

Once designated on the Master Plan for Historic Preservation, any substantial changes to the exterior of a resource or its environmental setting must be reviewed by the Historic Preservation Commission and a historic area work permit issued. The Ordinance also empowers the County's Department of Environmental Protection and the Historic Preservation Commission to prevent the demolition of historic buildings through neglect.

It is the intent of the Master Plan and Ordinance to provide a rational system for evaluating, protecting and enhancing Montgomery County's heritage for the benefit of present and future residents. The accompanying challenge is to weave protection of this heritage into the County's planning program so as to maximize community support for preservation and minimize infringement on private property rights.

THE AMENDMENT  
HYATTSTOWN HISTORIC DISTRICT #10/59 AND  
HYATTSTOWN MILL COMPLEX #10/76

The purpose of this amendment is to designate the Hyattstown District as shown in Figure 2 on the Master Plan for Historic Preservation to be protected under the County's Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code.

Ordinance Criteria

As one of the largest cohesive concentrations of late 18th and early 19th century buildings in the County, the Hyattstown Historic District, in its entirety, meets the following Ordinance criteria for designation:

1. Historical and Cultural Significance:

The historic resource:

- a. has character, interest or value as part of the development, heritage or cultural characteristics of the County, State or Nation;
- d. exemplifies the cultural, economic, social, political or historic heritage of the County and its communities;

2. Architectural and design significance:

The historic resource:

- a. embodies the distinctive characteristics of a type, period or method of construction;

## Historic and Architectural Significance

Originally platted in 1798, Hyattstown is significant as one of the largest groupings of relatively unaltered 19th century buildings in the county. Located along a single, tree-shaded street, the district is a good example of the small roadside towns that sprang up along early highways to service the needs of travelers and nearby farm families. One of these early arteries, known locally as the Great Road, opened about 1750 to connect the tobacco port of Georgetown with the important colonial city of Frederick. With the establishment of Washington as the nation's capital, this early highway continued as an important artery linking the ever westward expanding frontier of the young nation with its new capital city.

As a stop along the Great Road, better known today as Maryland Route 355, Hyattstown appears much as did when wagoneers, dignitaries and civil war troops passed through the town in the 19th Century. Interspersed among modest homes are the many structures essential to 19th century village life including an old school, churches, several shops and offices and a hotel. Both the number and integrity of period buildings retained in their historical relationship with the roadway, combine to produce a historical streetscape which conveys a strong sense of time -- the late 18th/early 19th century -- and place -- a rural village along the "Great Road" between Frederick and Washington.

### District Boundaries

The boundaries for the Hyattstown historic district correspond to the original 1798 plat with additions as shown in Figure 2. The district includes the commercial area at the southern end of the town plus additional individual parcels located at the north end between the originally platted area and the Frederick County line.

All properties located in the district are shown in Figures 2 and 3.

### Hyattstown Mill Complex (Site 10/76)

In addition to the Hyattstown District, this amendment also designates the Hyattstown Mill Complex as an individual Historic Site to be protected under the County's Preservation Ordinance.

Although historically associated with the town, the site is considerably removed from the district and does not visually contribute to the district's streetscape. As a non-contiguous resource, the site is more appropriately regulated as an individual historic site and is designated on the basis of the following findings of significance:

<u>Number</u>	<u>Site</u>	<u>Associated Acreage</u>
10/76	Hyattstown Mill Complex	12.74 Acres

- Site of a grist mill operation in existence prior to the platting of Hyattstown in 1798. The current mill complex consists of the early 20th century frame mill building which replaced an earlier mill structure, the Miller's house, foundation of the Miller's stable and the mill race.
- The Hyattstown mill complex is a rare survivor of an industry which was an integral part of the County's rural heritage. The adjacent Miller's house predates the current mill structure and is noteworthy for its association with a series of mills at this site.
- The environmental setting of 3.3 acres as shown in Figure 2 incorporates the main elements of the mill complex and is intended to preserve the operational integrity of the site.

