



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

HPC
Item #II
2-24-2010

MEMORANDUM

DATE: February 18, 2010
TO: Historic Preservation Commission
FROM: Sandra Youla, Historic Preservation Planner (301-562-3400)
Clare Lise Kelly, Research & Designation Coordinator, Urban Design and
Preservation Division/Montgomery County Planning Department
VIA: Scott Whipple, Historic Preservation Supervisor
SUBJECT: *Continuation of Worksession on
Staff Draft Amendment to the Master Plan for Historic Preservation:
Upper Patuxent Resources (December 2009)*

BACKGROUND AND HPC RECOMMENDATION

On January 20, 2010, the Historic Preservation Commission (HPC) held a public hearing and worksession to discuss the *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Resources (December 2009)* and the accompanying Staff Report dated January 13, 2010. During the public hearing, 16 people testified. During the worksession, staff made presentations on the history of the area and the 31 historic resources under evaluation, including 29 sites and two districts.

At the January 20 worksession, the HPC voted to recommend removal of resources from the Locational Atlas (see below), in concurrence with the staff recommendation. The motion was made by Commissioner Miles and seconded by Commissioner Heiler, with Chairman Rotenstein and Commissioners Kirwan, Jester, Rodriguez, Miles, and Heiler in agreement with the motion and Commissioners Alderson and Fleming absent. With this worksession of February 24, it is expected that there will be two new commissioners on the HPC. Staff recommends that the Commission confirm the decision made on January 20 regarding the recommendation of resources to be removed from the Atlas.

The HPC held the public record open until February 16, 2010, asked staff for further information to help the HPC formulate its recommendations for designation, and continued the worksession to Wednesday, February 24, 2010. This staff report is written in response to the HPC's request for further information.

The HPC found that following resources do not meet any criteria for designation and are recommended for removal from the *Locational Atlas and Index of Historic Sites*:

Resource #	Historic Name	Street Address	
10/3	John Moxley House	28800	Kempton Road
10/5	John D. Purdum House	28814	Kempton Road
10/18	Burdette-Riddle Farm	27100	Purdum Road
12/10	James Lauman Farm	22000	Peach Tree Road
15/2	Matthew Molesworth Farm	13501	Penns Shop Road
15/3	Rezin Moxley House	3597	Medd Road
15/6	Becraft Farm	28500	Ridge Road
15/7	Brown's Tobacco House	28601	Ridge Road
15/9	Capt Clagett-Hilton Farm	28055	Ridge Road
15/12	Thompson-Woodfield Farm	27211/27217	Long Corner Road
15/14	Mullinix Store Site		Mullinix Mill Road
15/19	Warthan-Day Farm	8711	Damascus Road
15/21	John O. Etchison House	25611	Long Corner Road
15/24	Wilson Warfield Farm	26725	Annapolis Rock Road
15/26	Fred Watkins Farm	7373	Damascus Road
15/30	Log Barn Site	24899	Halterman Road

RESPONSE TO TESTIMONY

Please refer to the Appendix for a summary of public testimony at the HPC Public Hearing on January 20, 2010 and staff's response.

PUBLIC SUBMITTALS

Please refer to the Appendix for additional public submittals received subsequent to the HPC Public Hearing on January 20, 2010 and by the close of the record on February 16, 2010.

ISSUES RAISED BY HISTORIC PRESERVATION COMMISSIONERS

Additional Information Posted to the Website

In response to the Commissioners' request, the following information has been or will be posted to the website:

- the PowerPoint presentations made at the Historic Preservation Commission Public Hearing and Worksession on January 20, 2010, which includes maps of the alternative historic district boundaries for Clagettsville and Etchison presented by staff at the HPC meeting;
- photographic inventory of Etchison and Clagettsville; and
- Maryland Historical Trust Maryland Inventory of Historic Properties forms for Cedar Grove and Woodfield Historic Districts.

In addition, this staff report, including appendices, will be posted to the web.

USGS Locational Maps

Commissioners requested locational maps of a uniform scale for each resource under evaluation. Please refer to the Appendix for USGS locational maps for each resource.

Environmental Settings

Commissioners requested additional information regarding environmental settings. Following is information specific to each resource proposed for designation as an individual site. The maps referenced below are those found in the Draft Amendment of December 2009.

10/1 Friendship Farm, 28110 Ridge Road

The setting is the 89-acre parcel (P200). In the event of subdivision, the features to be preserved include vistas from Ridge Road and Kemptown Road, contributing structures shown in the map in the Draft Amendment, Moxley family and slave cemeteries, and the driveway approach from the northwest.

15/1 Parr's Spring, 4704 Baltimore National Pike

The setting is the extent of the boundary markers.

15/4 Alfred Baker House, 28901 Kemptown Road

The setting is parcel P900, being 11.84 acres. Features to be preserved include the dwelling house and spring house with sufficient land to convey the historic context of this resource.

15/5 Molesworth–Burdette Farm, 28600 Ridge Road

The setting is the parcel P800, being 137.85 acres. Features to preserve include contributing structures denoted on the map, and the driveway approach from Ridge Road to the historic dwelling house. The property is not subject to subdivision due to an extant agricultural easement.

15/13 Shipley-Mullinix Farm, 27001 Long Corner Road

The setting is 90.3 acres (parcel P777). In the event of subdivision, the features to preserve include the contributing buildings shown on the map, and the driveway approach from Long Corner Road to the historic dwelling house. The setting excludes parcel P79.

15/16 Clagett-Brandenburg Farm and Tobacco House, 26360 Mullinix Mill Road

The setting is parcel P430, being 82.38 acres. In the event of subdivision, the features to preserve include the contributing structures shown on the map, the driveway approach from Mullinix Mill Road, and frontage on Mullinix Mill Road and Long Corner Road that extends at a minimum the width and depth of the farmstead complex.

15/17 Sarah Brandenburg Farm, 26301 Mullinix Mill Road

The setting, parcel P800, is five acres, not to be reduced.

15/20 Mt. Lebanon Methodist Protestant Church and Cemetery, 8115 Damascus Road

The setting is the parcel P590, being 47,715 square feet. This setting, which includes the church and cemetery, is not to be reduced.

15/27 Col. Lyde Griffith/Mehrle Warfield Farm, 7305 Damascus Road

The setting is 87.61 acres, being parcel P909. In the event of subdivision, the features to be preserved include the historic dwelling house, the dairy barn, the Griffith family cemetery, and the vista from Damascus Road.

15/28 Luther Moore Farm, 7201 Damascus Road

The setting is 5 acres, being parcel P489, and is not to be reduced.

15/71 Chrobot House (Margaret Price House), 24724 Hipsley Mill Road

The setting is parcel P100, being 59.4 acres. The parcel is located within the Patuxent River State Park. The features to be preserved are the dwelling house, the spring house, the stone foundations, and the driveway approach from Hipsley Mill Road.

15/73 Basil Warfield Farm, 8201 and 8251 Damascus Road

The setting is 91 acres, being parcel P300. In the event of subdivision, the features to be preserved include the farm complex and tenant house shown on the map, including all contributing structures, the historic driveway approach to the farmstead from Damascus Road, and vistas from Damascus Road.

15/117 Mt. Lebanon School and Site of Mt. Lebanon ME Church, 26130 Mullinix Mill Road

The setting is the one-acre lot on which the structure is located (P017). This setting is not subject to reduction.

ADDITIONAL ISSUES FOR INDIVIDUAL RESOURCES

15/1 Parr's Spring

Chairman Rotenstein noted that because there is no evidence that the original boundary marker exists, the property's objects (D.A.R. monument on land and concrete boundary marker visible in pond) are commemorative. However, as noted in the Maryland Inventory of Historic Properties form prepared by staff for this resource, the Department of Natural Resources/Maryland Geological Survey observed the original stone boundary marker (boulder) in place in 1980. The stone was located underwater and visible from a pier (no longer standing). DNR's findings are summarized in its publication entitled *Special Publication No. 1 Frederick-Montgomery-Howard County Boundary Line Resurvey of 1980* (prepared in cooperation with

representatives of Frederick County, Montgomery County, and Howard County, 1985). The publication, produced for a resurvey of the 1835 Frederick-Montgomery County boundary, is available in the Montgomery County Preservation Office. The document includes a drawing of original stone boundary marker flanked by two smaller stones, under the water (see next page). The publication notes:

Inscription and Condition of Stone

The [Parr's Spring] stone is submerged several feet beneath the waters of the pond. The poor vantage point, the cloudiness of the water, surface reflections and defraction of light prevent one from seeing the presumed "P" reported to be on one of the faces. A deep green coating of mud and/or organic growth masks the rock surface. The Stone has a cement plaque on its top with an inscribed "14." The significance of this number designation was not fully investigated, but apparently has nothing to do with the 1835 Survey.

Dimensions of Stone

Not measured, but estimated to stand about four feet above mud line, and be three feet wide by two feet thick.

Other

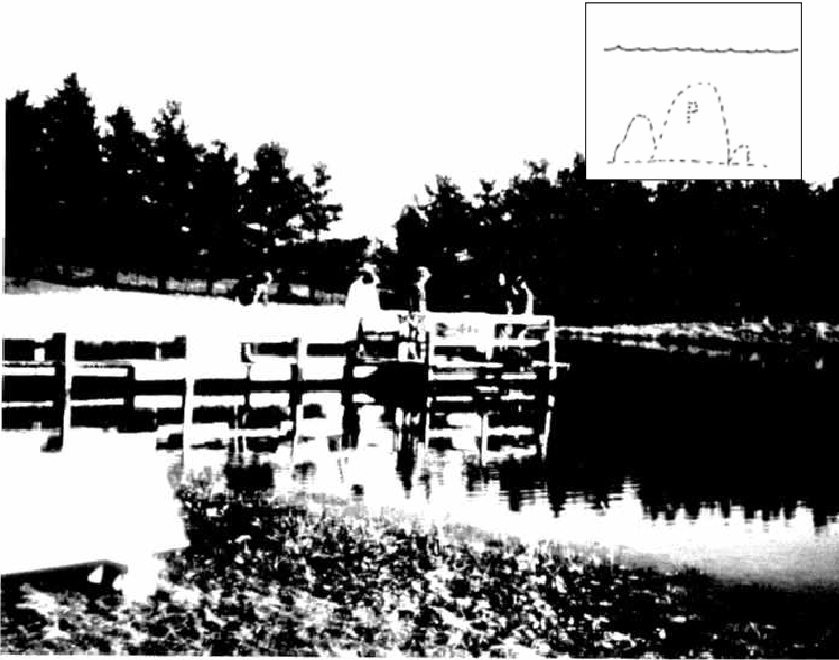
In order to properly document this Stone, it would be necessary to use an underwater camera as well as physically measure it while submerged. A very slight agitation of the water can stir up clouds of mud which obscures visibility. *This Stone predates, and therefore was not actually set as part of the Survey of 1835. Because its location and authenticity is not questioned and is a matter of reliable historic record, it was decided that no further documentation would be necessary at this time.* (emphasis added) (pages 62 and 63)

As noted in the MIHP form, staff called the author of the study, Kenneth A. Schwarz, who is now retired, who recalled a modern concrete marker near the pier (not the DAR commemorative monument on the lawn). It is believed to be the current concrete marker that also has a "14" on top of it.

Staff has no information to suggest that the original stone boundary marker (boulder) under the water has been removed. Because the pier has been removed, staff could not check. The age of the concrete marker is indeterminate.

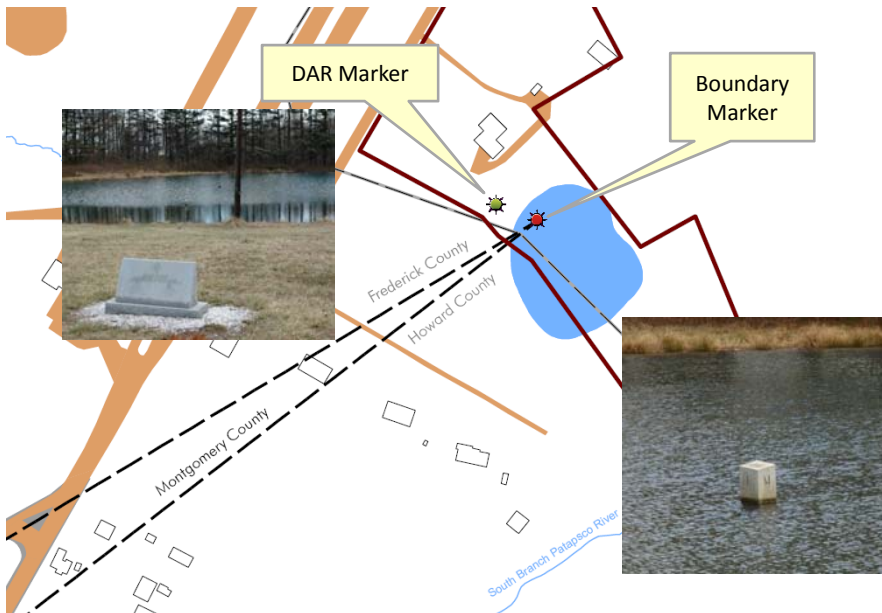
The spring and markers are significant historically, and staff recommends designation. The Montgomery-Frederick-Howard County Boundary Line Resurvey of 1980 found that a number of boundary stones from 1835 were missing, and additional stones not placed in 1835 were located as well. Designation could help bring recognition and protection to these markers, including Parr's Spring (Resource 15/1). While researching this resource, staff called other jurisdictions, and they seemed unaware of Parr's Spring and its significance. Staff notes that all eight District of Columbia-Maryland boundary stones (and one site where the stone is missing) located in Montgomery County are historic sites designated on the Montgomery County Master Plan for Historic Preservation (#35/34). They are also listed in the National Register for Historic Places, have been nominated as National Historic Landmarks, and are the subject of a current

multi-jurisdictional transportation enhancement project to inventory, document, evaluate, and protect the markers.



1980 Resurvey of MC-FC-HC Boundary by DNR Maryland Geological Survey – examining submerged stone from opening in pier, which is no longer standing; drawing from 1980 Resurvey of stones under the water. Text notes “This stone predates and there was not actually set as part of the Survey of 1835. Because its location and authenticity is not questioned and is a matter of reliable historic record, it was decided that no further documentation would be necessary at this time.” (page 63)

15/1 PARR'S SPRING



Site plan of 15-1 with photo insets of modern concrete marker in water and DAR commemorative marker on lawn.

