



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

**HPC**  
**Item # 1**  
**4/28/2010**

**MEMORANDUM**

**DATE:** April 21, 2010

**TO:** Historic Preservation Commission

**FROM:** Clare Lise Kelly, Research and Designation Coordinator (301-562-3400)  
Sandra Youla, Historic Preservation Planner  
Urban Design and Preservation Division/Montgomery County Planning Department

**VIA:** Scott Whipple, Historic Preservation Supervisor

**SUBJECT:** Worksession on Individual Sites in Clagetsville and Etchison for a Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Resources

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On April 28, 2010, the Historic Preservation Commission (HPC) will hold a worksession to consider certain individual potential historic sites that were the subject of a public hearing on April 14, 2010. These individual sites, located in Clagetsville and Etchison, are the last group of Upper Patuxent resources under the HPC review begun in January 2010. The resources are being considered for designation on the Master Plan for Historic Preservation.

**The Commissioners are asked to bring their copies of the April 14, 2010 staff report, with Appendices, including the MIHP forms for each resource under review. Also bring the *Staff Draft Amendment to the Master Plan for Historic Preservation: Upper Patuxent Resources (December 2009)*. These documents are available online at <http://montgomeryplanning.org/historic/UpperPatuxent/>**

The individual sites that are the subject of this worksession are the following:  
15/8-1 Montgomery Chapel MP Church and Cemetery, 28201 Kemptown Road  
15/8-2 Ira Moxley/Harvey Moxley House, 28318 Kemptown Road  
15/8-3 Robert B & Susan Moxley House, 28322 Kemptown Road  
15/8-4 Lewis Easton House, 28408 Kemptown Road  
15/8-5 Ottie and Tressie Moxley House, 28411 Kemptown Road  
15/8-6 Ollie and Lelia Moxley House, 28515 Kemptown Road  
15/29-1 Mt Tabor ME Church and Cemetery 24101 Laytonsville Road  
15/29-2 Walter and Ida Allnutt House, 6920 Damascus Road

At the conclusion of the worksession on the above resources, the Commission will also take a vote to reconfirm the vote of January 14, 2010 regarding removal of historic sites from the Locational Atlas as recommended in the Staff Draft Amendment.

Attached are public testimony and submissions received since the April 14 staff report.

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**MONTGOMERY**  
**PRESERVATION**

Post Office Box 4661  
Rockville, MD 20849-4661

Web: [www.montgomerypreservation.org](http://www.montgomerypreservation.org)  
Email: [mpi@montgomerypreservation.org](mailto:mpi@montgomerypreservation.org)

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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  
PUBLIC HEARING AND WORKSESSION ON INDIVIDUAL SITES  
IN CLAGETTSTVILLE AND ETCHISON  
FOR A DRAFT AMENDMENT TO THE MASTER PLAN FOR HISTORIC RESOURCES  
Lorraine J. Pearsall

April 14, 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 staff's recommendations for the designation of six individual resources in Clagetsville: the Montgomery Chapel Methodist Protestant Church and Cemetery; the Ira Moxley/Harvey Moxley House, the Robert B. and Susan Moxley House, the Lewis Easton House, the Ottie and Tressie Moxley House, the Ollie and Lelia Moxley House. We also support staff's recommendation to designate the Walter and Ida Allnutt House in Etchison. These resources are truly outstanding.

It is difficult for us to not support the designation of the Mount Tabor Church and Cemetery. While the church is covered in new siding, we wonder if the original material is present underneath. The tower entry enclosure does not appear to have removed original material or a substantial amount of it, and could conceivably be reversed by the church at a future time. We do realize that the original belfry has been removed. In the case of this resource, MPI is not taking a firm stand either against or for designation at this time.

The historic resources in the Upper Patuxent area are extremely worthy of preservation for future generations. We urge you in the strongest possible way to recommend designation of the outstanding seven resources discussed in the staff memorandum of 4-07-10 to the Master Plan for Historic Preservation. We also look forward to hearing your deliberation on the Mount Tabor Church. Deliberate with wisdom.

Thank you.



