



Cabin John Shopping Center, Administrative Subdivision Plan No. 620170050,



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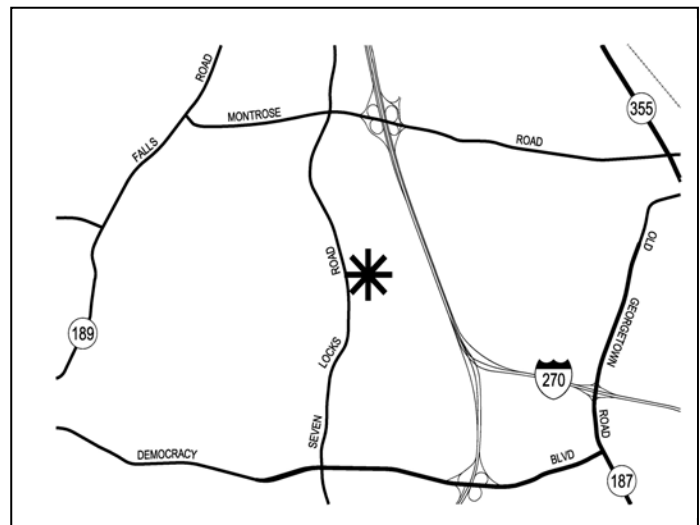


Khalid, Afzal, Acting Chief, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650

Completed: 09/01/2017

Description

- Request to consolidate parts of platted parcels into one lot, and to allow for an additional 9,999 square feet of commercial development;
- 13.10 acres zoned CRT-0.75, C-0.5, R-0.25, H-35T;
- Located at northeast corner of the intersection of Tuckerman Lane and Seven Locks Road, in Potomac, within the *2002 Potomac Subregion Master Plan*;
- Applicant: Cabin John (Edens), LLC;
- Acceptance Date: 5/22/2017;
- Review Basis: Chapter 50, Chapter 59, Chapter 22A.



Summary

- Staff recommends approval of this Administrative Subdivision Plan to combine parts of lots in a nonresidential zone.
- This Administrative Subdivision Plan would normally be reviewed by the Planning Director. However, since Staff has received a letter in opposition from a member of the community, per Section 50.6.3.B.1., the Director recommended the Planning Board to review and act on this application.
- Forest Conservation Plan is approved as part of this Administrative Subdivision Plan.
- No additional right-of-way dedication is required.
- Historical data has referenced a potential unmarked cemetery in the vicinity of the Property. The Applicant has provided a cemetery assessment, and although not entirely dispositive, the assessment indicates there is no evidence of a cemetery on the Property.

SECTION 1 – RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Administrative Subdivision Plan No. 620170050 subject to the following conditions:

1. The approval is limited to one lot, approximately 13.10 acres in size, to allow for an additional 9,999 square feet of retail uses for a total of 149,900 square feet of non-residential uses (131,298 square feet of retail uses and 18,602 square feet of office uses).
2. Staff recommends approval of the Final Forest Conservation Plan, subject to the following conditions:
 - a. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the Final Forest Conservation Plan (FFCP).
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Additional tree-save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - c. Prior to submission of the Certified Plan set:
 - i. Change the Forest Conservation Worksheet to reflect 0.04 acres in the “Other deductions” category, and specify that this is to subtract existing utility and road easements that contain forest.
 - ii. Change the plan title to read “Preliminary/Final Forest Conservation Plan.”
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated August 10, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDOT may amend if the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Fire Department Access and Water Supply Section (MCFRS) in its letter dated July 13, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCFRS may amend if the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
6. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated June 22, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS – Water Resources Section may amend if the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
7. The record plat must show necessary easements.
8. The Applicant must provide ADA-compliant sidewalk connections from Seven Locks Road.
9. The Applicant must provide two inverted-U bike racks, or equivalent as approved by the Planning Department staff, one in front of each pad site.
10. If at any time prior to issuance of the use and occupancy permit, the Applicant encounters a funerary object or human remains, the Applicant must immediately contact the Historic Preservation Section of the Montgomery County Planning Department.

11. The Certified Administrative Subdivision Plan must contain the following note:
“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscapes will be determined at the time of issuance of the building permits. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
12. The Adequate Public Facility (APF) review for the Administrative Subdivision Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

SECTION 2 – SITE LOCATION, DESCRIPTION, AND HISTORY

Site Location

The Property (or Subject Property) is located on the northeast corner of Tuckerman Lane and Seven Locks Road, approximately a half mile west of I-270. It is about a mile north of Westfield Montgomery Mall; a mile south of Park Potomac and the Rockville City limits; and approximately a mile east from Herbert Hoover Middle School and Winston Churchill High School.