15/4 Alfred Baker House

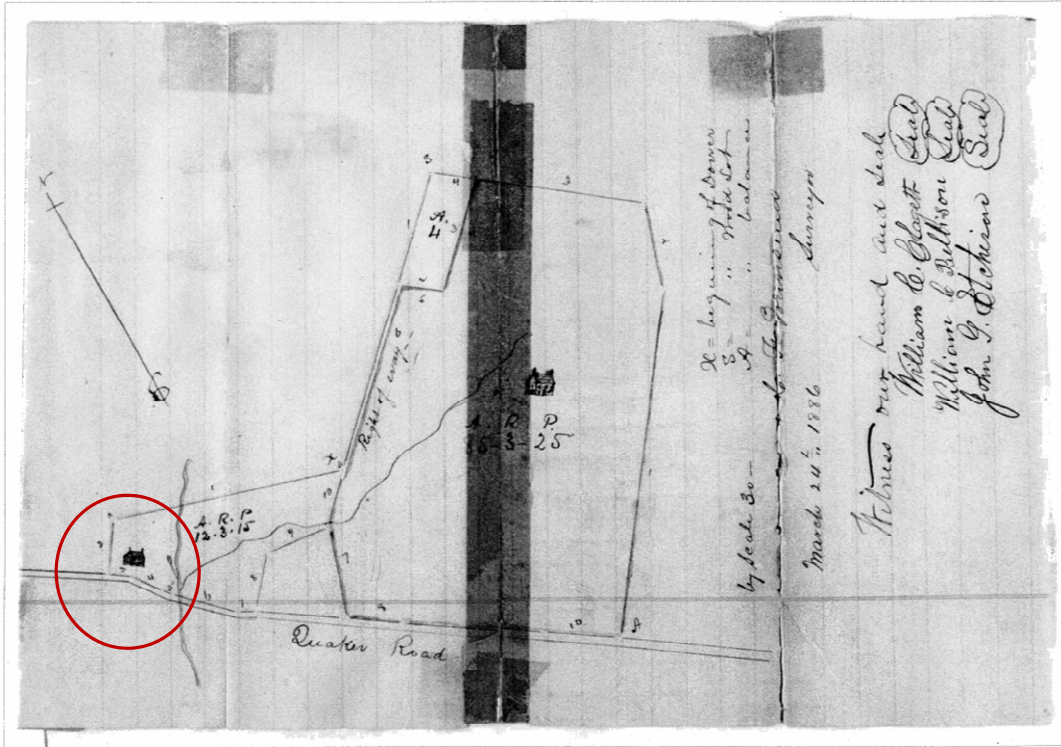
Chairman Rotenstein noted that Alfred Baker's contributions to local, state, or national history fail to distinguish him as a significant individual as defined by the National Register of Historic Places. Chairman Rotenstein quotes a National Register of Historic Places Bulletin: "a property is not eligible 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. It must be shown that the person gained importance within his or her profession or group."

Staff notes firstly that Montgomery County criteria rather than National Register criteria are pertinent here and they are somewhat different; and secondly, the resource meets several criteria (1a, 1c, 1d) rather than only one. As explained in the MIHP form and prior staff report, Alfred Baker's farmstead and life shed light on the development of Methodism in Maryland, the way of life of circuit riders and their families in farming communities, and the spread of the Methodist Protestant Church in the Upper Patuxent. The Upper Patuxent has a strong Methodist heritage -- no other denominations existed in the area in the 19th and early 20th centuries, and the area is strongly Methodist to this day. The Alfred Baker House is the only identified historic resource in Upper Patuxent known to be home of a Methodist Protestant minister and circuit rider, and his farmstead illustrates that circuit riders had to supplement their income with farming to support themselves. In addition, Alfred Baker preached locally, at Brown's Chapel, the predecessor of today Montgomery United Methodist Church in Clagettsville. Hence, in accordance with: Criteria 1a, the Alfred Baker House has character, interest, and value as part of the Methodist heritage and cultural characteristics of Montgomery County and Maryland; Criteria 1c, is identified with a person or group of persons (Methodist Protestant ministers, Methodist circuit riders) who influenced society; and Criteria 1d, exemplifies the Methodist/agricultural/extended family cultural, social, and historic heritage of Montgomery County and its Upper Patuxent communities.

Subsequent to the HPC meeting of January 20, 2010, staff conducted additional research on the property at the Maryland State Archives. Equity Case 618/622 contained a survey plat made in 1886 showing the property of Alfred Baker, deceased (1885).¹ This survey plat is shown on the subsequent page, along with a current map.

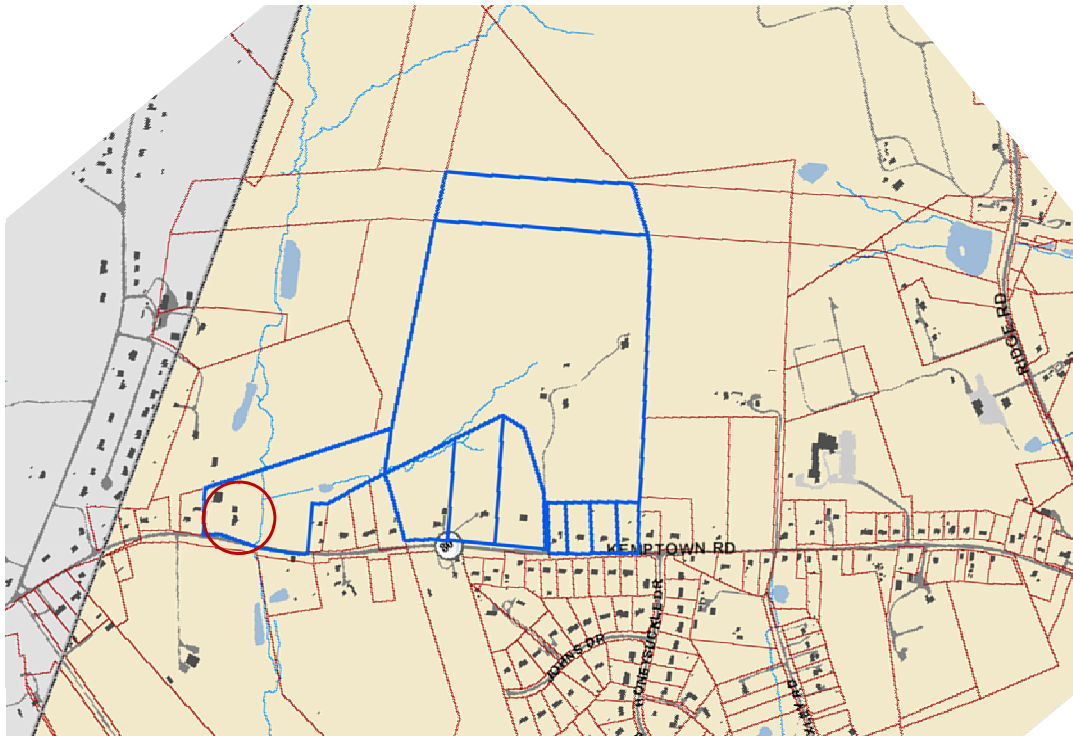
¹ Montgomery County Equity Case 618, combined with Equity Case 622, T415-84, Equity Papers, Box 87, Location 3/55/8/82, Maryland State Archives.

1886 SURVEY PLAT – 15/4 ALFRED BAKER PROPERTIES, PER MC EQUITY CASE 618



Note location of 15/4 Alfred Baker House to west of Fahrney Branch, along Kemptown Road, on The Widow's Dower. The house is pictured as a 3-bay, side-gabled building, with two end chimneys. The Widow's Dower is the 12-acre and 4-acre lots and right-of way; the balance of Alfred Baker's property is the 83-acre tract to the right.

2010 BASE MAP -- 15/4 ALFRED BAKER PROPERTIES AS OF 1886



Note location of 15/4 Alfred Baker House to west of Fahrney, along Kemptown Road

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

Chairman Rotenstein noted that the resource does not retain sufficient architectural integrity to be designated. As noted in the discussion in the subsequent section on architectural integrity, a property may have lost some of its features but still be historic if the overall building still conveys its significance due to other aspects of integrity such as location, setting, and historical association. Mt. Lebanon School was recommended by staff for designation based on criteria 1a, 1d, and 2a, and staff feels its front-gabled form (typical for non-residential buildings in the upper county) and overall massing is sufficient to convey its social and historical significance. As noted in the prior staff report, this site was the center of community life for over a century and the building is the only remaining one-room school house (now dwelling house) in the Upper Patuxent area. There are very few individually designated one-room school houses in the county. Staff recommends designation.

HISTORIC DISTRICTS

Two historic districts are being considered for designation: Clagettsville and Etchison. The criteria for designation and historic context for these historic districts is contained in the Draft Amendment and the staff report of January 13, 2010. At the January 20 worksession, the Commission expressed concerns regarding issues of integrity, criteria, and boundaries. A general discussion of integrity and boundary consideration follows, succeeded by specific considerations for each district.

Architectural Integrity:

This issue is a thorny one and comes up frequently in historic preservation discussions. The National Park Service has good information on architectural integrity in terms of preservation (http://www.nps.gov/history/NR/publications/bulletins/nrb15/nrb15_8.htm):

Integrity is the ability of a property to convey its significance...The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria² recognize seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to

²National Park Service guidance is informative in the evaluation of the resources under consideration. Note: the resources under consideration are being evaluated using Montgomery County's designation criteria, as established in section 24A-3 of the Count Code and not the federal criteria established for National Register designation.

convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant.

SEVEN ASPECTS OF INTEGRITY: To retain integrity, a property must include several, if not most, of these aspects.

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

What this means is that a property may have lost some features – for example, replaced windows – but may still be historic if the overall building still conveys its significance due to other aspects of integrity, such as location, setting, historical association, etc.

Even after a building is designated on the *Master Plan for Historic Preservation*, the Historic Preservation Commission can approve many kinds of changes to the building – as long these changes do not impede the ability of the building to convey its significance.

Historic District vs. Individually Designated Sites:

Again, staff feels that important information on this topic is to be found on the National Park Service website. The NPS defines a historic district this way:

(http://www.nps.gov/nr/publications/bulletins/nrb15/NRB15_4.HTM#district)

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

Within a historic district, one may find buildings of outstanding historic significance and others which may be less significant, but which contribute to the overall character of the district. Many districts also include a small number of non-contributing or out-of-period buildings which are included within the boundaries of an otherwise cohesive district.

An individually-designated historic site must be significant in its own right and should “stand alone” in meeting the Historic Preservation Ordinance criteria for designation.

In terms of how the Historic Preservation Ordinance is applied to a historic district versus an individually-designated site, the only difference is language in section 24A-8(d) of the ordinance that states:

In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district.

Boundaries:

A basis for determining boundaries for a historic district typically begins with the original plat for the community. In the case of both Clagettsville and Etchison, however, the communities are organic and grew over time. For unplatted communities, a district must include the greatest concentration of contributing resources with highest level of integrity, in order to best convey the significance of the district. In determining appropriate boundaries for the Clagettsville and Etchison districts, community features to consider include religious resources (church, church hall, parsonage, cemetery), commercial resources (stores, blacksmiths, auto service station), and residential resources (vernacular architecture, kinship housing, merchant housing), and farmland context.

Clagettsville Historic District

Clagettsville was listed on the Locational Atlas and Index of Historic Sites in 1976. Park Historian Michael F Dwyer submitted a Maryland Historical Trust Worksheet form on Clagettsville in October 1973. In 1986, Catherine Crawford completed an MHT State Historic Sites Inventory Form on Clagettsville. Both of these forms are referenced in staff’s recent inventory form on Clagettsville, MHT Maryland Inventory of Historic Properties Form, October 2009. These forms are available for review at mht.maryland.gov.

In 1991, the Maryland Historical Trust reviewed Clagettsville for National Register eligibility, as part of Section 106 review for State Highway project MD 27. Based on research conducted for the preparation of the 1973 and 1986 inventory forms, MHT found that the historic district was not eligible for National Register designation. It also found that the property at 28322 Kemptown Road was eligible as an individual site for its “unusually fine example of Queen Anne architecture in a rural setting.” Staff was unaware of the 1991 MHT evaluation and did not reference these determinations in its previous staff report. It bears emphasis that the MHT was evaluating the districts for *National Register eligibility, using federal eligibility criteria* rather than the County’s criteria for local designation, and based on research conducted between 20 and 40 years ago. The *current review is for local designation*, with the benefit of considerable additional research. Taking into consideration the additional information included in the October 2009 MIHP form and applying Montgomery County’s designation criteria (Chapter 24A-3), staff finds that the district merits local designation.

Criteria

Clagettsville meets the following criteria for designation: 1a 1d 2a 2d

Historical Significance:

-Clagettsville is a kinship community bound together by family and faith. The primary family that settled the community is the Moxley family, and the majority of the structures were built on land subdivided from the Moxley's Friendship farm. Moxleys descendants acquired parcels and built houses from 1880s to 1930s. Additional extended family units residing in Clagettsville included generational members of the Warfield and Easton families.

-Family ties have bound together generations of Moxleys. Indicative of the ongoing importance of Moxley family ties in Clagettsville is the tradition started over 50 years ago of a family reunion for descendants of the Clagettsville sons of Nehemiah Moxley. Additional evidence of the importance of family ties is a descendant's 450-page family history, *Nehemiah Moxley: His Clagettsville Sons and Their Descendants*.³

-Montgomery ME Church was the focus of community spiritual life and social activities. The church had a unifying force as most residents were active members of the congregation.

-Service and communication center for local farmers from 1870s to 1930s: blacksmith, post office, later automobile repair. Larger than average size community for this area due to the confluence of large extended families and the opportunities for commerce at the intersection of two well-traveled routes: Ridge Road and Kemptown Road

Architectural Significance:

-Largest collection of representative vernacular housing types in the northern quadrant of the county.

-Dual entrance houses represent Germanic traditions of the upcounty area, and also continuance of family traditions from the Friendship Farm house through 19th century.

