EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 15910 Emory Lane, Rockville  Meeting Date: 2/12/2020
Resource: Master Plan Site #23/111  Report Date: 2/3/2020
Nathan Shaw House  Public Notice: 1/29/2020
Applicant/Owner: MCDOT for Patricia Shepherd
Review: HAWP  Tax Credit: No
Case Number: 23/111-20A  Staff: Brian Crane

PROPOSAL: Construction of a box culvert and other sitework.

STAFF RECOMMENDATION:

☑ Approve
☐ Approve with conditions

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Nathan Shaw House/Muncaster Miller’s House Master Plan Historic Site
STYLE: Vernacular T-House
DATE: c.1879

Fig. 1: Location of proposed work near the Nathan Shaw House.
PROPOSAL

The applicant proposes to replace an existing culvert at the edge of the subject property. The culvert conveys water from an unnamed stream east of Emory Lane running parallel to Muncaster Mill Road. The stream ultimately joins North Branch Rock Creek. The work will disturb approximately 400 square feet of ground within the boundary of the Nathan Shaw Master Plan Historic Site.

The Montgomery County Planning Department Compliance Review Archaeologist reviewed and approved a plan of archaeological testing within the limits of proposed ground disturbance proposed by Montgomery County DOT. Consistent with this plan, professional archaeological consultant R.K.&K. excavated three shovel test pits in the project area. These tests did not identify any significant archaeological material. There is no evidence that the proposed culvert work will harm anything of archaeological value, and is compatible with the archaeological features of the Nathan Shaw House Master Plan Historic Site. Staff recommends approval of the HAWP.

APPLICABLE GUIDELINES:

Policy On Use of Expedited Staff Reports for Simple HAWP Cases

IV. The Expedited Staff Report format may be used for modifications to a property, which do not significantly alter its visual character.

Montgomery County Code; Chapter 24A-8

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to ensure conformity with the purposes and requirements of this chapter, if it finds that:

(1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or

(2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter (Ord. No. 9-4, § 1; Ord. No. 11-59).

Secretary of Interior’s Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The relevant Standards are as follows:

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

STAFF RECOMMENDATION:

Staff recommends that the Commission approve the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1) and (2) having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the purposes of Chapter 24A;
and with the *Secretary of the Interior’s Standards for Rehabilitation* #2 and 8;

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff’s discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3402 or [brian.crane@montgomeryplanning.org](mailto:brian.crane@montgomeryplanning.org) to schedule a follow-up site visit.
HISTORIC PRESERVATION COMMISSION
301/563-3400
APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Pat Shepherd
Contact Email: Patricia.shepherd@montgomerycountymd.gov
Daytime Phone: 240-777-7231
Tax Account No.: 08-00715448

Name of Property Owner: Farideh Isnavi
Daytime Phone: fira@live.com
Address: 1204 Drake Street, Vienna, VA 22180

Contrator: ____________________________
Contractor Registration No.: ____________________________

Agent for Owner: Stephen C. Pitts
Daytime Phone: 240-777-7217
Montgomery County Department of Transportation-Review of Transportation Engineering, Planning Section Manager

LOCATION OF PROJECT:
House Number: 15910
Street: Emory Lane
Town/City: Rockville
Nearest Cross Street: Muncester Mill Road
Lot: 56114
Block: 0502
Subdivision: F283

PART II - PROPOSED WORK

A. CHECK ALL APPLICABLE:
☐ Extent ☐ Alter/Remodel ☐ A/C ☐ Room Addition ☐ Perch ☐ Shed
☐ Move ☐ Install ☐ Wreck/Remove ☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family
☐ Revision ☐ Repair ☐ Revocable ☐ Fence/Wall (complete Section 4) ☐ Other:

B. Construction cost estimate: $1,500,000.00

C. If this is a revision of a previously approved active permit, see Permit #: ____________________________

PART III - INFORMATION FOR CONSTRUCTION AND EXISTING WALLS

A. Type of sewer disposal:
☐ 01 WSSC ☐ 02 Septic ☐ 03 Other: N/A

B. Type of water supply:
☐ 01 WSSC ☐ 02 Bb Well ☐ 03 Other: N/A

PART IV - COMPLETE BELOW FOR PERMITS/RETAINING WALL

A. Height ______ feet ______ inches

B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
☐ On property line/property line ☐ Entirely on land of owner ☐ On public right of way/avenue