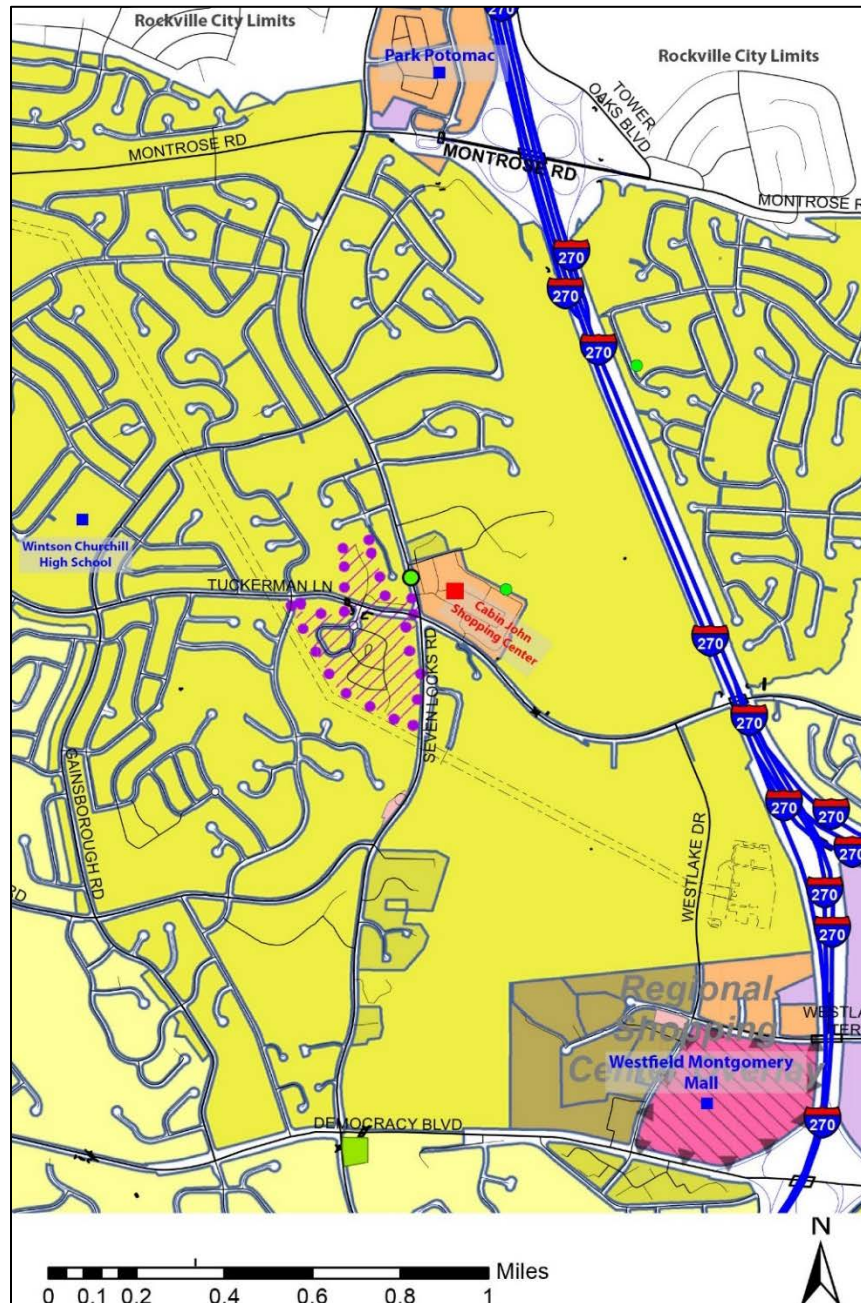
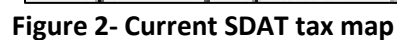