#### IMPLEMENTATION

##### Historic Area Work Permit Process

As noted earlier, once designated on the Master Plan, any significant changes to historic resources within a historic district must be reviewed by the Historic Preservation Commission and a historic area work permit issued under Sections 24A-6, 7, and 8 of the Historic Preservation Ordinance.

The Historic Preservation Commission has developed Guidelines to assist individuals wishing to nominate potential Districts and individual property owners within designated Districts. The general philosophy of these Guidelines is that Historic Districts are living and working areas where special attention is paid to protecting those qualities which make them significant resources for the County. They must not become areas where protective concerns override all other activities. For example, in rural districts not only can vernacular architecture and important settings be protected, but working farms can be sustained to provide close to market produce, and rural villages retained to provide local, small-scale goods and services.

According to the Guidelines a Historic District as identified, and if approved for inclusion in the County's Master Plan for Historic Preservation, shall consist of the entire area represented by all of the historic resources with their appurtenances and environmental setting. Non-historic properties within the boundaries of the Historic District are also subject to regulation, as they are considered appurtenances and part of the environmental setting of the historic resources of the District.

Although the Hyattstown district does include some modern (post 1940) structures, the overwhelming majority of the land and structures encompassed by the district's boundaries either directly reflect the period of Hyattstown's historical significance or visually relate to the district's historic structures and its streetscape.

Figure 3 identifies every structure within the district by age and descending order of historical significance with the most important or primary resources dating from 1810-1890; secondary from 1890-1940 and contemporary from 1940-1970.

In regard to visually contributing but non-historic structures or vacant land within a designated Historic District, the Ordinance requires the Preservation Commission to be lenient in its judgment of plans for contemporary structures or for plans involving new construction unless such plans would seriously impair the historic or architectural value of surrounding resources or impair the character of the district.

#### Local Advisory Committees

The Guidelines encourage the establishment of local advisory committees for District supervision where appropriate, e.g., local municipalities may wish to appoint such committees for Historic Districts lying within their jurisdiction. The committees' work can include development of local design review guidelines which set a standard for physical changes which can be made in the District. They also monitor design activities in their Districts for the County Commission. Local guidelines may be based on the Design Guidelines Handbook, and are subject to the approval of the Commission.

#### Preservation Incentives

Appendix A of the Master Plan for Historic Preservation outlines a number of federal and state incentives for designated historic properties including tax credits, tax benefits possible through the granting of easements on historic properties and outright grant or low interest loan programs.

In addition to these federal and state incentives, the County has enacted its own tax credit for properties designated on the Master Plan. The County is also studying other possible ways to support locally significant properties including the transfer of development rights for designated sites and property assessment reduction.

#### Planning and Policy Implications

This amendment recognizes that, as a practical matter, preservation of Hyattstown is dependent on the community's continued viability as a residential environment. In reviewing the land use implications of designating a Historic District in Hyattstown, two long range planning policies appear to directly

undermine the preservation of the historic area being designated for special protection under the County's Preservation Ordinance. The first is the road classification and alignment of Route 355 through Hyattstown provided in the Master Plan of Highways. The current Master Plan calls for a major, four-lane highway with 120 feet of right-of-way, which would require the taking of historic structures on both sides of the roadway.

Because of the historic and architectural importance of the Hyattstown district, this amendment recommends that alternative road improvements be studied in cooperation with Frederick County as part of the Clarksburg Master Plan scheduled for update in the next two years.

Based on current state studies and currently programmed improvements, a two-year time frame should allow sufficient time to conduct the necessary traffic analysis and amend the Master Plan Highways to provide for an appropriate resolution of this apparent policy conflict.

The second area in which overall County policy may be working at cross purposes with the continued viability and ultimate preservation of Hyattstown is in the guidelines for water and sewer service adopted as part of the 1980 Preservation of Agriculture and Parcel Open Space Master Plan. Those guidelines are designed to permit little, if any, additional service within the study area, which includes Hyattstown, except for those areas designated for growth -- Damascus, Clarksburg, Olney, and Poolesville. This selective and limited expansion of public water and sewer service is intended to support and help implement the goal of preserving farmland and rural open space.