## All Star Home Inspection, Inc.

22716 Robin Ct.  
Gaithersburg, MD. 20882  
301-253-3262  
*InspectWithAllStar.com*

### Structural Inspection Report

4/8/2010

For

28515 Kemptown Rd.  
Damascus, MD 20872

**Client:**

Donna Isaacs  
Moxley Farm LLC  
28601 Kemptown Rd.  
Damascus, MD 20872

The house at 28515 Kemptown Rd was built in three stages. The original 131 year old structure had an addition built in the right rear, currently being used as a kitchen. The second addition was built in the left rear and is now being used for a bathroom and laundry.

The original portion of the house was built on a field stone foundation using soft mortar between the stones. The foundation encloses a cellar approximately 10' x 12' on the left (as viewed from the house front) and a crawlspace over soil for the remainder of the house. The cellar has about a foot of water on the dirt/mud floor. Two broken sump pumps, five discarded water heaters, a badly rusted, derelict oil furnace and a functioning, rusty electric water heater standing in the water indicate a chronic intrusion of water into this area and an electrical shock hazard waiting to happen. The foundation has failed over time. On the left side there is an amateur rebuild of the stone. The rebuilt wall intrudes approximately 8 inches inside of the original foundation plumb lines for a lateral distance of approximately 4 feet. The rebuild was done using the original stone with newer hard mortar. In other locations of the front, rear, and left side other amateur pointing up repairs done with new hard mortar. In the right rear corner, the foundation was removed to accommodate forced air ductwork into the kitchen addition. The lack of foundation bearing in this area has caused a settlement of the wooden portion of the house above.

The oak floor joists are sitting directly on the stone foundation. There are holes from countless boring insects obvious throughout the joists. The joists and flooring above the now abandoned oil furnace are charred and blackened from the heat generated by the furnace when it did work.

The kitchen addition was built with block on three sides over a dirt floor crawlspace. There was no access to this area until the stone foundation wall was removed to accommodate the forced air ductwork. The small hole space remaining under the ductwork precludes entry and scrutiny by this inspector.

The second addition has a block foundation on three sides. There is a floor structure below the current floor level. The lower floor is now partially supported by concrete blocks stacked on the bare soil. In some areas the joists are rotted. In other areas there is evidence of wood boring activity from insects. Cut floor joists in the cellar hatch area offer poor support. At some time a second floor was amateur built over the first using 2x4

joists. Two by fours have never offered acceptable floor support in conventional construction. This new floor used the old floor to hold it up. Currently, the second layer of flooring with the clothes washer and dryer and full bathroom on top, slopes precipitously to the cellar access hatch.

This inspector speculates that the second addition was originally a porch built in a conventional manner. An amateur cut a hole through the floor to access the cellar, which may have been hand dug after the original house was built. The floor hatch hole cut through floor joists and required the concrete blocks to hold up the joist ends. At a later time the porch space was enclosed and the second floor height was built to the same elevation as the kitchen. Surface and ground water running into the cellar allowed for damp wood rot and caused the entire double floor structure to settle.

Submitted by;



Bill Gray  
President  
All Star Home Inspection, Inc  
[inspectWithAllStar.com](http://inspectWithAllStar.com)  
301-253-3262