Figure 1 - Vicinity Map

In May 1967, Parcel A was recorded; it included approximately 607,228 square feet (± 13.94 acres). A portion of Parcel A, totaling approximately 27,878 square feet (± 0.64 acres), was subsequently incorporated into adjacent Parcel C of the Seven Locks Plaza Subdivision, as shown on Plat No. 11341, recorded in the Montgomery County Land Records. The reduced Parcel A, totaling approximately 500,069 square feet (11.48 acres), was later subdivided by a deed recorded in the Land Records at Liber 3813 in Folio 733 on December 2, 1968, which created Parcel N240. The remaining part of Parcel A, now identified as Parcel N266, is 79,712 square feet (± 1.83 acres). An additional 8,712 square feet (± 0.2 acres) was dedicated from Parcel A for Tuckerman Road. The Countywide District Map Amendment comprehensively rezoned the Property from the RMX-2C Zone (Residential Mixed-Use Development, Specialty Center, Commercial Base) to the existing CRT Zone.



Site Description

The Property is currently improved with two strip shopping centers with a total of 139,901 square feet of commercial uses and surface parking lot. Some of the major tenants include: Giant (grocery store), CVS, SunTrust Bank, Starbucks, and PNC Bank. The shopping center dates to the 1960s and is in need of renovation.



Figure 3- Aerial View

Cemetery Assessment

Historical references¹ indicate the possibility of an unmarked African American cemetery somewhere in the vicinity of the Property. Although not required by code, the Applicant has conducted a cemetery assessment of the Property. The assessment indicates that no historical or cultural features are identified in any deeds associated with the Property. A summary of the vicinity's history and the Applicant's cemetery assessment are attached to this report as Attachment 5. Given the Property's history, Staff recommends a condition of approval requiring the Applicant to notify the Planning Department's Historic Preservation Division if any human remains or funerary objects are discovered. This will allow the Division to catalogue the location of the remains and consider whether the site is appropriate for listing in the County's Cemetery Inventory. The applicant will also be required to comply with all applicable laws governing the disturbance of human remains, including but not limited to Md. Code, Criminal Law Article, Title 10, Subtitle 4 – Crimes Relating to Human Remains.²

SECTION 3 –PROPOSAL

The Applicant proposes to consolidate the two parts of Parcel A into one lot of approximately 13.10 acres in size, and develop two retail pad sites with a total of up to 9,999 additional square feet on the Property. This development is the first phase of a more significant future redevelopment of the larger 25-acre Property, which will be reviewed under a separate application.

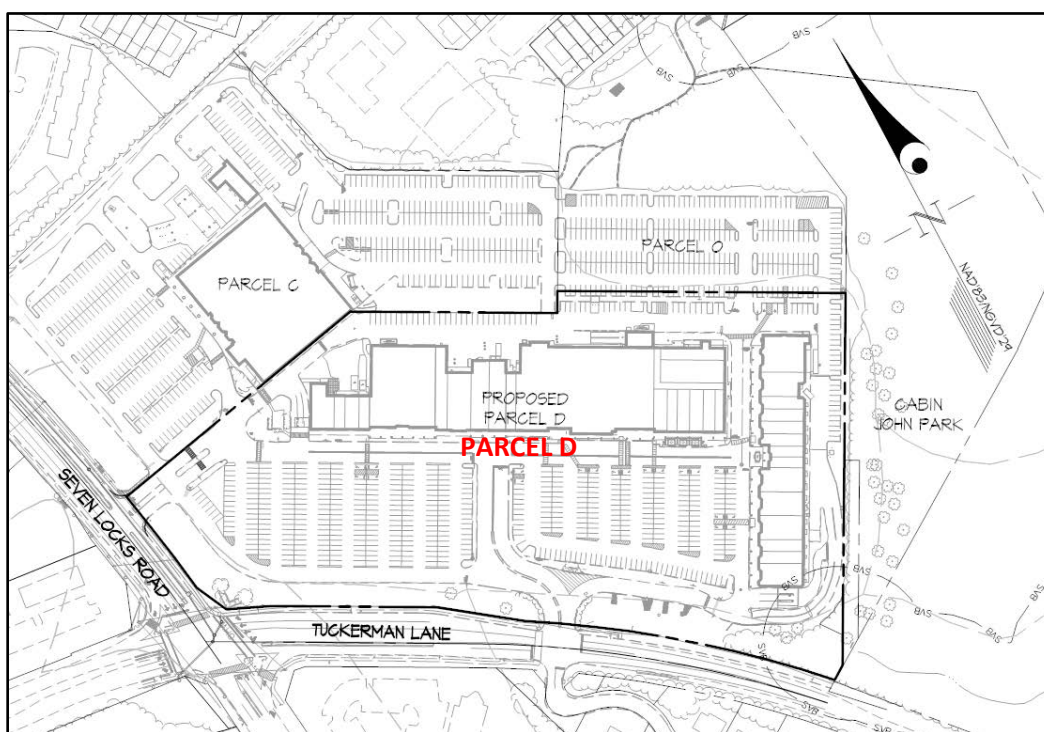


Figure 4- Proposed Parcel D

¹ Information is from the 12/1/2005 recollection of a Mr. Snowden, a funeral director in the area