Poor soil conditions in portions of the study area however, have resulted in scattered and community-wide public health problems and in particular present an obstacle to the continued residential use of some historic resources located within the Hyattstown historic district.

The Agricultural Preservation and Rural Open Space Master Plan specifically calls for continued investigation of alternative, publicly sponsored, individual and community systems for application in areas experiencing health problems. This amendment recommends that those alternatives be studied in conjunction with the development of a Facility Plan to serve Little Bennett Regional Park.

When exploring alternatives for servicing the Park added weight should be given to solutions which address sanitation problems in Hyattstown, and that will ultimately assure the continued viability of the historic district/community. These alternatives should be pursued in coordination with the Department of Environmental Protection and should be implemented through appropriate amendments to the Montgomery County Comprehensive Water Supply and Sewerage Plan.

HYATTSTOWN HISTORIC DISTRICT  
VICINITY MAP

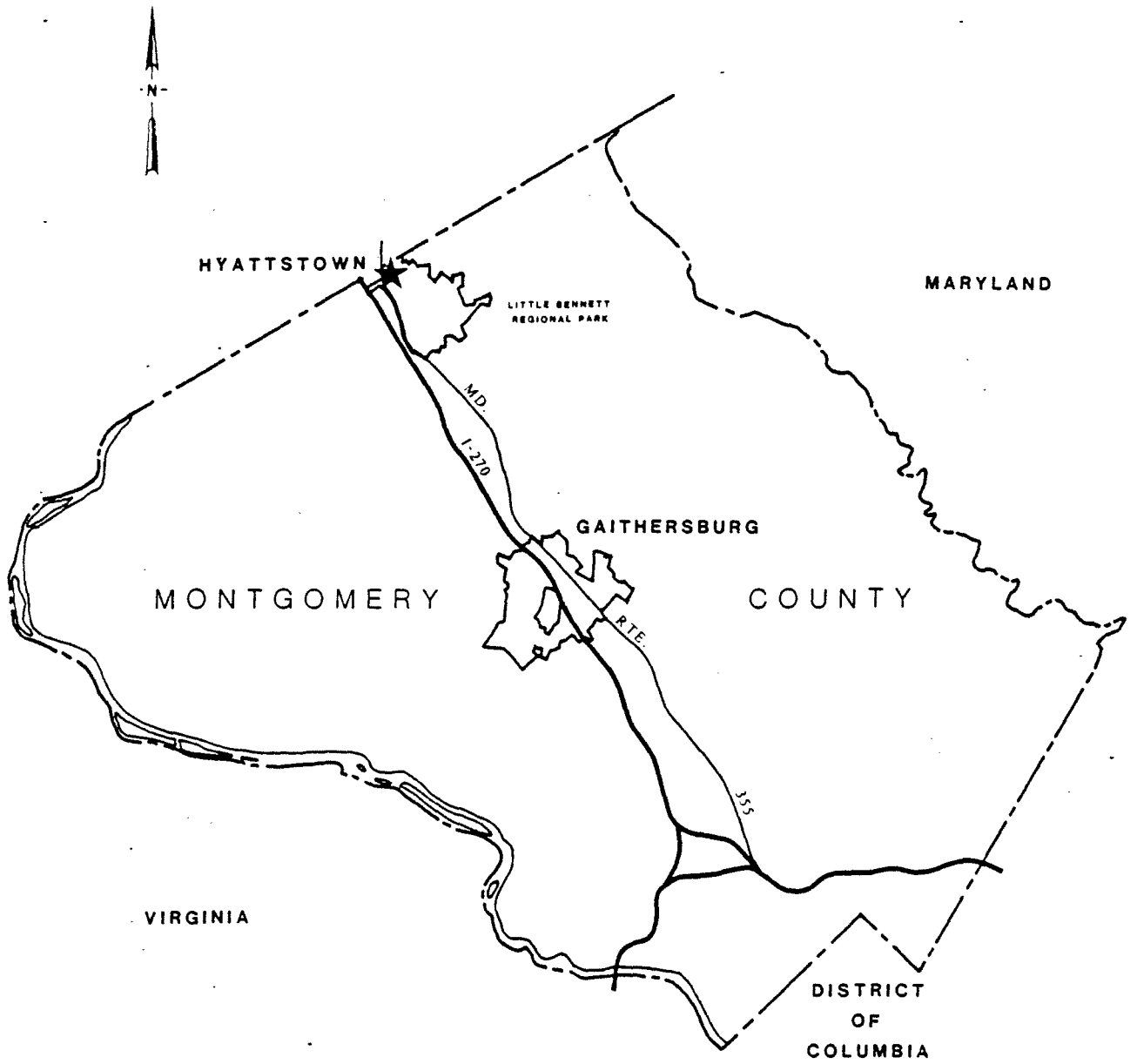



FIGURE 1

# HYATTSTOWN HISTORIC DISTRICT

--- District Boundaries

 Setting for the Hyattstown Mill Complex, Designated as an Individual Historic Site

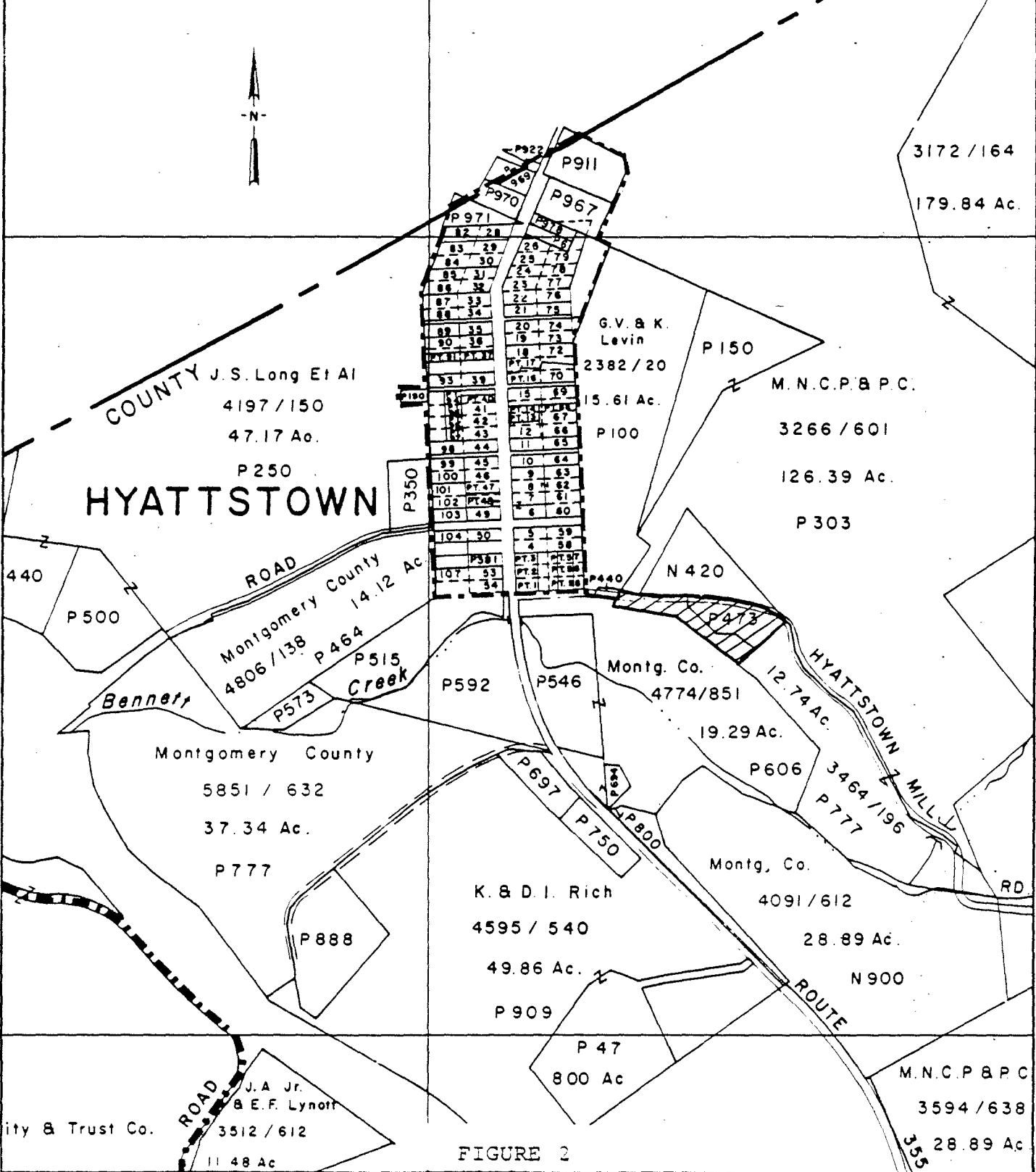
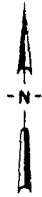