-Vernacular Gothic houses with center cross gable roofs, and peaked windows, are typical of upcounty area, are found here in greatest concentration of the county. Turned posts of similar design on more than one house are indicative of the close-knit nature of the community where a builder's craft visually ties buildings together.

-Noteworthy Queen Anne influenced houses are 28322 Kemptown Road featuring a three-story tower with conical roof, and 28408 Kemptown Road, with multi-colored Queen Anne sash windows and Doric columns.

Integrity

Staff finds that Clagettsville has a high level of integrity overall. The attached chart includes an assessment of integrity. The majority of the resources have a high level of integrity, retaining at least six of the seven factors discussed above. Many of the houses have replacement windows or

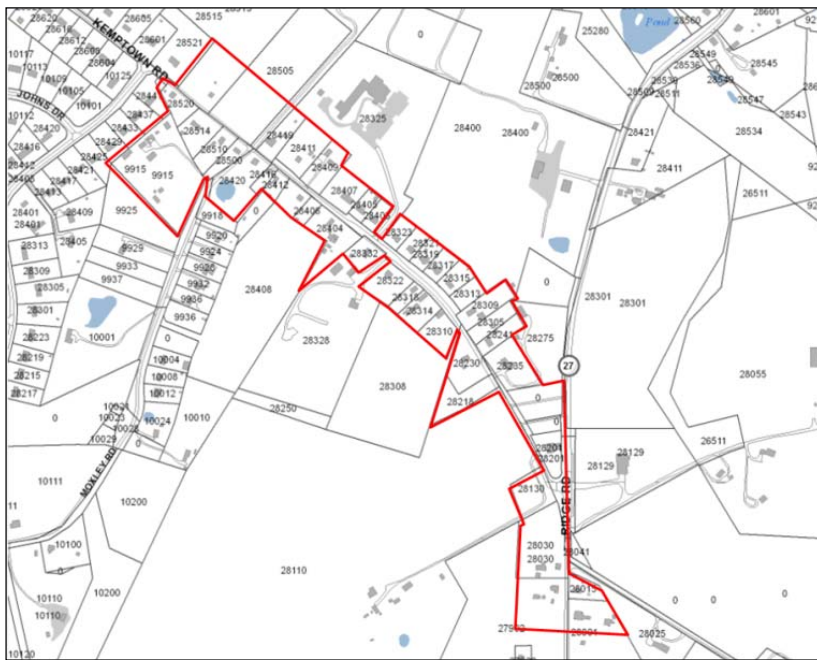
³ Allie May Moxley Buxton, 1989.

siding, yet as a group, they continue to convey the historic kinship and vernacular architectural character of this community.

Boundaries

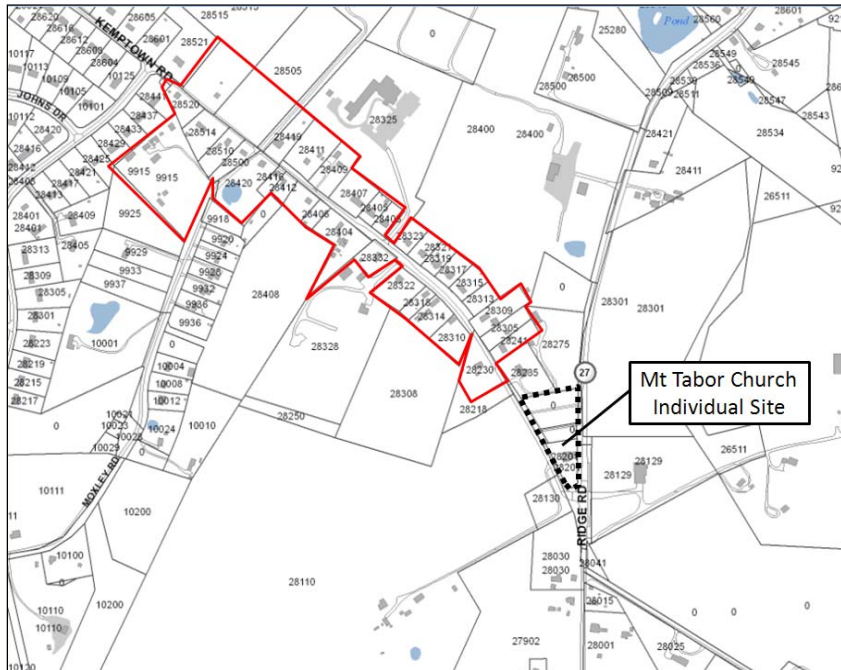
Staff prepared two boundary options for Clagettsville. Staff finds that both options meet the criteria cited above.

Option 1 is the largest proposed boundary that includes crossroads of Kemptown and Ridge Roads with the Clagett and Warfield building complexes. This intersection was the origin of the Clagettsville community, and includes the church, the store site and the Church hall site. This option also includes the structures along Ridge Road including Moxley stores, merchant houses, Moxley family houses, vernacular and folk housing, as well as ranch houses that continue the century old building pattern of small scale houses on one-acre lots facing Kemptown Road.



CLAGETTSVILLE OPTION 1

Option 2 centers on the concentration of vernacular houses on Kemptown Road and excludes the crossroads buildings. It includes Moxley family houses, stores, and merchant houses. This option includes structures on both sides of Kemptown Road, which makes good preservation planning sense. The church, a landmark at Kemptown and Ridge Roads, might be considered an individual site with this option.



CLAGETTSVILLE OPTION 2

Etchison Historic District

Like Clagettsville, Etchison was identified on the Locational Atlas and Index of Historic Sites in 1976. Michael Dwyer completed a Maryland Historical Trust State Historic Property Inventory Form in 1976, which Catherine Crawford supplemented in 1986 (see mht.maryland.gov). Ms Crawford recommended a discontinuous district, discussed further below.

Criteria

The Etchison Historic District meets criteria: 1a, 1d, 2a, 2d.

Historical Significance:

- Etchison is highly representative of a crossroads community that provided services for local residents and travelers. Marcellus Etchison established a store, blacksmith shop and residence at the crossroads of two early roads: Damascus Road and Laytonsville Road. Originally called Ragtown, the community received its name when Marcellus Etchison became postmaster for post office that opened 1884. The store was later operated for 70 years by the Hawkins family.

- Etchison grew to become a kinship community bound together by family and faith.

Descendants of Moore family, who operated the Luther Moore farm, built houses and settled in

Etchison as well. Although named after the initial postmaster, the community was populated largely by members of the Hawkins and Moore families.

-The sons of Thomas and Susan Hawkins were founders and instrumental operators of key community institutions, including the church, commercial enterprise, and school. Family ties bound generations of Hawkins family together. Indicative of the ongoing persistence of Etchison family ties are the reunions held by descendants of Thomas and Susan Hawkins since 1969. A collection of photographs and memoirs retained by a family historian documents the Hawkins family's Etchison ties (available online at <http://www.montgomeryplanning.org/historic/UpperPatuxent>).

-Mt Tabor Church was historically a key institution in the Etchison community. The children of Thomas and Susan Hawkins and their families were guiding forces of the Mt. Tabor Church. Dorsey Hawkins conveyed the original land for the church in 1881. Family members played the organ, organized the Ladies Aid, and wrote the church history. Hawkins family events, including anniversaries and reunions, were held at Mt Tabor Church.

Architectural significance:

-The district displays an unusual dichotomy between residents who built outmoded residences long after popularity waned on a regional scale, reflecting the persistence of tradition, and up-to-date styles indicative of a consciousness of current trends in architectural design. These choices on architectural expression were split in part along family lines, with the Moore family leaning towards traditional designs and the Etchison family preferring fashionable styles of the times.

-Records indicate that the Hawkins family built or occupied eight houses and store buildings and the Moore family built or occupied four houses.

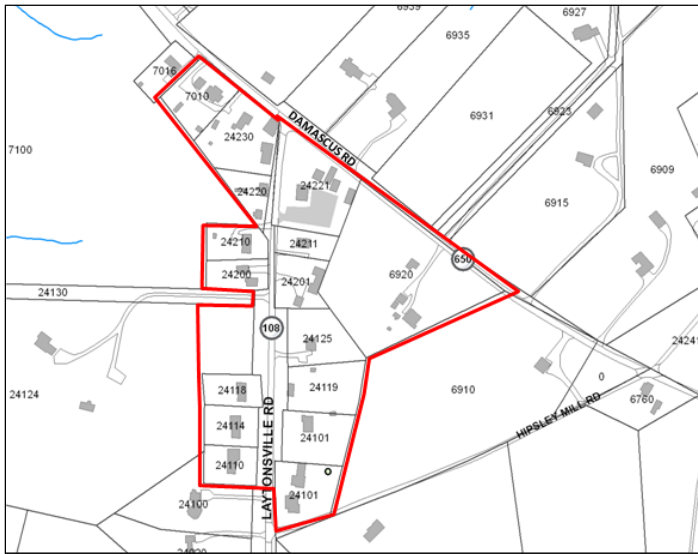
Integrity

As with Clagetsville, staff finds that Etchison has a high level of integrity overall. The attached chart includes an assessment of integrity. The majority of the resources have a high level of integrity, retaining at least six of the seven factors discussed above. Many of the houses have replacement windows or siding, yet as a group, they continue to convey the historic kinship and vernacular architectural character of this community.

Boundaries

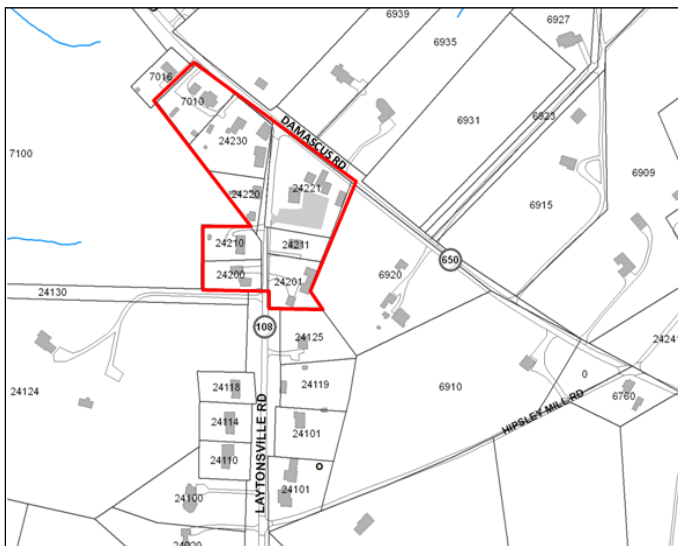
Staff presented three options for an Etchison Historic District. Central to the district are the Etchison store complex at the intersection of Rts. 108 and 650 and related resources along both Laytonsville Road and Damascus Road. Staff finds that each option meets the four criteria cited above.

Option 1 is the most inclusive. It contains the church resources: original 1881 vernacular church, Gothic Revival church, cemetery, and parsonage. Though the 1881 church building has been altered with additions, it is a significant early public building type that was once ubiquitous and is now rare. This option includes key Hawkins family houses: the house of Dorsey Hawkins House, storekeeper and wheelwright who donated land for the church, and the retirement house of Ernest Hawkins, longtime storekeeper and pivotal community resident. This option also includes one of the Moore family houses (6920). Staff recommends this option as best representing Etchison's community life, and the spectrum of Hawkins and Moore family residences.



ETCHISON OPTION 1

Option 2 excludes the church resources. It includes the two 1937 Moore family bungalows. While this option does not include the church which played a key role in residents' lives, it includes the store complex and several Moore and Hawkins family houses.



ETCHISON OPTION 2

Option 3 includes the store complex buildings: Nettie Hawkins Store, feed store, Etchison-Hawkins House, Thomas Hawkins c1918 bungalow. It also includes the log and frame Hipsley-Hawkins House, and the Moore House across the road. This option is similar to one recommended by Ms Crawford in her 1986 inventory form. The difference is that the district recommended by Crawford was discontinuous, with the church included as a detached parcel. Staff does not recommend a discontinuous district or designation of the church as a separate site (see below). Option 3 has merit for recognizing the historical and architectural significance of the store complex and the Hawkins and Moore families (see criteria above). The HPC has received public submittals from residents who support Option 3.



ETCHISON OPTION 3

In contrast to the option presented for Clagettsville, staff does not recommend the church as an individual resource. The Mt Tabor Church does not have the level of integrity or rarity needed for an individual site, nor does it serve as a local landmark, like the Montgomery UM Church in Clagettsville. Neither does staff recommend designation of the Etchison Store as an individual site. The crossroads intersection is significant to the context of the general store, storekeeper’s residence and feed store. The owner of these buildings is opposed to their designation as an individual site. Staff supports the inclusion of properties on both sides of Laytonsville Road if this option were to be pursued.











CONCLUSION

For the reasons noted in this staff report, incorporated documents, and previously presented information, staff recommends that 15 resources as specified in the *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Resources* be designated on the *Master Plan for Historic Preservation*, three resources as specified in the *Staff Draft Amendment* be added to the *Locational Atlas and Index of Historic Sites in Montgomery County Maryland*, and 16 resources as specified here and in the *Staff Draft Amendment* be removed from the *Locational Atlas*.