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit

Stephen C. Pitts
Signature of owner or authorized agent

January 14, 2020
Date

SEE REVERSE SIDE FOR INSTRUCTIONS
Authorization to Undertake Work

The reason Montgomery County Department of Transportation (MCDOT) is able to undertake this work is that the Emory Lane/Muncaster Mill Shared Use Path is fully funded for design and construction in the Montgomery County Approved FY19-24 Capital Improvements Program under the Bikeways Program-Minor Projects (CIP 0507596). In addition Montgomery County received a Maryland Bikeways “matching” Grant in the amount of $300,000 to offset costs for final design engineering drawings including developing cost estimates and obtaining permits. The MDOT Bikeways Grant Agreement expires on October 31, 2020. MCDOT anticipates construction to begin in Summer 2020.
THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.

1. WRITTEN DESCRIPTION OF PROJECT

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

The proposed project involves the replacement of an existing culvert crossing under Emery Lane in Olney, Montgomery County, Maryland and constructing a new culvert. A small portion of the proposed limits of disturbance (400 square feet) for the new culvert will extend onto the property of the Nathan Shaw House (M 23-111), a National Register of Historic Places (NRHP) eligible property and a Montgomery County Master Plan for Historic Preservation-designated property. The existing dual 36-inch diameter corrugated metal pipe (CMP) conveyors flow from an unnamed stream east of Emery Lane, running parallel to Muncaster Mill Road and eventually converging with North Branch Rock Creek. Based on observations from a January 24, 2019 field investigation, there are signs of spawning along the outside of the culvert headwalls, deterioration at the pavement connection to the headwalls, and corrosion along the interior of the CMPs, thus requiring complete replacement.

b. General description of project and its effect on the historic resources (e), the environmental setting, and where applicable, the historic district:

The proposed culvert features will include a 9' wide by 4' deep reinforced concrete box culvert (replacing the existing dual 36" CMPs), culvert invert depression of one (1) foot below existing channel bed in accordance with Maryland Department of Natural Resource (MDNR) requirements, concrete headwall with squared edge at pipe opening, riprap channel protection and the inlet and outlet. The limits of disturbance for the construction proposed culvert extend 400 square feet onto the Nathan Shaw House historic property, which includes the Nathan Shaw House, three outbuildings, and a well. The proposed construction on the historic property does not involve or effect any of these standing resources. An archaeological survey of the LOI within the historic property was undertaken at the request of the Montgomery County Planning Department’s Historic Preservation Office to determine if the proposed construction would effect any below ground cultural resources. The archaeological survey did not identify any cultural resources (see attached archaeological survey technical memo). No trees within the historic property will be removed (see the attached Tree Survey).

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plot. Your site plan must include:

a. the scale north arrow, and date;

b. dimensions of all existing and proposed structures; and

c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

a. Schematic construction plan(s), with marked dimensions, indicating location, size, and general type of walls, window and door openings, and other fixed features of both the existing structure(s) and the proposed work.

b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context.

All materials and features proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings. See Section 1.2 and the Site Plan

5. PHOTOGRAPHS

a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.

b. Clearly labeled photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

If you are proposing construction adjacent to or within the canopy of any tree 8" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lots or parcel(s) which lie directly across the street/highway from the parcel in question.

PLEASE PRINT OR TYPE IN THE AFFIRMATIVE OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY INTO MAILING LABELS.
<table>
<thead>
<tr>
<th>Owner's mailing address</th>
<th>Owner's Agent's mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farideh Irvani</td>
<td></td>
</tr>
<tr>
<td>1204 Drake Street</td>
<td></td>
</tr>
<tr>
<td>Vienna, VA 22180</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent and confronting Property Owners mailing addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>15920 Emory Lane, Rockville, MD (adjacent)</td>
</tr>
<tr>
<td>Farideh Irvani</td>
</tr>
<tr>
<td>15920 Emory Lane</td>
</tr>
<tr>
<td>Rockville, MD 20853</td>
</tr>
<tr>
<td>15901 Emory Lane, Rockville, MD (confronting)</td>
</tr>
<tr>
<td>John and Rosemary Powers</td>
</tr>
<tr>
<td>15901 Emory Lane</td>
</tr>
<tr>
<td>Rockville, MD 20853</td>
</tr>
</tbody>
</table>

| 5035 Muncaster Mill Road, Rockville, MD (adjacent)       |
| M-NCPCC                                                 |
| 8787 Georgia Avenue                                     |
| Silver Spring, MD 20910-3716                            |
| Sweetbriar Dr, Rockville, MD (confronting)              |
| Norbeck Manor Homeowners Association, Inc               |
| PO Box 12156                                            |
| Silver Spring, MD 20908-0156                            |
Existing Property Condition Photographs (duplicate as needed)