² See Attachment 6 for historical preservation background

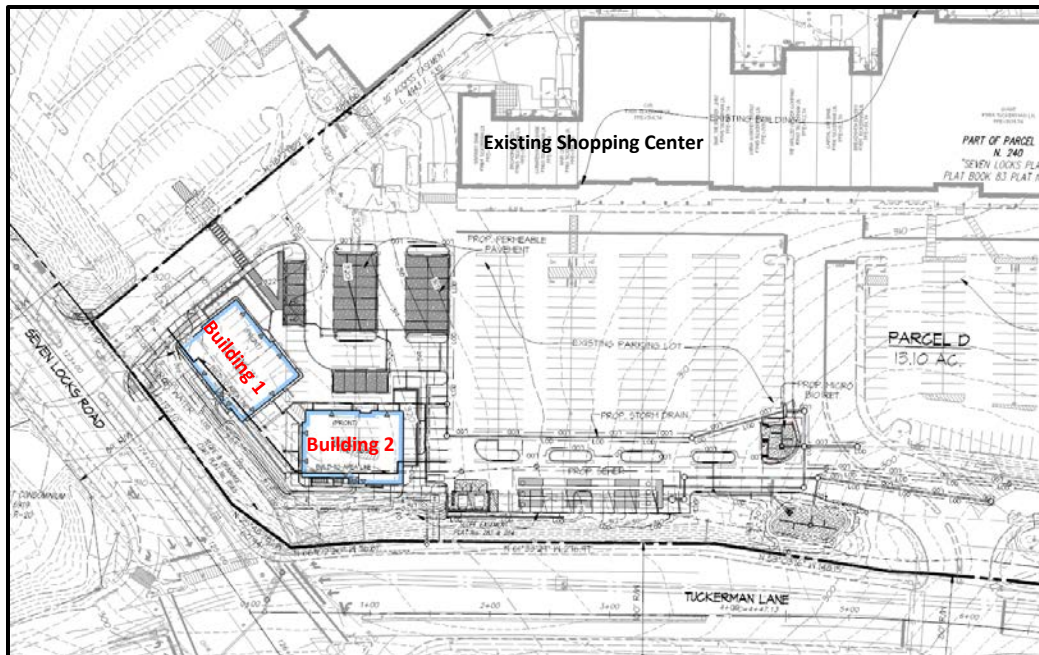


Figure 5 - Proposed development plan with two pad sites

SECTION 4 – ANALYSIS AND FINDINGS

The Applicant filed an administrative subdivision plan application per Section 50.6.1.D., which allows for consolidation of lots and parts of lots in a nonresidential zone. Per 50.6.1, an administrative subdivision plan must also be reviewed under the necessary technical requirements of Section 50.4.3.

Master Plan

The *2002 Potomac Subregion Master Plan* has determined land use and design guidelines that apply to both standard and optional methods of development (page 46). These improvements are intended to be implemented for the larger phased development and not required for this application. These improvements are summarized as followed:

- Provide sidewalk improvements at the confronting quadrants of Tuckerman Lane and Seven Locks Road;
- New auxiliary lanes at the intersection will require the installation of a tree-lined median and clearly marked pedestrian crosswalks;
- Link the on-site pedestrian street and path system to intersection improvements;
- Provide a tree-lined hiker/biker path along the site perimeter;
- Landscaped medians to provide pedestrian refuge when crossing;
- Heights of buildings, including combinations of housing and structured parking, shall not exceed 35 feet;
- Maintain the existing berms and wide margin of trees along the perimeter of the site;
- Meet a significant portion of the parking requirements in structured parking;
- Provide 100-foot building setback along the northeastern property line of which 50 feet is a continuous landscaped buffer between any development and adjacent residential neighborhoods;

- Enhance the residential character of Coddle Harbor Lane by removing the gas station;
- Provide streetscaping along Coddle Harbor Lane;
- Explore whether a traffic light is warranted at Seven Locks Road and Coddle Harbor Lane.¹

These Master Plan recommendations were established to ensure that redevelopment of the shopping center would include needed amenities and design treatments to maximize the ability of pedestrians to reach the center on foot or by bicycle. Meeting these guidelines will likely require significant expenditures and investment. Given the amount of development proposed, the Applicant will not be required to provide any improvements as part of this modest standard method project. However, an optional method redevelopment proposal for the entire center is expected in the near future, and any necessary frontage and pedestrian improvements will be determined at that time.