15/8 CLAGGETTSVILLE HISTORIC DISTRICT

2/17/2010

Address		Style/Type	Date	History Notes	Significance ^T	Integrity*	Integrity Notes	
28201	Kempton Road	Church	1904	Montgomery Methodist church, site of 1871 chapel	1	2	1941 brick, 1960 belfry	
28230	Kempton Road	Craftsman Bungalow	1930	Wm & Ilda Moxley	2	3	replacem siding/wind ows; addition	
28235	Kempton Road	Minimal Traditnal	1961	Warfield-Rhodes	NC	NC		
28241	Kempton Road	Colonial Revival	1948	Church Parsonage	2	2	replacem windows	
28305	Kempton Road	Tudor Revival	1935	Winfred Perkinson	2	2	alum siding; replacem windows	
28309	Kempton Road	Craftsmn Cottage	1931	Harvey Moxley, merchant	1	2	aluminum siding	
28310	Kempton Road	3Bay Side Gable	1904	William & Agnes Haines	1	2	vinyl siding	
28314	Kempton Road	Vernacular	1915	Harvey Moxley Store	1	3	porch enclosed	
28315	Kempton Road	Ranch	1974	Darnes Acres	NC	NC		
28317	Kempton Road	Minimal Traditnal	1965	Darnes Acres	NC	NC		

28318	Kempton Road	Double Entry/ Ctr Cross Gable/ Gothic Revival	1915	Ira Dorsey Moxley; dual entry house	1	2		
28319	Kempton Road	Minimal Traditnal	1963	Darnes Acres	NC	NC		
28321	Kempton Road	Minimal Traditnal	1961	Darnes Acres	NC	NC		
28322	Kempton Road	Queen Anne	1903	Robt & Susan Moxley Hse	1	1		
28323	Kempton Road	Minimal Traditnal	1960	Darnes Acres	NC	NC		
28332	Kempton Road	Ctr Cross Gable/ Gothic Revival	1915	Robt(Jake) & Orida Moxley	2	3	chimney on front façade; vinyl siding	
28403	Kempton Road	Minimal Traditnal	1959	Darnes Acres	NC	NC		
28404	Kempton Road	Double Entry/ Ctr Cross Gable/ Gothic Revival	c1884- 1899	John Burdette; outbuildings	1	2	alum siding; replacem windows	
28405	Kempton Road	Minimal Traditnal	1957	Darnes Acres	NC	NC		
28407	Kempton Road	Minimal Traditnal	1963	Darnes Acres	NC	NC		

28408	Kempton Road	Queen Anne	1905	Lewis & Laura Easton; 6.32 acres	1	2	vinyl siding	
28409	Kempton Road	Contmprary	1978		NC	NC		
28411	Kempton Road	Col Rev 4 Sq	1905	Ollie & Tressie Moxley	1	1		
28412	Kempton Road	Cape Cod	1945	Esworthy-Allnutt	2	3	addition; siding	
28416	Kempton Road	Vernacular	c1930	Wm Moxley Store	1	2	front door replaced	
28419	Kempton Road	Vernacular	1941	Kessler	3	3	addition	
28420	Kempton Road	Double Entry	1890	Albert Baker; Wm & Minnie Moxley	1	2	aluminum siding	
28500	Kempton Road	Minimal Traditnal	1968	Kaetzel	NC	NC		
28510	Kempton Road	Craftsmn Bungalow	1928	Moxley-Phebus	2	2	aluminum siding	
28514	Kempton Road	Minimal Traditnal	1953		NC	NC		

28515	Kempton Road	Ctr Cross Gable/ Gothic Revival	1896	Ollie & Leila Moxley; Outbldgs/ 9.9 acres	1	2	siding	
28520	Kempton Road	Double Entry	1880-1890	Wm Alfred Smith	1	2	aluminum siding	
9915	Moxley Road	Log House	c1800-1860	Isaac Moxley	1	2	asphalt siding	
28001	Ridge Road	Greek Revival	1879	John Clagett Hse	1	2	aluminum siding; porch partial enclosure	
28015	Ridge Road	Double Entry	c1880-1890	Wm Clagett	1	2	aluminum siding	
28020	Ridge Road	Ctr Cross Gable/ Gothic Revival	c1890-1915	Samuel D Warfield	1	2	aluminum siding	
28030	Ridge Road	Commercial	c1935 c1970s	Service Stations Vernie Moxley 1935-65	1/NC 	2/NC	replacemt door	

T SIGNIFICANCE KEY




- 1-Historical: Key community bldg/resident. Signifiicant folk housing
2-Lower level of significance, less representative bldg type. Moxley association
3-Less architectural or historical significance
NC-Non-contributing




***INTEGRITY KEY**

- 1-Character defining features largely intact.
2=Some features lost or enclosed.
3=Much of character has been changed.
NC=Historic character lost, or new construction

15-29 ETCHISON HISTORIC DISTRICT

2/17/2010

Address		Historic Name	Style/ Type	Integrity Notes	Date	Signif- icance ^T	Integrity*	
6920	Damascus Rd	Walter & Ida Allnut House	Vernacular Gothic Revival	Vinyl siding, replacement windows	c1912-17	1	2	
7000	Damascus Rd	Nettie Hawkins Store (Etchison Store)	Vernacular	Standing seam metal roof, wood drop siding, 1/1, 6/6 sash	c1915	1	1	
7004	Damascus Rd	Etchison-Hawkins House	Victorian Vernacular	drop-style alum siding, replacement windows; orig door, porch, lancet window; summer kitchen	c1876-80	1	1	
7010	Damascus Rd	Thomas F Hawkins house	Colonial Revival Bungalow	brick addition	c1917-18	1	2	
24101	Laytonsville Rd	Original church	Vernacular, front gable	aluminum siding; additions; orig 1/1 sash; standing seam metal roof; 1881 datestone	1881	1	2	
24101	Laytonsville Rd	Second church	Gothic Revival	aluminum siding; 1956 additn, tower truncated; entry enclosed	1914	1	2	
24110	Laytonsville Rd	Claudia & Luther Howard House	Ranch	two car garage addition	1963	3	2	
24114	Laytonsville Rd	J Ernest and Ruth Hawkins House	Ranch	garage addition, replacement windows	1961	1	2	
24115	Laytonsville Rd	Mt Tabor Parsonage	Ranch		1965	2	1	
24118	Laytonsville Rd	Bogley House	Ranch	carport enclosed	ca 1958	3	2	
24119	Laytonsville Rd	E Dorsey Hawkins House	Vernacular 3 bay, side gable	aluminum siding	c1880-82	1	2	

Address		Historic Name	Style/ Type	Integrity Notes	Date	Significance ^T	Integrity*	
24125	Laytonsville Rd	Marshall House	Neocolonial Saltbox		1994	NC	NC	
24200	Laytonsville Rd	Gertrude Bowman & Norman Weber House	Colonial Revival Bungalow	aluminum siding; replacement windows	c1937	1	2	
24201	Laytonsville Rd	James & Willie B Gue House	Modified cape cod	aluminum siding; major addition(s)	c1944	3	NC	
24210	Laytonsville Rd	Tom and Jane King	Ranch		c1960	2	1	
24211	Laytonsville Rd	Virginia Weber & R. Washington Bowman House	Colonial Revival Bungalow	aluminum siding; replacmt porch	c1937	1	2	
24220	Laytonsville Rd	Hipsley-Hawkins House	Vernacular	aluminum siding; replacement windows	mid-1800s; c1912-23	1	2	
24221	Laytonsville Rd	William and Pearl Moore House	Vernacular Gothic Revival	vinyl siding; original windows	c1916	1	2	
24230	Laytonsville Rd	Hawkins Feed Store	Vernacular Moderne	replacement windows, doors	c1922-23/ c1947-48	1	2	

^TSIGNIFICANCE KEY

- 1-Historical: Key community bldg/resident. Significant folk housing
- 2-Lower level of significance, less representative bldg type. Moxley association
- 3-Less architectural or historical significance
- NC-Non-contributing

*INTEGRITY KEY

- 1-Character defining features largely intact.
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APPENDICES

1-Response to Testimony on January 20, 2010

2- Public Submittals made Subsequent to January 20, 2010
and received by February 16, 2010

3-USGS Location Maps

RESPONSE TO TESTIMONY -- HPC PUBLIC HEARING ON JANUARY 20, 2010 RE: STAFF DRAFT AMENDMENT TO THE MASTER PLAN OF HISTORIC PRESERVATION: UPPER PATUXENT RESOURCES

#	Name/Representing	Address	Resource #	Comments	Staff Response
1	David Jacobson/Self	28305 Kemptown Road	15/8	Opposes designation. Permission of property owners should be required. Opposes governmental interference. Designation is a hostile takeover and destroys house value.	The Historic Preservation Ordinance does not require owner permission for designations, but process gives owners many opportunities to voice concerns. Courts do not find historic designation to be a taking of property without just compensation. Studies show designation maintains or increases property values in historic districts.
2	Bridget Plitt/Self	28411 Kemptown Road	15/8	Opposes designation because it would be cost prohibitive -- house needs immediate repairs and owners need to use current materials. However, appreciates desire to preserve area.	Designation does not preclude exterior maintenance -- the HPC reviews projects on a case by case basis.
3	George Lechlider/ Pres., Mont. Co. Farm Bureau	24110 Laytonsville Road	15/29	Montgomery County Farm Bureau has 3700 members. Does not support designations of rural and agricultural structures without owner consent. Opposes practice of including entire property within the historical designation. Supports a revision to state law to restrict Park and Planning Staff (access) to private property to no greater than that allowed to enforcement agencies. Modernizations to properties should disqualify them from meeting historic criteria. Is there any requirement upon designation of property or approval of a Historic Area Work Permit to remove improvements and restore to original condition? Disproportional burden placed on ag. community since most historic resources in Loc. Atlas are in Ag. Reserve. Historic preservation and agricultural preservation are sometimes incompatible when properties have agricultural easements, and this is a policy conflict. Historic designation of farm properties is an economic hardship on farmers and requires approvals for any type of improvement on property, unlike ag. pres. programs, which allow ag. improvements such as fences. If property owner does not consent, designation should be allowed only if Planning Board finds that the resource meets more of the criteria than if property owner does consent.	Owner consent for designation is not required, but the process gives many opportunities for owner input, and designation is a careful decision. The entire parcel does not have to be designated -- a smaller area (environmental setting) within the parcel may be designated, if specified in the Amendment to the Master Plan for Historic Preservation. Modernizations do not necessarily disqualify property from designation -- the historic significance and overall integrity of the buildings and structures matter as well. There is no requirement at the time of designation or approval of a Historic Area Work Permit that improvements be removed and the property restored to some earlier state. There are many properties in the downcounty areas listed on the 1976 Locational Atlas, and the agricultural areas cannot be said to have significantly more. There is no inherent conflict between historic designation and agricultural preservation easements -- the first deals with buildings and structures and the second with land and land use. The HPC's action on designation is advisory, and it is appropriate that the HPC move forward in making its recommendations. Owners of property listed in the Montgomery County Master Plan for Historic Preservation are eligible for a credit equal to 10 percent of documented expenses for exterior maintenance, restoration, or preservation work. The tax credit is applied towards County real property taxes. In addition, there are State and Federal tax credits that may apply. A resource need only be found to meet one criteria to be designated.

4	Merhlie Wayne Warfield/Self	7307 Damascus Road	15/27	<p>Opposes designation. Feels regulations and paperwork have discouraged farmers from staying in dairy farming in MC (his dairy farm is one of only 5 left in the County where once there were 384, and his farm has been in his family since 1927), and he doesn't need or want more regulation and paperwork. Doesn't consider farm historic -- 80% of buildings were built since 2000, and dairy barn has been completely rebuilt to facilitate automated/updated milking system with holding area. Feels historic designation would not be cost effective for his farm -- asks what funds would be used to transform buildings from what he already has on his farm. Feels designation would impede operations on dairy farm -- asks, e.g., how would he get a timely approval of a fence repair at 3 a.m. in morning when cattle get out. How would Hist. Pres. staff know what was needed for a dairy operation? Feels his buildings are cleanest, most up-to-date, and better looking than approved historic buildings, and doesn't want Historic Preservation Commission's interference.</p>	<p>Re: historic regulation, paperwork, and impeding farm operations, the Historic Preservation Ordinance does not require an Historic Area Work Permit for ordinary maintenance, repair of exterior features, customary farming operations, and certain landscaping, and thus allows some flexibility. Repair of fences does not require a Historic Area Work Permit. When Historic Area Work Permits are required, the HPC makes a decision on a complete application within 45 days of its filing. Re: costs, there is no requirement at the time of designation or approval of a Historic Area Work Permit that improvements be removed and the property restored to some earlier state. Owners of property listed in the Montgomery County Master Plan for Historic Preservation are eligible for a credit equal to 10 percent of documented expenses for exterior maintenance, restoration, or preservation work. The tax credit is applied towards County real property taxes. In addition, there are State and Federal tax credits that may apply. Re: the property's historic character, the farm had chrome mines, the dwelling house dates to the early 1800's, and the owner Col. Lyde Griffith, was a significant citizen and early settler of area. The dairy barn was identified as significant in a study entitled <i>Early 20th Century Resources Study</i> by Andrea Rebeck.</p>
5	Richard Biggs/Self	28600 Ridge Road	15/5	<p>Opposes designation. Purchased property in 1969, spent several years repairing house, which was in bad condition, and moved into house in 1972, spent subsequent years repainting and restoring house and other buildings, without any grant or funding. He also granted an easement to the State of Maryland and the Maryland Agricultural Land Preservation Foundation, because he did not want to see houses built on his farm. Since buildings and land already preserved, does not see the need for historic designation of his property. Letter from the Agricultural Preservation Advisory Board expresses some of his concerns, including potential conflicts between historic designation and requirements of the MALPF easement.</p>	<p>There is no inherent conflict between historic designation and agricultural preservation easements -- the first deals with buildings and structures and the second with land and land use. The HPC's action on designation is advisory, and it is appropriate that the HPC move forward in making its recommendations. Mr. Bigg's efforts at restoring and preserving the buildings and land are noted: historic designation will ensure that the historic character of the buildings and structures continues to be respected and maintained by future owners.</p>
6	Chandra Buxton/Self	3597 Medd Avenue	15/3	<p>Opposes designation. Property was "Risdon" Moxley's, not "Rezin" Moxley's. Current house was built in 1920's and extensively modernized since then; her husband, Roger Buxton, was born there. The earlier house (Jacob Moxley's) is no longer standing, but was located in the back field behind the barn and close to the stream. There is no longer even evidence of the foundation. The property is located in two counties, and they pay taxes in two counties, and recently their voting district was changed to Frederick, so how can MC designate the property. Part of original farm sold off for houses.</p>	<p>Staff recommended that 15/3 Rezin Moxley not be designated on the Master Plan for Historic Preservation, but instead be removed from the Locational Atlas. The Historic Preservation Commission (HPC) voted on January 20, 2010 to recommend that the resource not be designated.</p>
7	Roger Buxton/Self	3597 Medd Avenue	15/3	<p>Opposes designation. Original log cabin no longer exists. If it did, he would have preserved it.</p>	<p>Staff recommended that 15/3 Rezin Moxley not be designated on the Master Plan for Historic Preservation, but instead be removed from the Locational Atlas. The Historic Preservation Commission (HPC) voted on January 20, 2010 to recommend that the resource not be designated.</p>