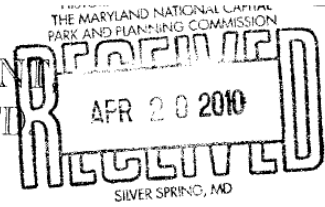
Wood Destroying Insect Inspection Report			Notice: Please read important consumer information on page 2.
<b>Section I. General Information</b> Inspection Company, Address, & Phone: <b>Superior Pest Management LLC</b> <b>PO Box 916</b> <b>Ashburn, VA 20146 (866)404-1921</b>	<b>Company's Business Lic. No:</b> <b>25990</b>	<b>Date of Inspection</b> <b>4/6/2010</b>	
<b>Address of Property Inspected</b> <b>28515 KEMPTOWN RD</b> <b>DAMASCUS, MD 20872</b>		<b>Inspector or Authorized Signature - Print Inspector's Name - Certification/Credentialing # if applicable:</b> <div style="text-align: center; margin-top: 10px;"> <b>JEREMY LASKIN</b> </div>	
<b>Inspector or Authorized Signature - Print Inspector's Name - Certification/Credentialing # if applicable:</b> <div style="text-align: center; margin-top: 10px;"> <b>JEREMY LASKIN</b> </div>		<b>Structure(s) Inspected:</b> <b>HOUSE</b>	
<b>Section II. Inspection Findings</b> This report is indicative of the condition of the above inspected structure(s) on the date of the inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestation or defects. Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:  <input type="checkbox"/> A. No visible evidence of wood destroying insects was observed. <input checked="" type="checkbox"/> B. Visible evidence of wood destroying insects was observed as follows: (See attached diagram) <input checked="" type="checkbox"/> 1. Live insects (description and location): <b>CARPENTER BEES</b> <input checked="" type="checkbox"/> 2. Dead insects parts, frass, shelter tubes, exit holes, or staining (description and location): <b>TERMITE MUD TUBES AND POWDER POST BEETLE EXIT HOLES</b> <input checked="" type="checkbox"/> 3. Visible damage from wood destroying insects was noted as follows (description and location): <b>TO CRAWL FROM POWDER POST BEETLES AND TO DECK BY CARPENTER BEES</b>  <small><b>NOTE: This is not a structural damage report.</b> If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs. Maryland regulations require the inspector indicate, if known, whether the damage indicated by this report has, or will be, corrected or further evaluated. Unless disclosed in Section V, below, the inspector does not know the disposition of the listed damage.</small> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It appears that the structure(s) or a portion thereof may have been previously treated. Evidence of possible previous treatment:			
The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.			
<b>Section III. Recommendations/Treatment</b> <input type="checkbox"/> No treatment recommended: (Explain if Box B in Section II is checked) <input checked="" type="checkbox"/> Recommend treatment for the control of <b>TREAT FOR TERMITES, POWDER POST BEETLES AND CARPENTER BEES</b> <input type="checkbox"/> Proper control measures were performed by this inspection company for insect evidence listed in II. B., above.			
<b>Section IV. Obstructions &amp; Inaccessible Areas</b> The following areas of the structure(s) inspected were obstructed or inaccessible:		The Inspector may write out obstructions or use the following optional key:	
<input type="checkbox"/> Basement <input checked="" type="checkbox"/> Crawlspace <b>1 3 4 7 11 13 14 15 16 21 24</b> <input checked="" type="checkbox"/> Main Level <b>1 3 4 5 6 7 8 9 11 13 24</b> <input checked="" type="checkbox"/> Attic <b>11 NO LADDER</b> <input type="checkbox"/> Garage <input checked="" type="checkbox"/> Exterior <b>15 16 17 24</b> <input checked="" type="checkbox"/> Porch <b>12</b> <input type="checkbox"/> Other	1. Free ceiling 2. Structural ceiling 3. Electrical covering 4. Floor covering 5. Insulation 6. Plywood sheathing 7. Siding 8. Foundation 9. Appliances 10. Air conditioning 11. Utility areas 12. No access to area 13. Utility vessel access 14. Covered porch 15. Siding water 16. Dense vegetation 17. Concrete overhang 18. Retained masonry 19. Wood pile 20. Snow 21. Unsafe conditions 22. High traffic 23. Structural damage 24. Other (specify)		
<b>Section V. Additional Comments and Attachments (these are an integral part of the report)</b> <b>Balance Due: \$35.00</b> <span style="float: right;"><b>No Warranty Given</b></span> <b>SUPERIOR IS NOT RESPONSIBLE FOR ANY PAST PRESENT OR FUTURE DAMAGES-</b> <b>TERMITE REPORT \$35.00 TERMITE TREATMENT \$450.00 POWDER POST BEETLE</b> <span style="float: right;"><b>See Graph</b></span>			
Attachments: _____			
Signature of Seller(s) or Owner(s) if refinancing. Seller acknowledges that all information regarding W.D.I. infestation, damage, repair, and treatment history has been disclosed to the buyer.  X Print name of Property Owner/Seller: _____	Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.  X		

CLIFFORD, DEBELIUS, BONIFANT  
FITZPATRICK & HYATT, CHT

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(301) 840-2232

fax (301) 975-9829



John W. Debelius (1926-1984)

James R. Clifford, Sr. (MD, VA)  
James J. Debelius (MD)  
James A. Bonifant (MD)  
E. Joseph Fitzpatrick, Jr. (MD, DC)  
Jerry W. Hyatt (MD, DC, WV)

April 16, 2010

Clare Lise Kelly  
Research & Designation Coordinator  
Historic Preservation Section  
Maryland National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Moxley Farm, LLC  
28515 Kemptown Road  
Damascus, MD 20872

Dear Clare:

As a follow up to our discussions earlier this week, I have enclosed for your reference a copy of the relevant section of the Code which allows for a subdivision exemption for this parcel due to its five acre plus prior to 1981.