Although no improvements are required at this time, the consolidation of lots and the proposed retail development of up to 9,999 square feet on the Property otherwise comply with the *2002 Potomac Subregion Master Plan's* recommendations for the Property. More specifically, the Master Plan limits commercial development to a total of 300,000 square feet of gross floor area at the Property (page 46). The Property is currently improved with 139,901 square feet of commercial uses; thus, the addition of up to 9,999 square feet is well under 300,000 square feet of commercial uses. Also, each proposed pad site will include less than 8,000 square feet of nonresidential uses, which is in conformance with the Master Plan's recommendations for a mixed-use village center with neighborhood serving uses.

Environment

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this site on June 23, 2017. The site contains 0.45 acres of stream buffer and 0.03 acres of forest. It contains no wetlands or buffers, steep slopes, 100-year floodplains, or known habitats of rare, threatened, and endangered species. The Property drains to Cabin John Creek, which is a Maryland State Class I-P watershed. It does not lie within a Special Protection Area. This plan is in compliance with the *Environmental Guidelines*.

Preliminary/Final Forest Conservation Plan

The 0.03 acres of forest on site will be retained, and added to an existing Category I Forest Conservation Easement. The land use, zoning, and net tract area yield an afforestation requirement of 1.93 acres of forest planting. The applicant proposes to fulfill the planting requirement by securing off-site forest planting credits of 1.93 acres of forest planted, or 3.86 acres of existing forest protected.

Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's Critical Root Zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that: measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

¹ Refer to page 46 of the master plan for the complete list of land use and design guidelines

Variance Request

The Applicant submitted a variance request on June 27, 2017, because the plan would create an impact to the CRZ of one tree that is considered high priority for retention under Section 22A-12(b) of the County code. This tree is proposed to be saved. A copy of the variance request letter, specifying the amount of CRZ disturbance for the tree to be saved, is appended to this letter (Attachment 2).

The proposed development involves creation of new commercial building pads in the existing parking lot of the shopping center. The shopping center does not currently have any stormwater management facilities, and locations for new facilities are limited by the existing uses, location of the new construction, and topography. Construction of the necessary stormwater facilities, including conveyance of stormwater to the facilities, cannot reasonably avoid impacting the CRZ of one specimen tree.

Denial of the variance would prohibit the Applicant from constructing a needed stormwater facility which is required under the approved stormwater concept plan. Provision of stormwater management is a requirement for the approval of the construction. Because the project cannot be approved without meeting the stormwater management requirements of the site, Staff believes that denial of the variance would constitute a hardship to the applicant. This finding must be met when determining whether to consider a variance for the project. Based on this finding, Staff finds that a variance can be considered.

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations, as the Director's designee, that recommends the approval of the requested variance:

- *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Impacts to the specimen tree are minimal, and development is consistent with the zoning. Staff has determined that the impacts to the tree subject to the variance requirement cannot be avoided. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

- *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on environmental, engineering and site constraints.

- *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

- *Will not violate State water quality standards or cause measurable degradation in water quality.*

The tree impacted will be saved, and will continue to provide water quality functions as before. Therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On July 21, 2017, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 2).

Variance Recommendation

Staff recommends the approval of the variance.

Stormwater Management

The Montgomery County Department of Permitting Services issued a letter approving the Stormwater Management Concept on June 22, 2017. The project proposes to meet stormwater management requirements through the use of permeable pavement, micro-bioretenment facilities, and a structural pipe system.

Public Facilities

Master-Planned Transportation Demand Management

Since the Property is outside the boundary of the North Bethesda Transportation Management District (TMD), the Applicant is not required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda TMD.