8	Perry Kapsch/Self	18200 Beallsville Road, POBox 38, Poolesville	n/a	Supports approval of the Upper Patuxent Amendment to the Master Plan for Historic Preservation. Her family farm to west of Poolesville was one of first designated on MP for Historic Preservation over 30 years ago. Farm designated in its entirety. Farm has a MALPF easement, has been no conflict with historic designation, since the Hist. Preservation Ordinance excludes restrictions on farming. Historic designation has had zero impact on farm operations over the 30 years -- have been able to build, plant, remove buildings, build buildings, change fence lines, harvest trees, plant crops, raise animals, store equipment, pave barnyards or farmland, do anything that relates to the farm without any input from the county. Have received tax credits both state and local for work on the 250-year old house and designated buildings. Value of the property when used collateral for a loan is substantially more than its value as just land or farmland because it is designated as historic.	Support and experience with historic designation noted.
9	Lorraine Pearsall/ Pres., Mont. Preservation Inc.	8100 Georgia Avenue		Supports approval of the Upper Patuxent Amendment to the Master Plan for Historic Preservation. Conservation and preservation are two sides of the same coin, and the Upper Patuxent rural landscape and farming heritage is rich and should be preserved together for both current and future residents. Upper Patuxent individual resources are some of the finest MPI has seen; two proposed historic districts represent a remarkable span of time from the early 1800s to the mid-20th Century and are defined by these important and varied resources.	Support of historic designation and Upper Patuxent noted.
10	Julie Glover/Self	28419 Kemptown Road	15/8	Opposes designation. Thought her permission was being asked for evaluation and designation. Assumed her house would not be not considered historical because built in 1941 and has been modified since. Wants property removed from list of potential properties to be designated, does not want to be dictated to about her property.	Properties within the proposed historic district 15/8 Claggettville include 1940's houses because they are over fifty years old, and modifications per se do not necessarily disqualify properties. 28419 Kemptown Road is contributing resource to 15/8.
11	Caroline Lechlider/ Self and husband, George Lechlider	24110 Laytonsville Road	15/29	Opposes designation. Purchased property June 1985, house about 47 years old, does not seem historic to her. Has spent considerable amount of money on improvements to make house more energy efficient, in keeping with County green policies, including installing energy efficient double pane windows and replacing gutters, furnace, and air conditioning. Doesn't want to be told what she can and can't do with property. Asks if Montgomery County Historical Preservation Society [sic -- Historic Preservation Commission] will pay for required changes. Heard testimony to say that restorations are not required, but is sure that HPC sometimes does stipulate that reversals be made. Requests that property not be included in the Master Plan for Historic Preservation.	There is no requirement at the time of designation or approval of a Historic Area Work Permit that improvements be removed and the property restored to some earlier state.
12	Deneen Martin/Self	7201 Damascus Road	15/28	Opposes designation. Investigated designation when initially restoring house, but decided it was cost prohibitive, tax advantages were not worth the effort, and involved too many restrictions. Has not had good experiences with Historic Preservation Commission -- parents tried to convert a Queen Anne house on Laytonsville Road to a bed and breakfast (now commercial site for Rupert's nursery). Process of going through zoning and historic preservation for 10 years had too much red tape and was too expensive, and parents gave up. Does not favor designation without owner consent.	Re: house at 23601 Laytonsville Road that parents tried to restore, this resource 23/123 Jacob Allnut House has now been successfully restored for use by Rupert's Nursery, and HPC allowed compatible new structures/buildings.

13 Jane King/
Mt. Tabor United
Methodist Church

-- Hipsley Mill Road

15/29 Member of Mount Tabor United Methodist Church at corner of Hipsley Mill and Laytonsville Roads in Etchison. Concerned that the designation would increase costs for church repairs and approvals and thus reduce funds available for continuation and expansion of church ministries. Asks for the reasons church is recommended for designation, what benefits gained, and what objectives met. Cites part of the Religious Land Use and Institutionalized Persons Act of 2000 -- government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that the imposition of the burden on that person, assembly or institution (a) is in furtherance of the compelling governmental interest, and (b) is the least restrictive means of furthering that compelling governmental interest.

Regarding costs, there is no fee for filing a Historic Area Work Permit and no requirement at time of designation or approval of the Historic Area Work Permit to restore to an earlier state. Regarding use of the property, historic designation does not control or restrict use -- land use is controlled primarily by zoning laws. Regarding reasons for designation, 15/29 Etchison is illustrative of the architecture, commerce, and settlement patterns of the Upper Patuxent crossroads/kinship communities, which first coalesced at road junctions around blacksmiths serving travelers; were later amplified by churches, schools, stores, and dwelling houses developed on former farm land in a linear pattern along the road; and were developed over time by residents bound by multi-generational kinship ties. Regarding the general benefits and purposes of designation, the Historic Preservation Ordinance states that the purposes are to "preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historical areas, foster civic beauty and to preserve continued utilization and pleasure of the citizens of the county, the state, and the United States of America (Montgomery County Code, Section 24A-1).

Regarding statutory protections of religious rights, the Religious Land Use and Institutionalized Persons Act (RLUIPA) does not necessarily provide immunity from land use and historic preservation laws, according to the website of the National Trust for Historic Preservation, which states: "Religious rights are protected by the First Amendment and federal and state laws. The primary law at the federal level is the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc. Signed into law in 2000, this act prohibits any government from enacting or applying land use laws, including historic preservation laws, to property owned or used by individuals or religious institutions in a manner that would "substantially burden" religious exercise without a compelling state interest, such as public health and safety...Although RLUIPA applies to a broad range of religious activity, it does not provide immunity from historic preservation and other land use laws. Courts have uniformly rejected attempts to make the term "substantial burden" meaningless, by finding that it applies to broad range of effects that inhibit or constrain religious exercise. Rather, they view the "substantial burden" requirement as an important limitation on the law's scope and have dismissed claims where the burdens on religious exercise have been incidental or similar to the type of burdens experienced by any property owner."

14	Robert Barton/ Equis LLC (owner of 28901 Kemptown Road)	Terra 5008 Benton Avenue (historic resource at 28901 Kemptown Road)	15/4	<p>Opposes designation. Represents Terra Equis, LLC, owner of the property at 28901 Kemptown Road in Damascus, known as 15/04, Alfred Baker House. Property is a working equestrian farm, one of the few left in Montgomery County. Owner consent should be required for designation. Doesn't need or want help from government -- owner has run farm efficiently for many years without any tax credits or governmental assistance. Urges HPC to carefully consider his earlier letter, which discusses criteria for historic designation, says staff report doesn't discuss the criteria. No basis for designating this property as historic -- person on whom the staff relies, Alfred Baker, died before this house was even built on this property. (Letter states that designation would hinder farm operations, particularly for farm with animals, since would require waiting 45 days to get approval for permit for constructing outbuildings: paddocks, corrals, walls and fencing, replacing roofing, and repairing wells; staff draft does not identify criteria in its one paragraph discussion of Baker house; staff draft does not discuss any specific accomplishments by Alfred Baker that make him a significant historical figure; MHT form does not enumerate significant accomplishments; doubts whether Mr. Baker resided in house -- real estate listing sheet says house built in 1890, which is well after Mr. Baker died (1885), so age of house is disputable; neither staff draft nor MHT form cite specific property data re: when and from whom A. Baker purchased property; and staff draft says earliest part of house is in back but in fact is in front, with rear sections added long after Alfred Baker's death.)</p>	<p>Re: designation impeding farm operations, the Historic Preservation Ordinance does not require an Historic Area Work Permit for ordinary maintenance, repair of exterior features, customary farming operations, and certain landscaping, and thus allows some flexibility. Repair of fences does not require a Historic Area Work Permit. Re: owner consent, law does not require it, but there are many opportunities for public input. Re: tax credits, owners of designated properties do not have to apply for tax credits, but tax credits are available (Montgomery County real estate tax credit equal to 10 percent of documented expenses for exterior maintenance, restoration, or preservation work; State and Federal tax credits that may apply). Re: age of dwelling house and property data showing Alfred Baker's ownership of property at 28901 Kemptown Road, the MHT (MHP) form contains a section entitled 15/4 Alfred Baker House Deed Research -- a 9-page title chain for the property at 28901 Kemptown Road, which shows Alfred Baker's land ownership (Continuation Sheet Number 9, page 12). Recent research uncovered a survey plat in Equity Case 618/622 showing property of estate Alfred Baker (dec'd) in 1886, with depiction of house on site of house at 28901 Kemptown Rd. 1858, 1865, 1909, 1944, and later maps all show house at site of house at 28901 Kemptown Rd. -- 1858 and 1865 maps list house as "A. Baker." Real estate listing showing date of house as 1890 was taken from tax records -- tax records often incorrect re: age of older buildings. Re: age of rear sections of dwelling house, the rear sections may in fact have been added after 1886 -- the 1886 survey plat shows only a 3-bay by 2-bay house on the site. Note, however, dwelling house sections that face rivers are sometimes earlier than sections facing the street in rural areas of Montgomery County.</p>
15	David Parker/Self	28420 Kemptown Road	15/8	<p>Opposes designation. Bought property in '91 solely because there was no committee or association to tell him what to do with house. House built in 1884, is an old farm house, tries to maintain as it was when purchased. Owner is recently retired, with limited income, maintain and preserves house himself.</p>	<p>Re: criteria for designation, staff draft in paragraph four identifies criteria as 1a, 1c, and 1d (page 15 of pdf, page 9 on document), staff report (page 7) identifies same criteria, and MHT (MHP) form explains that Alfred Baker's farmstead and life shed light on the development of Methodism in Maryland, the way of life of circuit riders and their families in farming communities, and the spread of the Methodist Protestant Church in the Upper Patuxent. Upper Patuxent has a strong Methodist heritage -- no other denominations existed in the area in the 19th and early 20th centuries. Staff report notes that the Alfred Baker House is the only identified historic resource in Upper Patuxent known to be home of a Methodist Protestant minister and circuit rider. He preached locally, at Brown's Chapel, the forerunner of today's Montgomery United Methodist Church. Hence, in accordance with: Criteria 1a, the Alfred Baker House has character interest, and value as part of the Methodist heritage and cultural characteristics of Montgomery County and Maryland; Criteria 1c, is identified with a person or group of persons (Methodist Protestant ministers, Methodist circuit riders) who influenced society; and Criteria 1d, exemplifies the Methodist/agricultural/extended family cultural, social, and historic heritage of Montgomery County and its Upper Patuxent communities.</p> <p>The Historic Preservation Ordinance does not require an Historic Area Work Permit for designated properties for ordinary maintenance, repair of exterior features, customary farming operations, and certain landscaping, and thus owners do not always have to interact with the Historic Preservation Commission. Available tax credits can help with maintenance.</p>

28515 Kemptown Road,
28800 Kemptown Road

15/8, 10/3 Speaking re: two properties: 28515 Kemptown Road [15/8 Clagettsville], and 28800 Kemptown Road [10/3 John Moxley House]. 28800 Kemptown Road is listed as not recommended for designation; speaker hopes that it is not designated. 28515 Kemptown Road put on the real estate market in November 2009, was listed as a tear down or big project for the qualified, listing noted floor not stable and cellar was flooded, also needs a new furnace. Small addition added to house years ago, siding added about 30 years ago. Value of property is the almost 10 acres of land. Currently two parties interested in purchasing. One is a landscaping business that wants to add buildings for storage of vehicles, eventually tear down the existing house, build a new home for their permanent residence. Property was perked in 1998 and approved for a four bedroom home that could be built but only if the existing home was torn down. Designating property as historic may prevent buyer from demolishing existing house in drastic need of repairs. Adding further restrictions on the listing would make it more difficult to sell in today's market. Asks that HPC remove this property for consideration in the Clagettsville Historic District. Noted that two years ago, her then 95-year-old mother telephoned a daughter to say that an unknown person was photographing property [10/3 John Moxley House]. When her daughter arrived, the person identified herself as someone from the historical committee. Noted that photographs now on internet for everybody to see without any written permission by the owner. Asks that Commission drives through Clagettsville -- of 63 homes on Route 80, only 21 built before 1950. Half of 21 if not more have been altered in some way from their original structures either by additions, new sidings, new windows, etcetera. Shows Commission copy of book, *Nehemiah Moxley and His Clagettsville Sons*. Has ancestry of speaker's family, asks Commission to take a look since it is quoted in staff documents.

Re: 28515 Kemptown Road, property is recommended as part of 15/8 Clagettsville HD. Dwelling house has good to high integrity, and because of its status as a Moxley property in Clagettsville is recommended as a contributing resource. Note that a landscape contracting business in the RDT zone requires approval of a landscape contractor special exception by the Board of Appeals (see Montgomery County Zoning Ordinance, Section 59-G.2.30.00). If designated on the Master Plan for Historic Preservation, tax credits could help substantially to rehabilitate the property, and designation does not necessarily preclude additions to the dwelling, demolitions, or alternative uses of property. Re: 28800 Kemptown Road, property is not recommended for designation. Staff was in contact with family before visiting the property, and details can be provided. Photographs provided on web to allow greater public participation. HPC voted on 1.20.2010 to recommend that the resource not be designated.

**HPC
PUBLIC SUBMITTALS
RECEIVED**

JANUARY 21 to FEBRUARY 16, 2010

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

February 15, 2010

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

Via email to: sandra.youla@mncppc-mc.org
kevin.manarolla@mncppc-mc.org

Re: Supplement to January 11, 2010, Response to *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources and Maryland Historical Trust Maryland Inventory of Historic Properties Form Inventory No. 15-29*

- (1) Designation of Resource 15/29 Etchison Historic District ("District") on *Master Plan for Historic Preservation ("Master Plan")*
- (2) Designation of Option 3 on *Master Plan*

Dear Ms. Youla:

As the property owners of 24200 Laytonsville Road within the District, we write this letter to supplement our January 11, 2010, letter to you urging the Historic Preservation Commission ("HPC") *not* to designate the District on the *Master Plan*.

HPC Should *Not* Designate District on *Master Plan*.

We agree with David S. Rotenstein's January 18, 2010, memorandum to the HPC urging the HPC *not* to designate the District on the *Master Plan*. In particular, Mr. Rotenstein notes:

The recommendations contained in the designation documents to [sic] 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. [footnote omitted] Etchison does not appear to represent a "significant *and* [emphasis original] 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.