FIGURE 2

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# HYATTSTOWN HISTORIC DISTRICT DISTRICT RESOURCES

- Primary 1810-1890
- Secondary 1890-1940
- Contemporary 1940-1970
- Large Trees Over 12" in Diameter

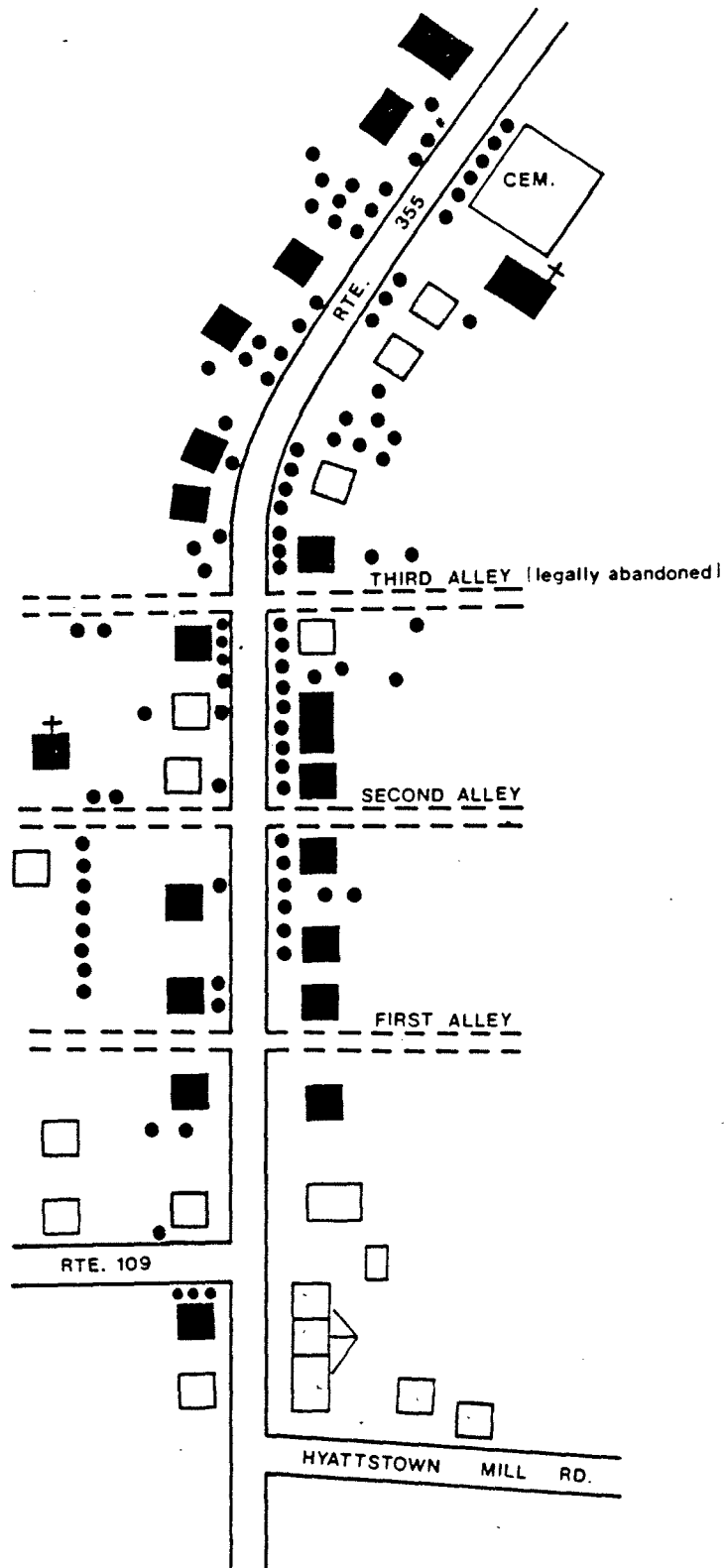
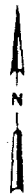


