parents had no intent of having their properties identified as historic. After almost 80 years of owning the properties they did not want Montgomery County dictating what they could and could not do on their own property.

I strongly urge you to reconsider creating a Clagettsville Historic district. Certainly there are other small towns within Montgomery County that would meet your criteria more than the community of Clagettsville.

18 January 2010

TO: Montgomery County Historic Preservation Commission
Staff and Commissioners

FROM: David S. Rotenstein

SUBJECT: Upper Patuxent Area Master Plan Amendment

This memorandum contains a brief summary of my review of the Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources. I have read the Draft Amendment document, the Staff Report, and the individual Maryland Inventory of Historic Places forms completed for each of the resources. On Saturday 16 January 2010 I visited the Upper Patuxent area and viewed the two proposed historic districts and several of the individual properties recommended for designation in the Master Plan for Historic Preservation. I am writing this memorandum to summarize some of my impressions from the various information sources prior to the scheduled hearing.

Overall I am disappointed by portions of the Draft Amendment and the supporting documents. The supporting documents, notably the MIHP forms, lack consistency in their reporting style and format and in some cases do not provide reviewers sufficient information to form a reasonable opinion regarding the recommendations for designation (or removal from consideration for designation). Although the Draft Amendment contains location maps derived from the County's GIS layers, there is insufficient information in the maps to understand each property's context. The MIHP forms, intended to provide the raw data from which decision making may occur, lack sufficient detail. Some do not contain contemporary location maps; others, notably the MIHP form prepared for the Rezin Moxley House (15/3), lack sufficient photographic documentation. In general, the thumbnail photographs provided for individual properties within the two proposed historic districts do not provide sufficient detail to adequately evaluate the resources.

I also am concerned with discrepancies in the various documents. For example, according to the Draft Amendment, the proposed Etchison Historic District has 20 properties; the Staff report indicates there are 19; and, the MIHP form identifies 21 properties. The designation package would have benefited from additional editing and review prior to its dissemination.

Time does not permit a more comprehensive discussion of all of the resources. Discussed below are resources for which I believe there are significant issues regarding the data presented and the recommendations for designation. I do not believe that there are intact historic districts in Etchison and Clagettsville. Although both represent clusters of old buildings, corporately they lack chronological cohesion and many of the individual properties have such diminished integrity that imposing regulatory review via the

Historic Area Work Permit process would create an undue burden on property owners and the County.

The bases for recommending designation are parochial and fail to draw upon other jurisdictions — federal, state, and local — which have tackled the problem of ubiquitous rural unincorporated hamlets. I am particularly concerned about the recommendation for designating five unremarkable modern ranch houses in Etchison by suggesting they are resources that have achieved significance within the past fifty years solely because of their associations with families who have a long history of land tenure in the community. There are ways to recognize local importance and not all of those ways may be achieved by designating properties as historic.

Etchison Historic District (15/29)

This proposed historic district is a rural unincorporated hamlet located in the vicinity of the intersection of Laytonsville Road (SR 108) and Damascus Road (SR 650). The period of significance proposed in the Master Plan Amendment spans 1876 to 1965.¹ According to the Maryland Inventory of Historic Properties form, the proposed Etchison Historic District is significant primarily for its association with two early families, the Etchison and Hawkins families, who built homes and businesses. The substance of the proposed historic district's significance appears to turn on the assertion that,

The district displays an unusual dichotomy between residents who built outmoded residences long after popularity wained [sic.] on a regional scale, reflecting persistence of tradition, and up-to-date styles indicative of a consciousness of current trends in architectural design.²

The Master Plan Amendment recommends designating the proposed Etchison Historic District in the Master Plan for Historic Preservation under four criteria:

- 1a) The property has character, interest or value as part of the development, heritage or cultural characteristics of the county, state or nation;

- 1d) The property exemplifies the cultural economic, social, political or historic heritage of the county and its communities;

- 2a) The property embodies the distinctive characteristics of a type, period or method of construction; and,

¹ Maryland National Capital Park and Planning Commission. Montgomery County Department of Planning. Historic Preservation Section, *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources*, December 2009, 33.

² Clare Lise Kelly and Rachel Kennedy, *Etchison*, Maryland Inventory of Historic Properties Form, November 2009, Section 8.

2d) The property represents a significant and distinguishable entity whose components may lack individual distinction.

The recommendations contained in the designation documents to not appear to be consistent with Chapter 24A of the Montgomery County Code. Etchison is a rural unincorporated hamlet with a population of many buildings that individually lack distinction and are historically and architecturally unremarkable. Notably lacking from the staff narratives defending the proposed Etchison Historic District's significance are the many academic and public-sector reports, articles, and monographs that attempt to deal with the difficult issue of evaluating the significance of rural hamlet.³ Etchison does not appear to represent a "significant *and* distinguishable entity" as required to meet Chapter 24A-3. Although distinguishable as a hamlet, the cluster of buildings, structures, and landscape elements does not appear to merit designation.