2/15/10
Ms. Youla
Page 2 of 2

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.

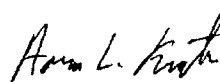
For the above reasons and the reasons in our January 11, 2010, letter to you, the HPC should *not* designate the District on the *Master Plan*.

Option 3 is Best Option.

In the event that the HPC decides to designate some of Etchison's properties on the *Master Plan*, it should designate Option 3, which includes only those properties that form the core of historical Etchison. The remaining properties, including 24200 Laytonsville Road, add little to the historical value of Etchison and therefore should not be burdened by historical designation.

In particular, for the reasons in our January 11, 2010, letter to you, 24200 Laytonsville Road has not retained any historical or architectural significance. Therefore, the property has not retained enough integrity to qualify as a District-level resource and should be excluded from the District.

Sincerely,


Aaron L. Kimber


Mary Clare H. Kimber

From: Anewdayfarm@aol.com[SMTP:ANEWDAYFARM@AOL.COM]
Sent: Tuesday, February 16, 2010 2:30:32 PM
To: MCP-Historic
Subject: Etchison
Auto forwarded by a Rule

24111 Hipsley Mill Road
Gaithersburg, MD 20882 (Etchison)

February 15, 2010

Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Etchison

After attending and testifying on behalf of Mt. Tabor United Methodist Church in Etchison on January 12, 2010, I wanted to follow up with this letter.

At the hearing, it was announced that there are three options for Etchison. My husband and I strongly recommend that Option 3 be considered. This would be a reasonable option since the buildings in that area (store, motorcycle shop, and several houses truly are historic).

Please do not include all the 50s and 60s homes in a "historic district".

Thank you for your consideration.

Sincerely,

Thomas R. King

Jane E. King

-----Original Message-----
From: MCP-Historic
Sent: Tuesday, February 16, 2010 2:42 PM
To: Whipple, Scott
Subject: FW: Etchison Historic District

>
>-----
>From: thelecksfarm@aol.com[SMTP:THELECKSFARM@AOL.COM]
>Sent: Tuesday, February 16, 2010 2:41:36 PM
>To: MCP-Historic
>Subject: Etchison Historic District
>Auto forwarded by a Rule
>

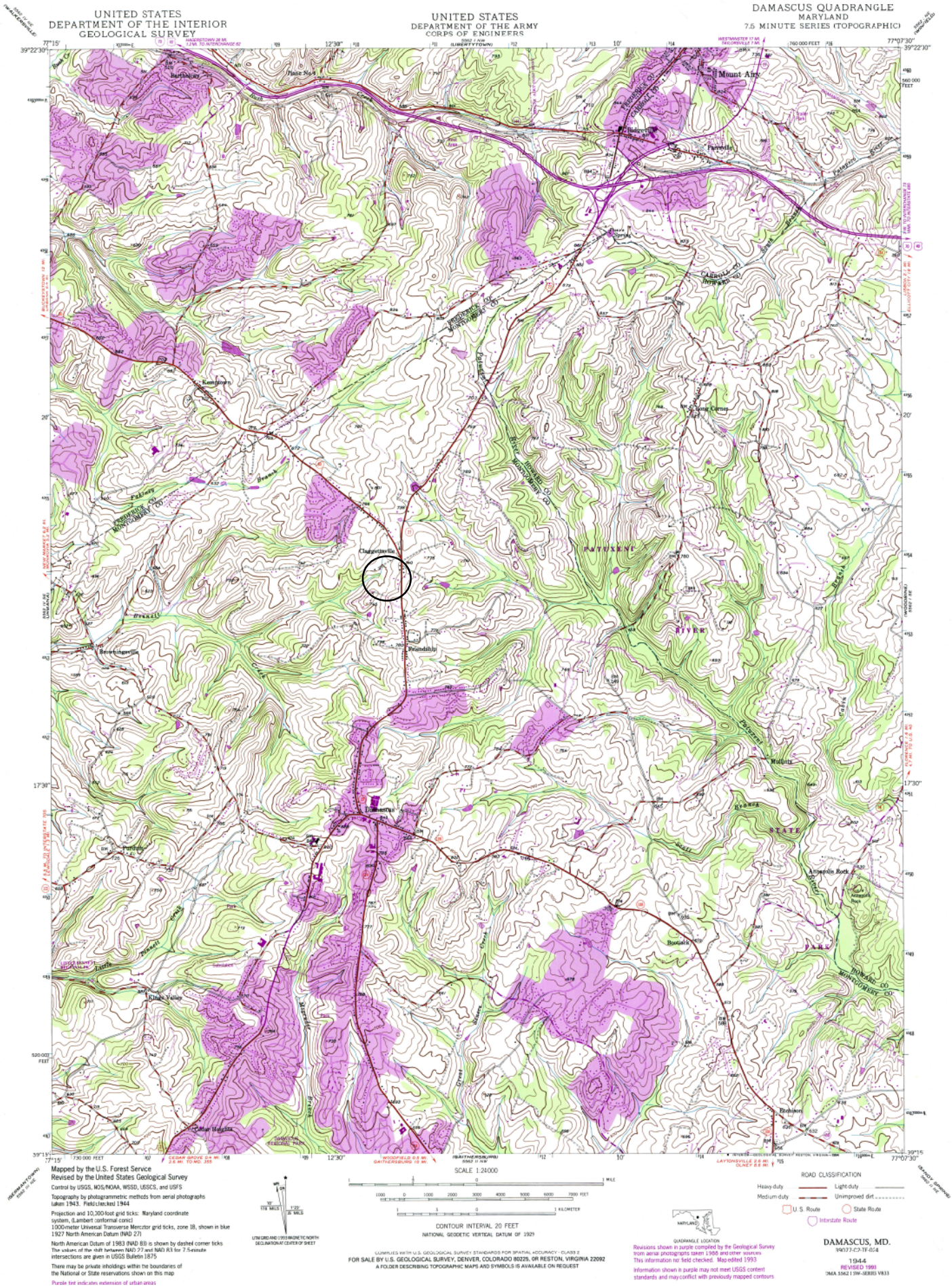
WE ARE IN FAVOR OF OPTION 3 ONLY. PLEASE REMEMBER ALL THE TESTMONIES
THAT WERE GIVEN AT THE LAST HEARING.

WE ARE NOT IN FAVOR OF HISTORIC DESIGNATION FOR THIS AREA. HOWEVER,
WE FEEL THAT WE COULD LIVE WITH OPTION 3.

PLEASE TAKE OUR COMMENTS INTO CONSIDERATION WHEN YOU VOTE.

GEORGE AND CAROLYN LECHLIDER

10/1 Friendship, 28110 Ridge Road



Mapped by the U.S. Forest Service
 Revised by the United States Geological Survey
 Control by USGS, MGS/MOAA, WSSD, USGS, and USFS
 Topography by photogrammetric methods from aerial photographs taken 1943. Photochecked 1944
 Projection and 10,000-foot grid ticks: Maryland coordinate system, (Lambert-conformal conic)
 1000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue
 1927 North American Datum (NAD 27)
 North American Datum of 1983 (NAD 83) is shown by dashed corner ticks
 The values of the north-south and east-west grid ticks for 7.5-minute intersections are given in USGS Bulletin 1875
 There may be private inholdings within the boundaries of the National or State reservations shown on this map
 Purple line indicates delineation of urban areas



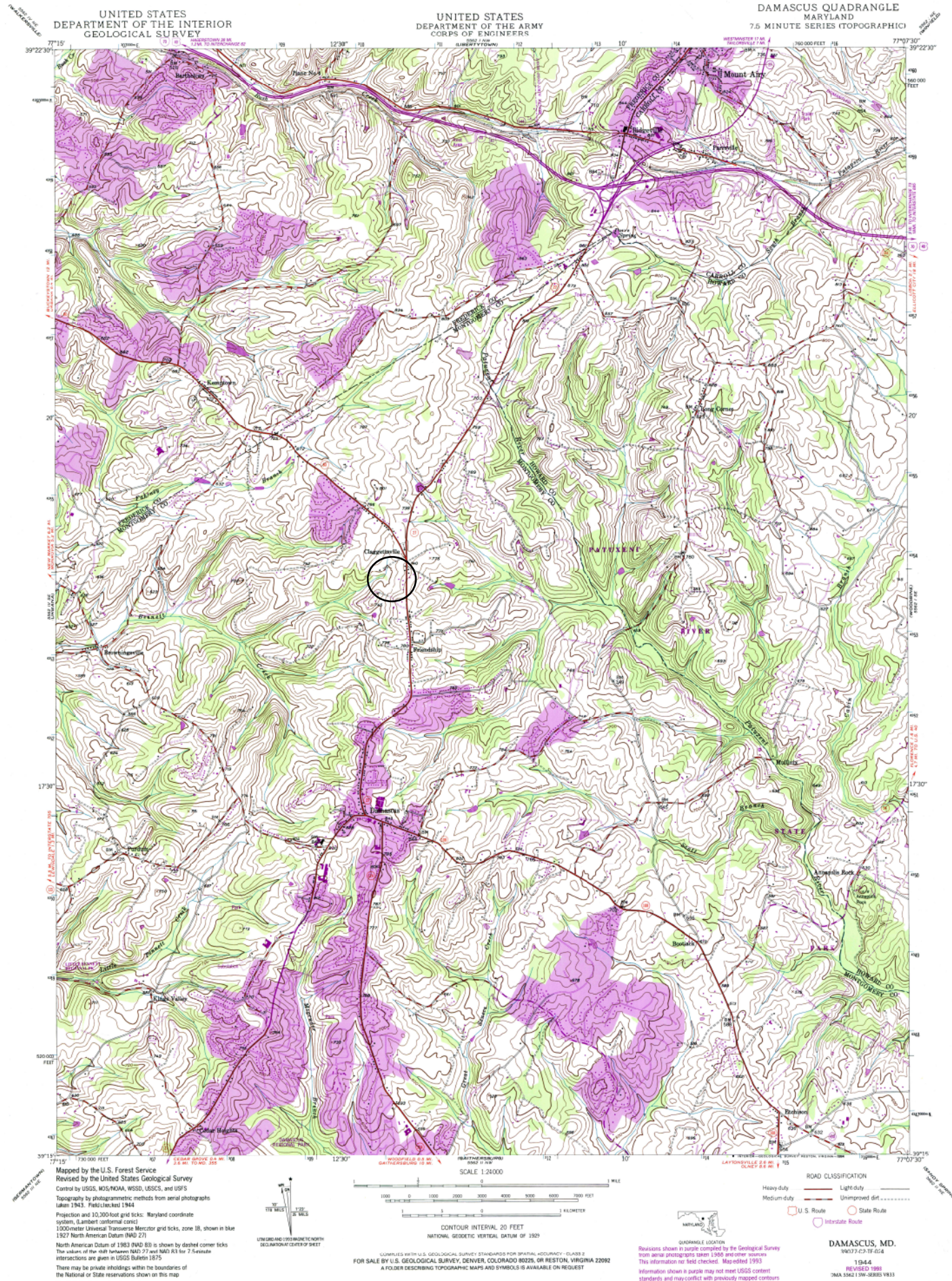
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 0 1 2 3 4 5 6 7 8 9 10 KILOMETER
 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
 Heavy duty ——— Light duty ———
 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

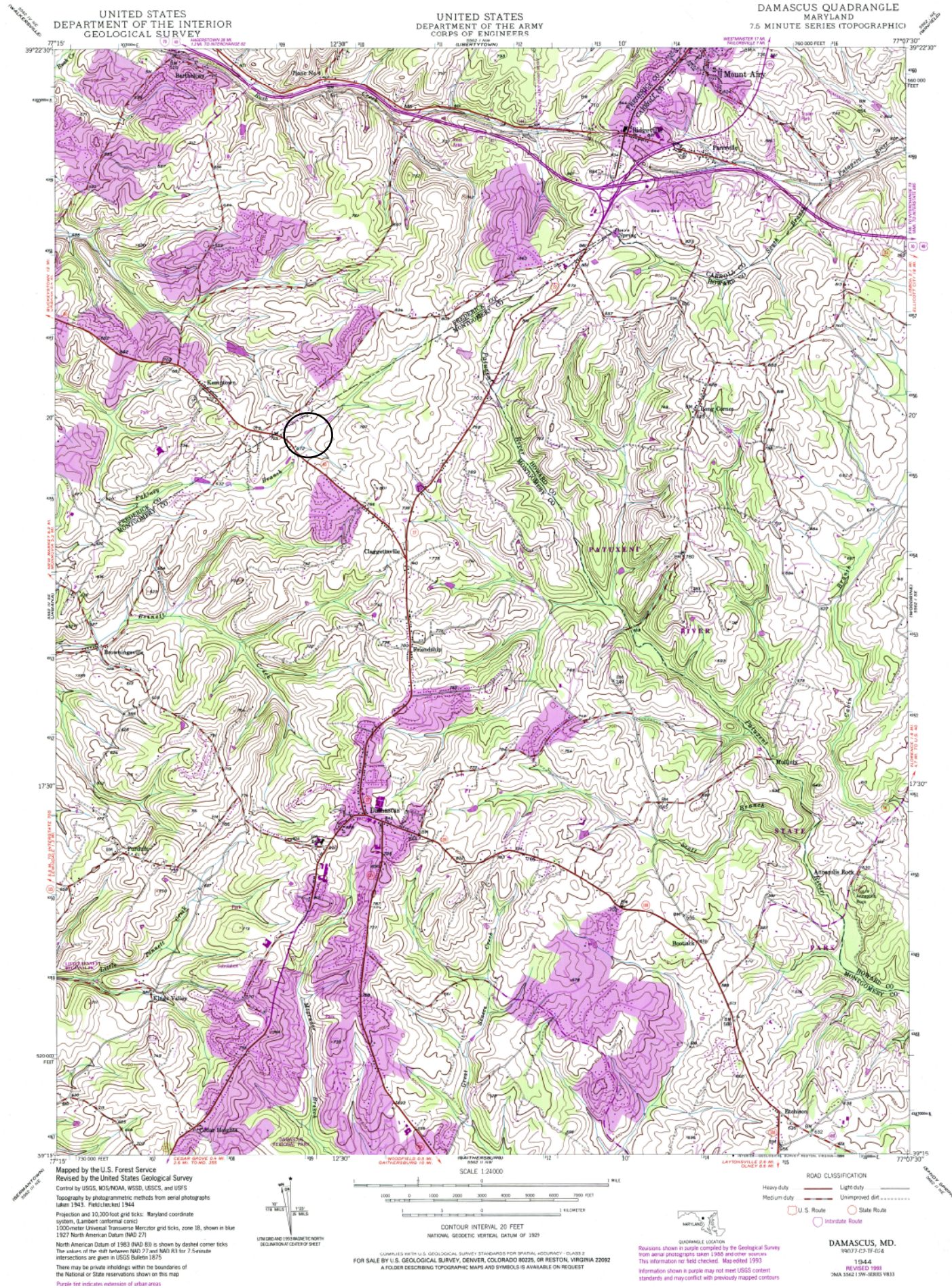
QUADRANGLE LOCATION
 Revisions shown in purple compiled by the Geological Survey from aerial photographs taken 1950 and other sources. This information not field checked. Mapped 1993
 Information shown in purple may not meet USGS content standards and may conflict with previously mapped contours