Detail: View northeast from public ROW toward 15910 Emory Lane (the Nathan Shaw House M: 23-111)

Detail: View north from public ROW toward culvert project area and 15910 Emory Lane
Existing Property Condition Photographs (duplicate as needed)

Detail: View south toward culvert project area on property of 15910 Emory Lane.

Detail: View of riprap associated with the culvert to be replaced.
Existing Property Condition Photographs (duplicate as needed)

Detail: View northwest of culvert project area on historic property at 15910 Emory Lane

Detail: View southwest toward 15910 Emory Lane from adjacent property at 15920 Emory Lane
Existing Property Condition Photographs (duplicate as needed)

Detail: View north toward 15910 Emory Lane from confronting property at 15901 Emory Lane

Detail: View north toward 15910 Emory Lane from confronting property along Muncaster Mill Road (Sweetbirch Drive)
Existing Property Condition Photographs (duplicate as needed)

Detail: View southwest toward 15910 from adjacent property at 5035 Muncaster Mill Road
January 17, 2020

Sandra Heiler  
Chairman  
Montgomery County Historic Preservation Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Chairman Heiler:

On behalf of the Montgomery County Department of Transportation (MCDOT) and at the request of the Montgomery County Planning Department’s Historic Preservation Office (HPO), Rummel, Klepper & Kahl, LLP (RK&K) completed a limited archaeological survey within a portion of Emory Lane and Muncaster Mill Road Shared Use Paths project’s limits of disturbance (LOD). The area of potential effect (APE) is defined as the 400 square feet (37 square meters) of the project’s LOD that extends onto the Nathan Shaw House (M: 23-111) property, a National Register eligible historic property also listed on the Montgomery County Master Plan for Historic Preservation, for the purposes of rehabilitating a stream culvert (Figure 1). Historically, the Nathan Shaw house served as the tenant house for a number of millers who operated the Muncaster Mill grist and saw mills. The purpose of the survey was to identify the presence or absence of archaeological resources associated with the historic or precontact occupation of the property within the portion of the APE. This technical memorandum is being submitted in supplement to the MCDOT’s Historic Area Work Permit (HAWP) application.

RK&K submitted an archaeological testing plan to Brian Crane, an archaeologist at the HPO, that was approved on July 30, 2019. RK&K excavated three judgmentally placed shovel tests pits (STPs) within the APE on December 5, 2019 (Figure 2). The APE was inspected visually to determine the placement of the STPs. Each STP measured approximately 1.5 feet (45 centimeters) in diameter and extended to a depth of 0.4-feet (12 centimeters) into Pleistocene-aged subsoil in accordance with the Standards and Guidelines for Archaeological Investigations in Maryland (Schaffer and Cole 1994). All soil was screened through 0.25-inch mesh for the recovery of artifacts. Locations of the STPs were recorded using an iPad, EOS Positioning Systems Arrow 100 external GNSS antenna, and the ArcCollector App to submeter accuracy. No cultural materials were recovered.

STP 1 was excavated north of the stream on level ground. Heavy brush and eroded slopes prevented the excavation of additional STPs north of the stream. STP 1 contained two strata: a dark yellowish brown (10YR3/4) sandy loam Ap horizon and a yellowish-brown sandy clay loam (10YR5/6) B-horizon subsoil, which was encountered at 0.7 feet (22 centimeters) below ground surface. No cultural materials were recovered.