Available Transit Service

The following two Ride On routes operate along the Property's frontage:

- a. Ride On route 37 operates along Tuckerman Lane between the Wheaton Metrorail Station and the Potomac Community Center (at River Road and Falls Road), with half-hour headways, on weekdays only. The existing bus stop is just east of the shopping center's signalized access point along Tuckerman Lane.
- b. Ride On route 47 operates along Seven Locks Road between the Rockville Metrorail Station and the Bethesda Metrorail Station with half-hour headways on weekdays and weekends. The existing bus stop shelter is located at the intersection of Tuckerman Lane and Coddle Harbor Lane.

Master-Planned Roadways and Bikeways

In accordance with the 2002 *Potomac Subregion Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

- a. Tuckerman Lane is a two-lane arterial, A-71, with a recommended 80-foot right-of-way and a Class I (off-road bike path), PB-3. While the 2005 *Countywide Bikeways Functional Master Plan* recommends bike lanes, BL-23, along this road, the current *Bikeways Master Plan* update is recommending separated bike lanes (one-way on both sides). The existing right-of-way is over 80 feet wide along the property frontage.

- b. Seven Locks Road is designated as a two-lane arterial, A-79, with a recommended 80-foot right-of-way and a Class I (off-road bike path), PB-15. While the 2005 *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (bike lanes and a shared use path on the west side), DB-3, along this road, the current Bikeways Master Plan update will be recommending separated bike lanes (one-way on both sides) and bikeable shoulders. The existing right-of-way is over 80 feet wide along the property frontage.

Coddle Harbor Lane is a local street that is not listed in the *Potomac Subregion Master Plan*. Coddle Harbor Lane provides access to the shopping center and the adjacent residential community.

Pedestrian and Bicycle Facilities

Five-foot wide sidewalks with four-foot wide green panels exist along the Property frontages of Tuckerman Lane and Seven Locks Road, except for the Tuckerman Lane segment between the existing bus stop and eastern property line. The Applicant must provide ADA-compliant sidewalk connections into the Property from Seven Locks Road. Staff recommends two inverted-U bike racks (or equivalent as approved by the Planning Department staff), one in front of each proposed pad site.

During future review for the larger redevelopment of the Property, the Applicant will be expected to coordinate with MCDOT and M-NCPPC Staff, regarding Phase 2 of Project No. 509337-38, Tuckerman Lane Sidewalk/Bikeway Facility Planning I. In addition, the Applicant will be expected to provide upgraded sidewalks along Tuckerman Lane, Seven Locks Road, and Coddle Harbor Lane in accordance with the applicable Road Code standards.

Transportation Adequate Public Facilities-Local Area Transportation Review (LATR)

The table below shows the number of weekday peak-hour trips generated by the proposed addition of up to 9,999 square feet of retail, within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Shopping Center	Square Feet	Weekday Peak Hour Trips			
		Morning		Evening	
		Vehicle	Person	Vehicle	Person
Existing	139,901	129		720	
Proposed	149,900	138		754	
Increase	9,999	9	13	34	49
	Auto Driver		9		34
	Auto Passenger		4		13
	Transit		0		1
	Pedestrian & Bike		1		2

The Use and Occupancy Certificate for the existing shopping center was released at least 12 years ago. The Montgomery County Council's Resolution No. 18-671, "2016-2020 Subdivision Staging Policy (SSP)" provides that, "if use and occupancy certificates for 75 percent of the originally approved development were issued more than 12 years, the traffic study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips." As the Table above shows, the proposed expansion generates less than 50 peak-hour person trips within the weekday morning or evening peak periods. Therefore, a traffic study is not required and the LATR test is satisfied.

The Applicant will also be required to pay the updated General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code as amended.

Schools Test/Payment

No residential development is proposed on the Property, therefore, the schools test of the Subdivision Staging Policy does not apply.

Other Public Facilities

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

Section 50.4.3. Technical Review

As outlined above, the proposed lot meets all the applicable technical aspects under Section 4.3 for this administrative subdivision, including relation to master plan, block design, lot design, adequate open spaces, roads, water supply and sewerage disposal facilities, stormwater management, public utilities, adequate public facilities, and environment. The following table demonstrates the development standards are met within the CRT Zone of the Property:

Table 1: Development Standards in the CRT Zone

Development Standard	Allowed	Proposed
FAR (Floor Area Ratio)		
Commercial	0.50 FAR (285,318 sf)	0.26 (149,900 sf) ¹
Residential	0.25 (142,654 sf)	0
<u>Total</u>	<u>0.75 (427,997 sf)</u>	<u>0.26 (149,900 sf)</u>
Building Height (max)	35'	35'
Open Space (min)	10%	10%
Principle Building Setback (min)		
Front (abutting R-90 Zone)	0	0
Side (abutting CRT Zone)	12	12
Side (abutting CRT Zone)	0	0
Rear (abutting CRT Zone)	0	0

¹ Ex. Retail - 121,299 sf, Ex. Office - 18,602 sf, Proposed Retail - 9,999 sf.