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 1544
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 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



15/4 Alfred Baker House, 28901 Kempton Road

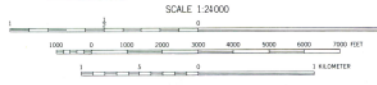


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CORPS OF ENGINEERS

DAMASCUS QUADRANGLE
MARYLAND
7.5 MINUTE SERIES (TOPOGRAPHIC)

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Revised by the United States Geological Survey
Control by USGS, NGS/MOAA, WSSD, USGS, and USFS
Topography by photogrammetric methods from aerial photographs
taken 1943. Fieldchecked 1944
Projection and 10,000-foot grid ticks: Maryland coordinate
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1000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue
1927 North American Datum (NAD 27)
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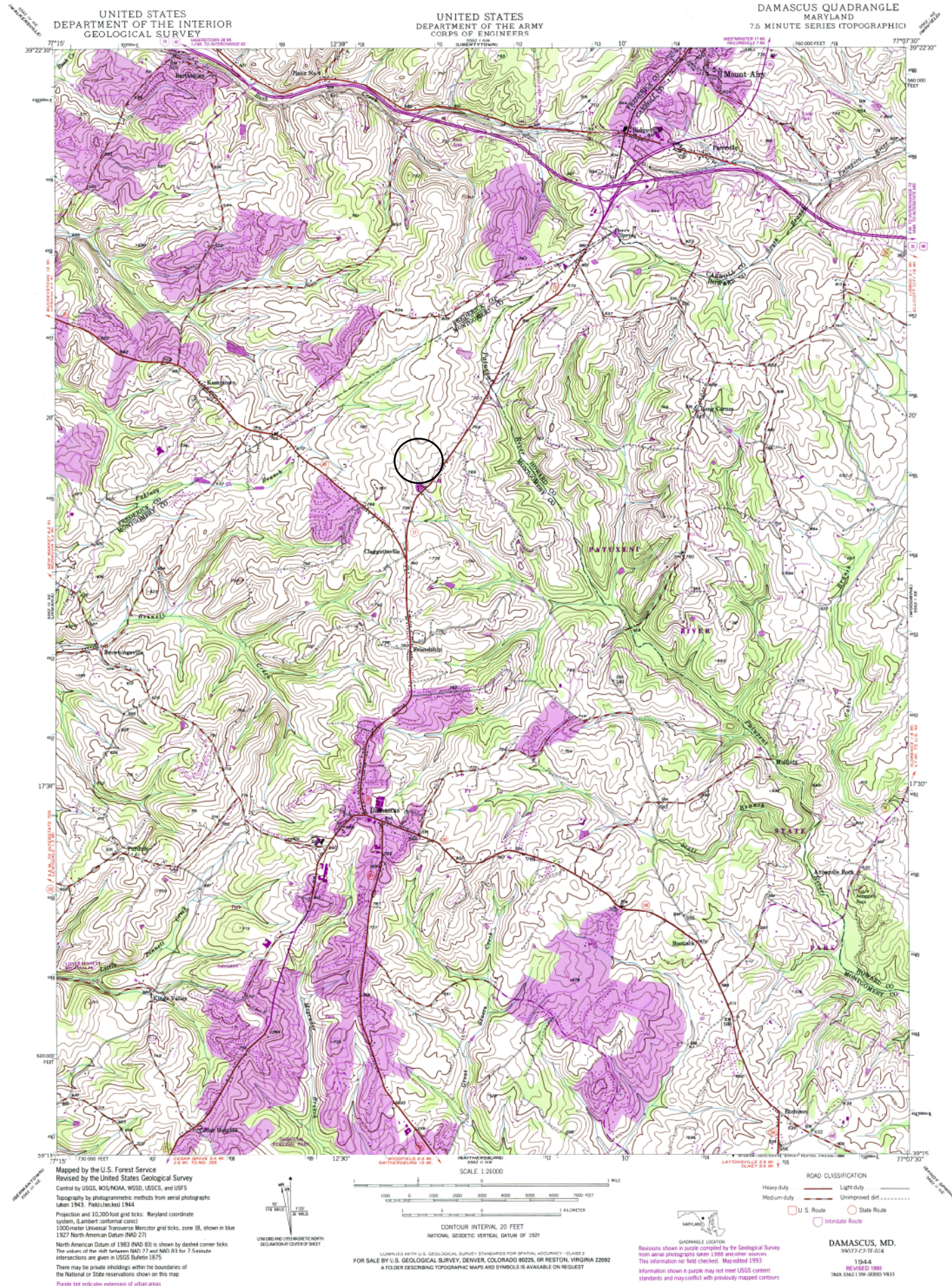


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DAMASCUS, MD.
1944
REVISED 1993
DMA 1562 1 5W-SERIES V833

15/5 Molesworth-Burdette Farm, 28600 Ridge Road

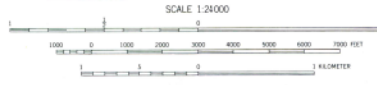


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DAMASCUS QUADRANGLE
MARYLAND
7.5 MINUTE SERIES (TOPOGRAPHIC)

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Topography by photogrammetric methods from aerial photographs
taken 1943. Photochecked 1944
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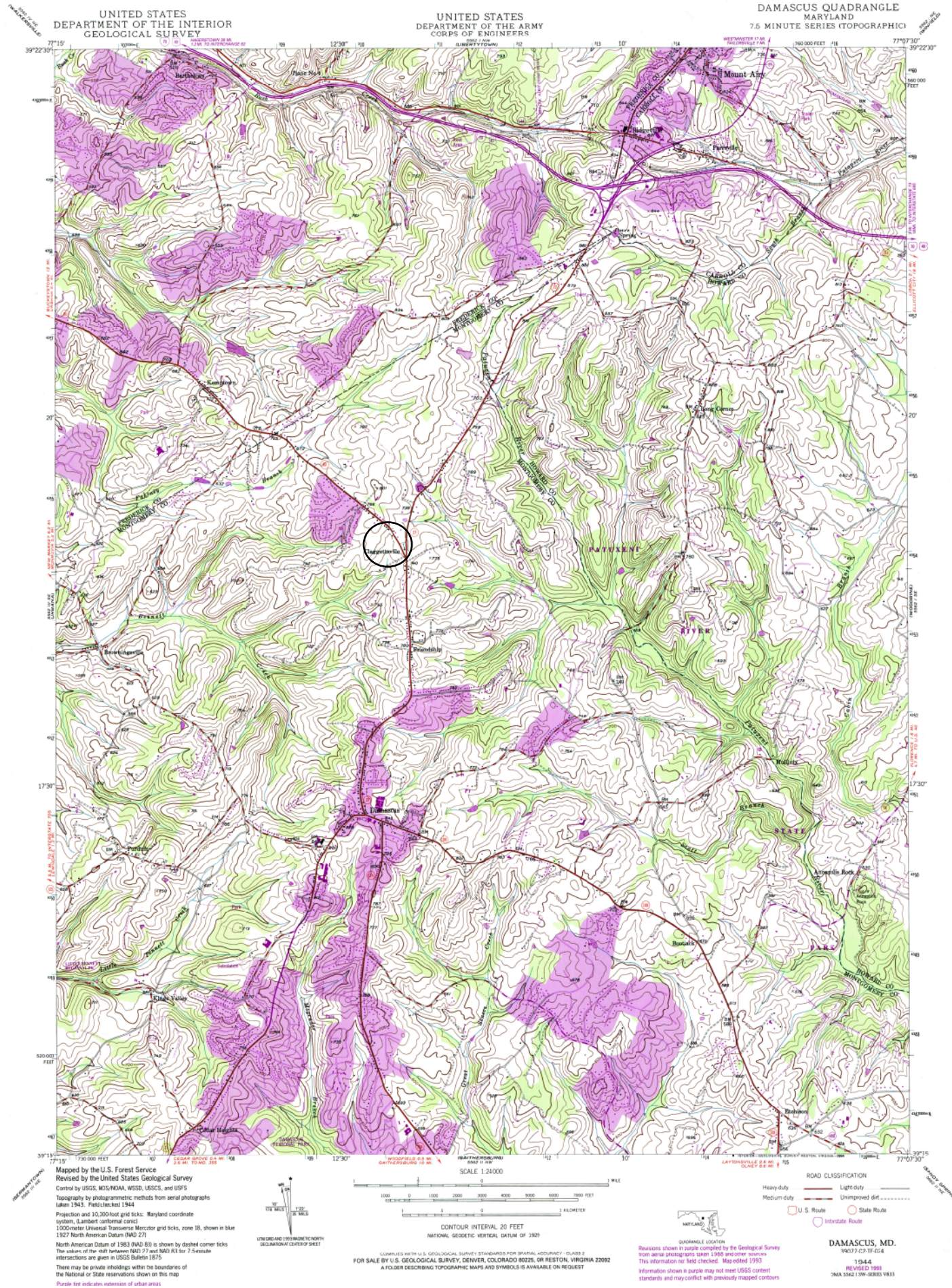


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15/8 Clagettsville Historic District



15/13 Shipley-Mullinix Farm, 27001 Mullinix Mill Road



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 Topography by photogrammetric methods from aerial photographs
 taken 1943. Photochecked 1944
 Projection and 10,000-foot grid ticks: Maryland coordinate
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 1000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue
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 Purple line indicates delineation of urban areas.



SCALE 1:24,000
 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
 Heavy duty ——— Light duty ———
 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

QUADRANGLE LOCATION
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 DMA 1542 1 5W-SERIES 9833

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15/16 Clagett-Brandenburg Farm and Tobacco House, 26360 Mullinix Mill Road



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 Topography by photogrammetric methods from aerial photographs
 taken 1943. Photochecked 1944
 Projection and 10,000-foot grid ticks: Maryland coordinate
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SCALE 1:24,000
 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
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 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

QUADRANGLE LOCATION
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15/17 Sarah Brandenburg Farm, 26301 Mullinix Mill Road



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 Control by USGS, MGS/MOAA, WSSD, USGS, and USFS
 Topography by photogrammetric methods from aerial photographs
 taken 1943. Photochecked 1944
 Projection and 10,000-foot grid ticks: Maryland coordinate
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 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
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 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

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15/17 Sarah Brandenburg Farm, 26301 Mullinix Mill Road



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 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
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 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

QUADRANGLE LOCATION
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DAMASCUS, MD.
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 DMA 1362 1 3W-SERIES V833

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 Topography by photogrammetric methods from aerial photographs taken 1943. Field checked 1944.
 Projection and 10,000-foot grid ticks: Maryland coordinate system, (Lambert-conformal conic)
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 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

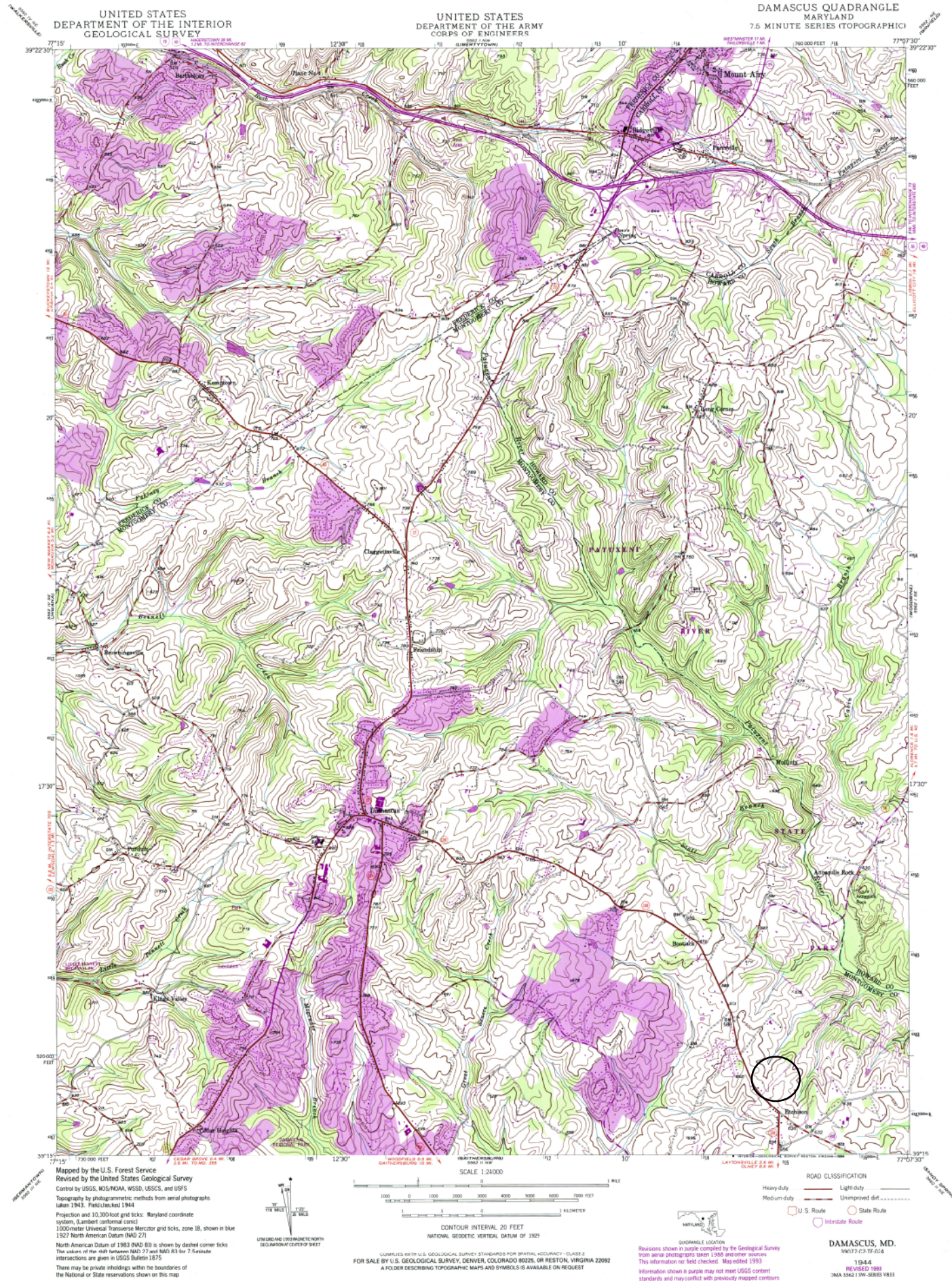
ROAD CLASSIFICATION
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 Medium duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 Interstate Route ———