STPs 2 and 3 were excavated south of the stream on level ground. STP 2 was located immediately south of the stream bed. STP 2 contained hydric soils: a dark grayish brown (10YR4/2) silt clay loam Ap horizon and a grayish brown (10YR5/2) silt clay B horizon with yellowish brown (10YR5/6) clay inclusions; the B horizon was encountered at 0.8 feet (26 centimeters) below ground surface. No cultural materials were recovered. STP 3 was excavated south and east of STP 2 on level ground at the southern edge of the APE. STP 3 also contained a hydric soils: a very dark grayish brown (10YR3/2) silt loam Ap horizon and a light grayish brown (10YR6/2) silt clay B horizon, which was encountered at 1.0 foot (31 centimeters) below ground surface. No cultural materials were recovered.

The archaeological investigation recovered no cultural materials. No further work is recommended within the APE.
Sincerely,
Rummel, Klepper & Kahl, LLP

Karen Hutchins-Keim, PhD, RPA
Principal Investigator
Figure 1: USGS Topographic Map depicting the Emory Lane APE and the Nathan Shaw House (M: 23-111) Property
Figure 2: STP Locations within Emory Lane APE
Education: PhD/Archaeology, Boston University/2013
BA/History, Vassar College/2005

Registration: RPA/Register of Professional Archaeologists #32243933

Years' Experience: 13

Dr. Hutchins-Keim is the archaeological lab manager and a principal investigator with RK&K's Planning Group. Dr. Hutchins-Keim has 13 years archaeological experience in the Mid-Atlantic and Northeast. Her experience includes Phase I, II, and III excavations, documentary research, technical report writing, NRHP eligibility assessments, archaeological field management, archaeological lab management, and Section 106 of NHPA. Her project experience has involved Phase I, II, and III excavations throughout the Mid-Atlantic and the Northeast for transportation and telecom clients as well as local municipalities and non-profits.

Maryland Department of Transportation State Highway Administration | Phase I Archaeological Survey for Alternative 2 Modified Improvements to US 220 from I-68 to Cresaptown, Allegany County, Maryland. Principal Investigator/Task Manager. Phase I Archaeological Survey for twelve parcels along US 220. Oversaw technical management of fieldwork, artifact processing and analysis of two multicomponent sites and three historic sites, and technical report. Co-authored archaeological report and coordinated with geophysical survey specialist and MDOT SHA archaeologist.

MDOT SHA | Simon Hill Cemetery Disinterment Project, Prince George's County, Maryland. Advanced Historical Archaeologist. Conducted archival research on the cemetery and supervised the work of a research assistant. Authored the historical background of the cemetery and co-authored the final report synthesizing the results of the archaeological fieldwork at and disinterment of the cemetery, analysis of cemetery hardware and burials goods, and the analysis of human remains.

MDOT SHA | Bush Tavern, Harford County, Maryland. Advanced Project Director. Phase I/II Archaeological Survey of 18th-century tavern along MD 7 in Bush, Maryland. Oversaw the completion of archaeological lab processing tasks and co-authored the archaeological technical report.

MDOT SHA | Phase I/II Old Marlboro Pike, Upper Marlboro, Prince George's County, Maryland. Advanced Project Director. Archaeological survey and excavation of 18th/19th-century plantation and steamboat landing at Compton Bassett and along Patuxent River for MDOT SHA. Directed archaeological survey and excavation and supervised subcontractors and co-authored archaeological technical report.

City of Baltimore Department of Recreation and Parks | Archaeological Assessment of Potential for Proposed Clifton Mansion Improvements Project, Clifton Park, Baltimore, Maryland. Principal Investigator. Assessed archaeological potential of the MHT Easement historic property. Authored the archaeological assessment report.

West Virginia Division of Highways | Phase I Archaeological Survey of Proposed WVDOH Maintenance Facility and the Westfall Site (46PU282), Black Betsy, Putnam County, West Virginia. Principal Investigator/Lab Manager. Phase I Archaeological Survey of 10-acre parcel containing known prehistoric archaeological site. Oversaw technical management of fieldwork, artifact processing and analysis of one prehistoric site, and technical report. Co-authored archaeological report, recommended Phase II Evaluation, and coordinated with WVDOH.

West Virginia Division of Highways | Phase I Archaeological Survey of Hide-A-Way Road-CR 36/1 Highland Dam Removal Slips Repair, Harrison County, West Virginia. Principal Investigator/Lab Manager/Task Manager. Phase I Archaeological Survey of 4-acre parcel. Oversaw technical management of fieldwork, artifact processing and analysis of one historic site, and technical report. Co-authored archaeological report, made determinations of eligibility, and coordinated with WVDOH.