As I explained, we are forced to fight the historic designation of the improvements on the parcel because we are painfully aware that there is no possibility of obtaining a perc beyond what has already been approved as a reserve field for the existing improvements. That reserve field can be used as a primary field for a newly constructed house should the existing improvements be torn down.

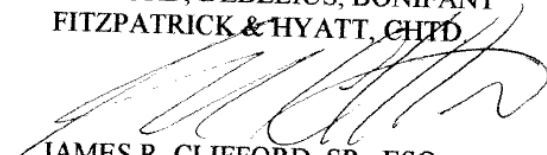
The economic conundrum my clients are faced with is that the existing old house consists of approximately 1,200 square feet and needs a minimum of \$100,000 in repairs. Once designated as historic, the house can't be altered to enlarge the structure sufficiently to render it usable. If an additional perc were possible (which it is not) we would relent to the County's request to keep the home so long as a new home could be constructed in the rear of the parcel. However, faced with significant repair expenses to render the house safe and usable is not economically feasible and the historic designation will only

force a "demolition by neglect" scenario which is too often the fate of these economically obsolete properties.

Thank you for your consideration of this letter.

Sincerely,

CLIFFORD, DEBELIUS, BONIFANT  
FITZPATRICK & HYATT, CHFD

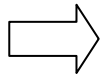


JAMES R. CLIFFORD, SR., ESQ.

JRC/dlh  
Enclosure

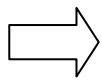
**59-C-9.74. Exempted lots and parcels-Rural Density Transfer zone.**

(a) The number of lots created for children in accordance with the Maryland Agricultural Land Preservation Program must not exceed the development rights assigned to the property.



(b) The following lots are exempt from the area and dimensional requirements of section 59- C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer zone.

(1) A recorded lot created by subdivision, if the record plat was approved for recordation by the Planning Board prior to the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.



(2) A lot created by deed executed on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.

(3) A record lot having an area of less than 5 acres created after the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone by replatting 2 or more lots; provided that the resulting number of lots is not greater than the number which were replatted.

(4) A lot created for use for a one-family residence by a child, or the spouse of a child, of the property owner, provided that the following conditions are met:

(i) The property owner can establish that he had legal title on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone;

(ii) This provision applies to only one such lot for each child of the property owner; and

(iii) Any lots created for use for one-family residence by children of the property owner must not exceed the number of development rights for the property.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 12-1, § 1; Ord. No. 12-76, § 1; Ord. No. 13-13, § 1.)

**Editor's note**—See County Attorney Opinion dated 11/11/11 explaining that a transfer of development rights easement continues to restrict development even when the underlying zoning of the property is changed.

CLK Note: Arrows added to indicate text highlighted in original document



From: Anewdayfarm@aol.com[SMTP:ANEWDAYFARM@AOL.COM]  
Sent: Friday, April 16, 2010 10:19:45 AM  
To: MCP-Historic  
Subject: Mt. Tabor Church  
Auto forwarded by a Rule

I attended the hearing on April 14th and several times the number of properties being considered for designation was mentioned as seven and there are eight properties on the list.

Would you please explain this discrepancy and please tell me that you've removed our church from the list.

I don't know how we can fully tell you how much this designation would detract from our business of doing the Lord's work -- we are a small church but we do so much for the community and the world. If we have to contend with this designation, it would dramatically detract from our true reason for existence in Etchison.