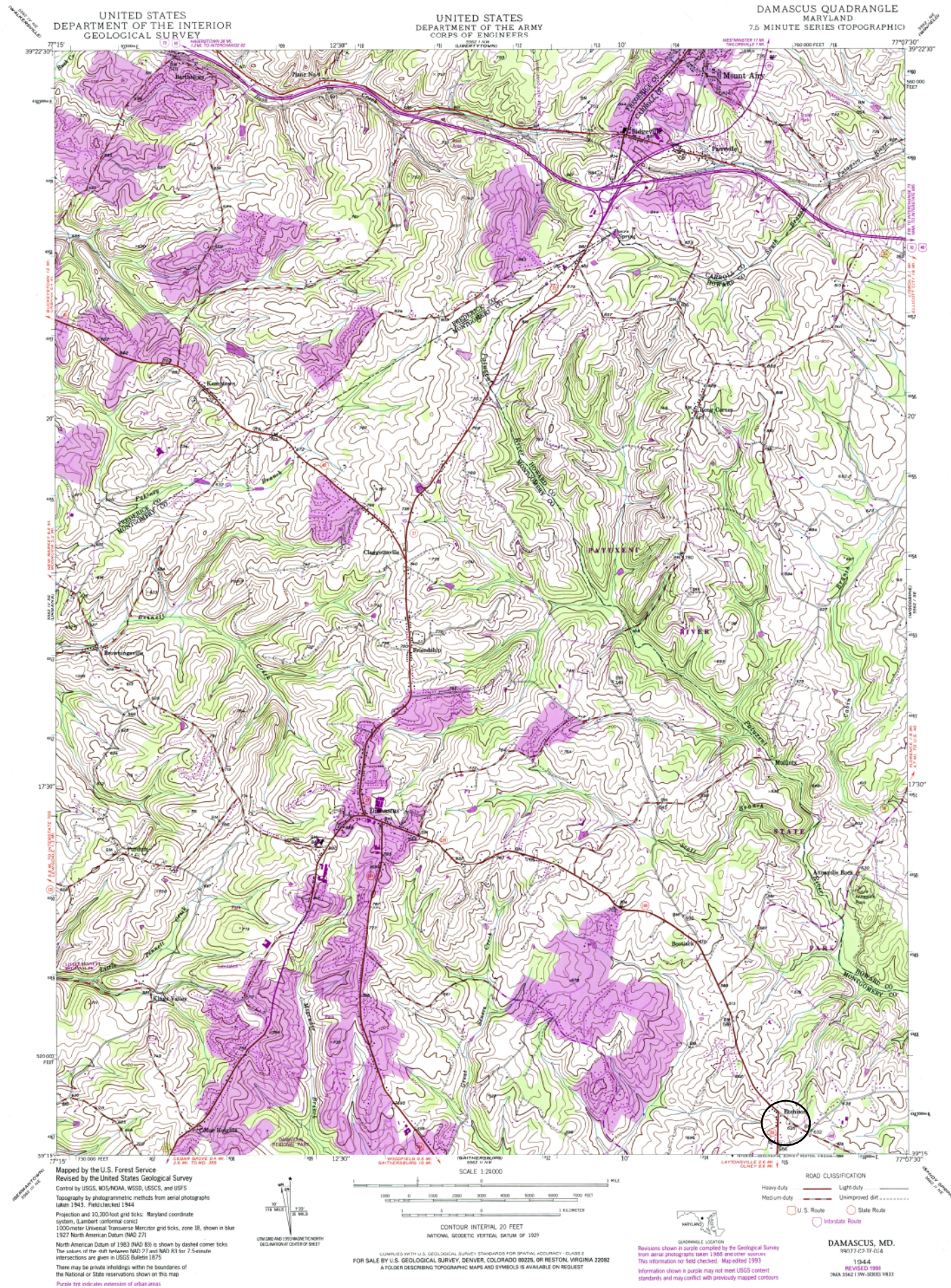
QUADRANGLE LOCATION
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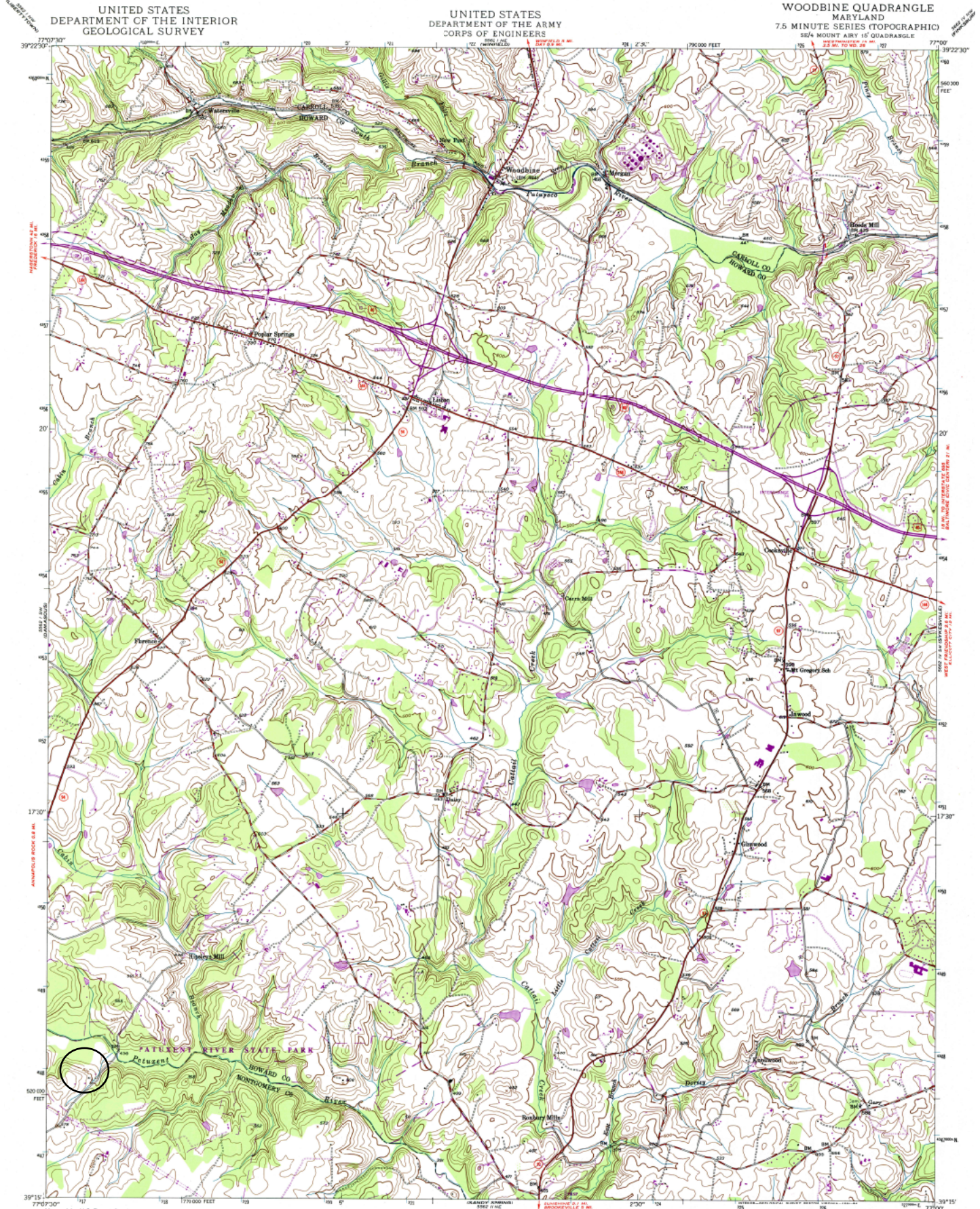
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15/28 Luther Moore Farm, 7201 Damascus Road





15/71 Chrobot House, 24724 Hipsley Mill Road



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 Edited and published by the Geological Survey
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 Topography from aerial photographs by KEK plotter 1944
 Aerial photographs taken 1943-1945. Field check 1945
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Maryland coordinate system
 1000-meter Universal Transverse Mercator grid ticks,
 zone 18, shown in blue
 To place on the projected North American Datum 1983
 move the projection lines 8 meters south and
 26 meters west as shown by square corner ticks
 There may be private inholdings within the boundaries of
 the National or State reservations shown on this map
 Boundary lines shown in purple compiled from latest
 information available from the controlling authority

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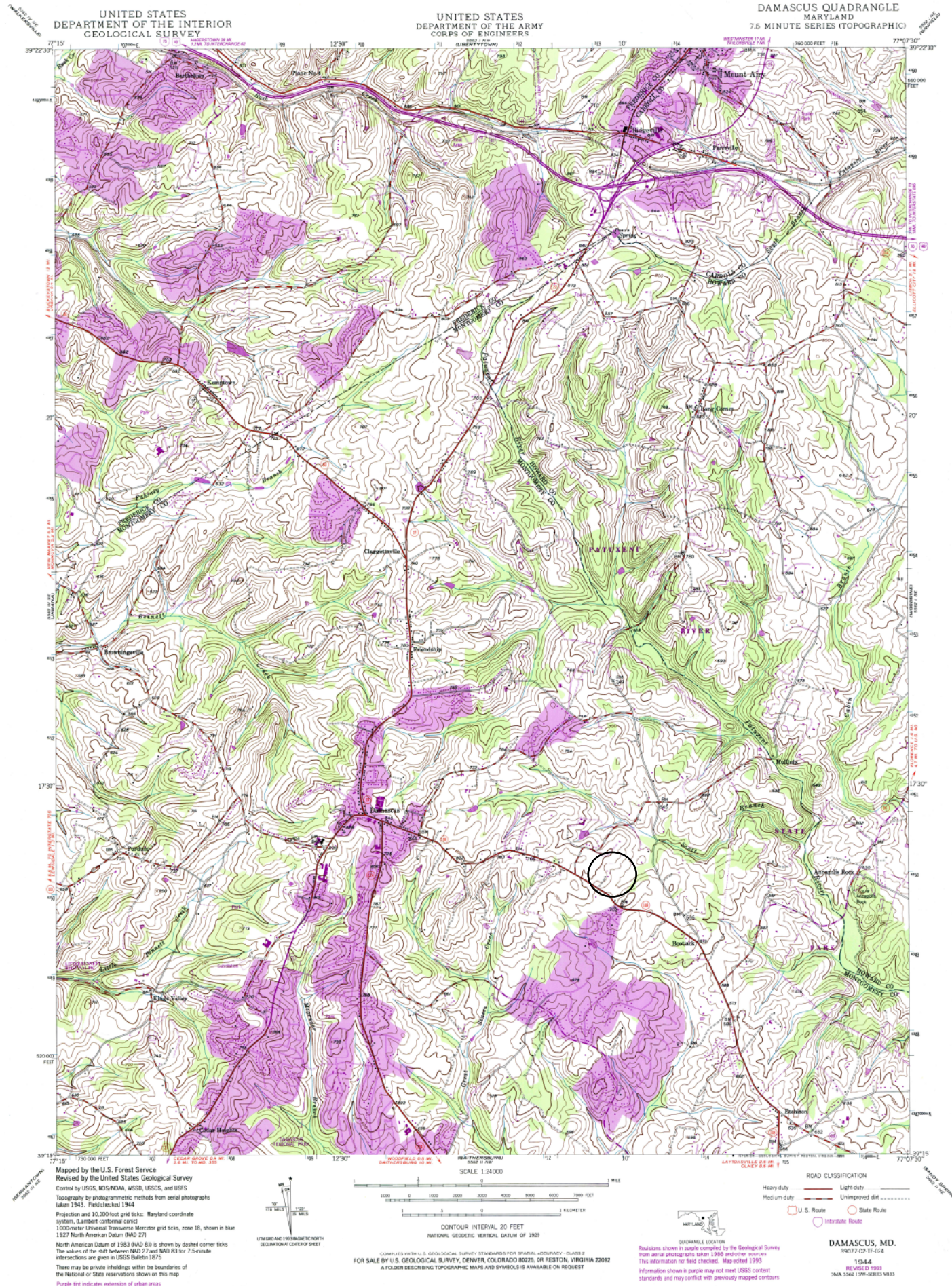
WOODBINE QUADRANGLE
 MARYLAND
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 5024 MOUNT AIRY 15' QUADRANGLE
 23 50' TO 55' 00" W
 39 15' TO 20' 00" N

SCALE 1:24,000
 1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
 1 KILOMETER
 CONTOUR INTERVAL 20 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
 Heavy-duty Light-duty
 Medium-duty Unimproved dt
 U.S. Route State Route

WOODBINE, MD.
 SE 1/4 MOUNT AIRY 15' QUADRANGLE
 N3915-W7700/75
 PHOTOGRAPHED 1979
 DMA 5962 1 SE-SERIES 1633

THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST
 Revisions shown in purple compiled by the Geological Survey from
 aerial photographs taken 1977. This information not field checked
 Map edited 1979



15/117 Mt Lebanon School/Site of Mt Lebanon ME Church, 26130 Mullinix Mill Road