FIGURE 3



Resolution No. 10-1707  
Introduced: January 28, 1986  
Adopted: January 28, 1986

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: District Council

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Subject: Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland re: Hyattstown Historic District

Background

1. On August 12, 1985, the Montgomery County Planning Board transmitted to the Montgomery County Council a Final Draft Amendment to the Historic Preservation Master Plan to designate an Historic District in Hyattstown, and to designate the Hyattstown Mill Complex as an individual historic site.
2. On November 12, 1985, the Montgomery County Council held a public hearing regarding the Final Draft Amendment to the Master Plan for Historic Preservation for a Hyattstown Historic District.
3. On December 10, 1985, the Planning, Housing and Economic Development Committee reviewed the Final Draft Master Plan Amendment and the testimony given at the public hearing.
4. It was the position of the Planning, Housing and Economic Development Committee that Hyattstown should be designated a historic district and that the Hyattstown Mill Complex be designated as an individual historic site.
5. On January 28, 1986, the Montgomery County Council reviewed the Final Draft Amendment to the Historic Preservation Master Plan, and the recommendations of the Planning, Housing and Economic Development Committee.

Action

For these reasons, the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Final Draft Amendment to the Historic Preservation Master Plan, dated August 1985, is approved designating a Hyattstown Historic District, and the Hyattstown Mill Complex as an individual Historic Site.

This is a correct copy of Council action.



Kathleen A. Freedman, Secretary  
County Council

MCPB NO: 86-7  
M-NCPPC NO: 86-9

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to a General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission held a public hearing on July 13, 1985, on a preliminary draft amendment to the Master Plan for Historic Preservation, being also a proposed amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District and Master Plan of Highways; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, at meetings held July 13, 1985, approved and forwarded to the Montgomery County Council the Final Draft Amendment: Hyattstown Historic District and Resources, and recommended that said amendment be approved by the County Council; and

WHEREAS, the Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District lying within Montgomery County, on January 28, 1986, approved the designation of the Hyattstown Historic District and the Hyattstown Mill Complex identified in the amendment, attached hereto and made a part of, for inclusion in the Master Plan for Historic Preservation;

NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt said amendment to the Master Plan for Historic Preservation, together with the General Plan for the Physical Development of the Maryland-Washington Regional District and the Master Plan of Highways as approved by the Montgomery County Council in Resolution 10-1707, and

BE IT FURTHER RESOLVED, that this amendment be reflected on copies of the aforesaid plan and that such amendment shall be certified by The Maryland-National Capital Park and Planning Commission, and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Krahnke, seconded by Commissioner Christeller, with Commissioners Granke, Krahnke, and Christeller voting in favor, with Commissioner Keeney being temporarily absent and Commissioner Heimann being absent, at its regular meeting held on Thursday, February 6, 1986, in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*

Thomas H. Countee, Jr.  
Executive Director

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner Granke, seconded by Commissioner Christeller, with Commissioners Rhoads, Botts, Krahnke, Dabney, Jr., Keller, Jr. and Yewell voting unanimously in favor, and Commissioners Heimann and Keeney being absent, at its regular meeting held February 12, 1986, in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*

Thomas H. Countee, Jr.  
Executive Director