Thank you for your consideration,

Jane King  
301-253-3471

**From:** mgardner [mailto:mgardner71@comcast.net]  
**Sent:** Monday, April 19, 2010 5:42 PM  
**To:** 'MCP-historic@mcppc-mc.org'  
**Subject:** Mt Tabor United Methodist Church

Monday, April 19, 2010

From its inception Mt Tabor UMC has had a small membership. Since there are several large Methodist Churches in the area it does not seem likely that this church will grow it's congregation in the for seeable future. Our facilities are limited and can only support a small congregation.

I have been a member of Mt Tabor UMC for 50 years. I do not see a necessity of this church being placed in historic preservation. The property consists of the church, a grave yard, and an old building on the side. This building has already under gone major irreversible alterations. With the location of this small complex at the corner of Hipsley Mill Road and state road # 108 there is no room for expansion.

This church is governed by the Baltimore Washington Conference of the United Methodist Church. This organization holds the property in trust. This organization has already denied additions to the building because of the visual effects that it may cause.

I am requesting that this property not be designated as historical for the above reasons. Thank you for your consideration in the matter.

George E. Gardner Sr.  
Lay Leader of Mt Tabor UMC

**From:** Lisa Benton[SMTP:LISAB@WALKERPOOLE.COM]  
**Sent:** Tuesday, April 20, 2010 2:06:18 PM  
**To:** MCP-Historic  
**Subject:** Historic Preservation Commission  
**Auto forwarded by a Rule**

To Whom It May Concern,

I am writing this letter to advise that as a member of Mt Tabor United Methodist Church, we do not want to be included in the historic designation. Being a congregation since 1881, we certainly plan to continue the legacy and want to make our own decisions about the property. We do not want to be constrained by regulations on how to repair and renovate our property. We want to be the ones to make the decisions and not to be told by someone else.

The church is and will continue to be an important asset to the community. The congregation has done a wonderful job in maintaining the property.

Please consider this in your decision.

Sincerely,

Lisa Benton

(240) 285-4440

**From:** Cgardnccs@aol.com[SMTP:CGARDNCCS@AOL.COM]  
**Sent:** Tuesday, April 20, 2010 8:20:01 PM  
**To:** MCP-Historic  
**Subject:** Mt. Tabor United Methodist Church  
**Auto forwarded by a Rule**

To Whom It may concern,

This letter is in reference to the designation of Mt. Tabor United Methodist Church located in Etchison, Maryland as a historic property. As a member of this congregation, I am asking that this property NOT be designated as such. This proposed designation would be a violation of the Religious Land Use and Institutionalized Persons Act of 2000.

We have been a congregation since 1881, and we certainly know how to be good stewards to our property and plan to continue this legacy and we do not want to be constrained by regulations on how to repair and renovate our property. We cannot spend hours at permit meetings to discuss repairs/alterations to our buildings that need to be done expeditiously. Our time and monies are to support mission projects in the community and around the world.

But most importantly, neither the congregation nor the Baltimore Washington Conference of the Methodist Church, in whom we are in trusted to, have asked for or requested this designation. We are a tax exempt identity and can not reap or want any tax benefits that this designation might incur. As Americans, we should be allowed a say in what we do with our own property, not members of a board who know nothing about our mission and purpose in this community.

Please allow our congregation to fulfill its mission and ministry while maintaining complete control of our house of worship and ministry. Please do not include us in this designation.

Sincerely,

Carol Gardner

Member Mt. Tabor U.M. Church

April 19, 2010

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

Our congregation at Mt. Tabor United Methodist Church would like to go on record as opposing a historic designation for the church. The Mt. Tabor United Methodist Church is located at 24101 Laytonsville Road, Etchison, Maryland

We are a small congregation dedicated to the community to keeping the church and surrounding grounds 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 cooling system and plan to put on a new roof in the near future – just to name a few of the improvements we have made. We keep the building painted and well maintained. We have installed a public address 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.

Our church congregation not only keeps the church in first rate condition, but the property around the church in first rate condition. We have fixed the property so that we can have outside services if we need to.

Our congregation is quite upset to think that you are proposing to put us under the Montgomery County Historical Preservation Commission. Please take into consideration the needs and mission of this small church and do not designate it as a Historical property.

If you have any questions and/or would like to have more information, please feel free to contact me at 301-253-1501.

Sincerely,

George Lechliden, Chairman  
Mt. Tabor United Methodist Church Board of Trustees