The designation documents emphasize Etchison's history as a "kinship community" as a key factor in evaluating the property's significance. Although the documents include a fair amount of genealogical and anecdotal data, there is little analysis of the development of kinship networks and land tenure beyond the descriptive data presented in the documents. Staff elected to cite the differences in architectural styles used by different families in Etchison as a major basis for historical significance. This phenomenon is not unique to Montgomery County and there are a number of explanations – none of which were explored in the designation documents – including socioeconomic status.

Designation of the proposed Etchison Historic District would not appear to serve any historic preservation objectives defined under Chapter 24A and would subject individual property owners and the County to costly regulatory compliance requirements that are not commensurate with the resources in the proposed historic district.

Parr's Spring (15/1)

This property historically contained a survey boundary stone marking the intersection of Montgomery, Frederick, Carroll, and Howard Counties. Originally surveyed in the eighteenth century, the site has achieved traditional significance in oral and written histories. Located on private property posted with No Trespassing signs and lacking public access, Parr's Spring consists of two commemorative markers: a concrete marker submerged in the spring/pond at the site and a monument erected in 1976 by the Daughters of the American Revolution.

There is no physical evidence available to suggest that the original boundary markers remain at the site submerged beneath the pond. The designation documents fail to clearly assign a date to the placement of the concrete marker. According to the documents, the property was resurveyed in 1979 or 1980 and the partially submerged marker may have been placed at that time.

³ Jeffrey Winstel, "The Unincorporated Hamlet: A Vanishing Aspect of the Rural Landscape," *CRM* 17, no. 1 (1994): 25-27.

Regardless of the date for the boundary marker, because there is no evidence that the original boundary marker exists, the property's objects (D.A.R. monument and boundary marker) are commemorative. Although Chapter 24A does not specifically deal with the issue of commemorative property historical significance, the National Register of Historic Places Criteria for Evaluation do contain clear language regarding commemorative properties: "Properties primarily commemorative in nature ... shall not be considered eligible for the National Register."⁴

Alfred Baker House (15/4)

According to the designation documents, this property was the home of Methodist circuit rider Alfred Baker built in the 1850s. The National Register of Historic Places Criteria for Evaluation provide amplification for the criteria for designation outlined in Chapter 24A-3. The Amendment ties much of its justification for designation of the Alfred Baker House to his role as a Methodist circuit rider. Although staff has compiled an impressive amount of biographical information regarding Baker, his contributions to local, state, or national history fail to distinguish him as a significant individual as defined by the National Register of Historic Places. "A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group," wrote the National Park Service in its bulletin on applying the National Register Criteria for Evaluation. "It must be shown that the person gained importance within his or her profession or group."⁵

Architecturally, the Alfred Baker House The house is clad by aluminum siding and has replacement windows. Additions and alterations and alterations to original block contribute to the diminished integrity of this vernacular residence. If designated as an individual Master Plan property, the property owner would be required to comply with the highest level of scrutiny in the Historic Area Work Permit process. I do not believe that is in the public interest nor the property owner's interest.

Mt. Lebanon School and Site of Mt Lebanon Methodist Episcopal Church (15/117)

This property, the reported site of a church built in the early nineteenth century, a possible cemetery, and an existing former schoolhouse, is a complex property. The MIHP form is incomplete, i.e., there is no area of significance assigned and there is no mention of the potential for intact archaeological contexts beyond the mention of a possible cemetery. The surviving early twentieth century school building does not appear to retain its integrity of materials, i.e., windows in the principal façade (upper and lower floors) have been added and replaced and the building is clad by vinyl siding. The series of

⁴ 36 CFR §60.4, Criteria for Evaluation.

⁵ *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin (Washington, D.C.: United States National Park Service, 1997), 15, <http://www.nps.gov/nr/publications/bulletins/nrb15/INDEX.htm>.

historical photographs included in the MIHP form illustrate many changes in massing and fenestration throughout the twentieth century. The assertion that this property is architecturally significant – sans integrity – due to its front gabled form is unsupportable as a key reason for designating this property.

Although the property's historical associations are well documented in the MIHP form, the suggestion that the property is significant because of its associations with "notable figures," i.e., former teachers, is tenuous.⁶

⁶ Sandra Youla and Clare Lise Kelly, *Mt Lebanon School and Site of Mt Lebanon Methodist Episcopal Church*, Maryland Inventory of Historic Properties Form, December 2009, Section 8, Page 2.