Development Standard	Allowed	Proposed
Build-to-Area (max. setback & min % of building façade)		
Front	20' max	20' max
Building Front in BTA	70% min	70% min
Building Orientation		
Entrance Facing Street or Open Space	Required	Facing Open Space
Transparency		
For Wall Facing a Street or Open Space		
Ground Story, Front	40% min	40% min
Ground Story, Side/rear	25% min	25% min
Upper Story	20% min	20% min
Blank Wall -Front (max)	35' max	35' max
Blank Wall -Side/rear (max)	35' max	35' max
Parking Requirements		
Retail (131,298 sf x 3.5 - 6.0 Sp/1000 sf)	460 Sp. Min. - 788 Sp. Max	
Office (18,602 sf c 2.0 - 3.0 sp/1000 sf)	38 Sp. Min - 56 Sp. Max	
<u>Total Parking Required</u>	<u>498 Sp. Min - 844 Sp. Max</u>	
<u>Total Parking Provided</u>	<u>815</u>	
Parcel D	545	
Parcel C (Joint Parking Easement)	270	

Findings- Section 50.6.1.D. Administrative Subdivision Plan

Per Section 50.6.1.D, in a nonresidential zone, a lot may be created by combining existing adjoining lots, or a lot and a part of a previously platted lot, if:

1. *The lots or parts of lots are created by the same subdivision, and any applicable conditions of the original approval, including limits on density, remain in effect.*

The two parts of lots were created by the same subdivision, and all conditions of the original approval currently remain in effect. This approval and the conditions listed in this report will supersede any previous conditions of approval, which is intended to allow for an additional 9,999 square feet of retail uses for a total of 149,900 square feet of non-residential uses.

2. *Any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant must provide any required improvements;*

No road dedications are required for the consolidation of the two parts of lots. The applicant will provide necessary easements at the time of record plat.

3. *Where new development is proposed, the requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat;*

The proposed 9,999 square feet of additional retail uses satisfy the adequate public facilities requirements as outlined above in the Public Facilities section of this report. The LATR test will be satisfied, no residential development is proposed on the Property, therefore, the schools test of the Subdivision Staging Policy does not apply, and all other public facilities will continue to be adequate and sufficient following the construction of the project.

4. *Forest conservation, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat; and*

As outlined in the Environmental Section above, the proposed administrative subdivision plan meets all applicable requirements of Chapter 22A, the Forest Conservation Law. The MCDPS Water Resources Section issued a letter accepting the stormwater management concept for the site on June 22, 2017. The stormwater management concept proposes to meet required stormwater management goals through the use of permeable pavement, micro-bioretenention facilities, and a structural pipe system.

5. *Located in a special protection area, and all applicable special protection area requirements and guidelines are satisfied before the Board approves the plat.*

The Property is not located within a special protection area.

SECTION 5 – CITIZEN CORRESPONDENCE

A notice of this Administrative Subdivision Plan was sent to all required parties by the Applicant on May 26, 2017. The notice gave the interested parties 15 days to review and comment on the contents of the plan. Regency Estates Citizen Association, Inc. mailed a letter to Staff expressing the following concerns regarding impacts of the proposed development (see Attachment 3):

- *Is the development too close to the WSSC watermain located with Tuckerman Lane and required setbacks?*

WSSC has confirmed the watermain's location in the right-of-way of Tuckerman is not affected by this Application and meets the required setbacks.

- *Is additional right-of-way required to address traffic issues?*

No additional right-of-way is necessary per Master Plan recommendations and/or expected frontage and pedestrian improvements associated with the larger overall development of the shopping center.

- *What is the status of the road improvements associated with the Westfield's Mall?*

The road improvements are currently under construction.

- *The building should be setback an additional distance from the road.*

The proposed setbacks meet the requirements of the CRT zone.

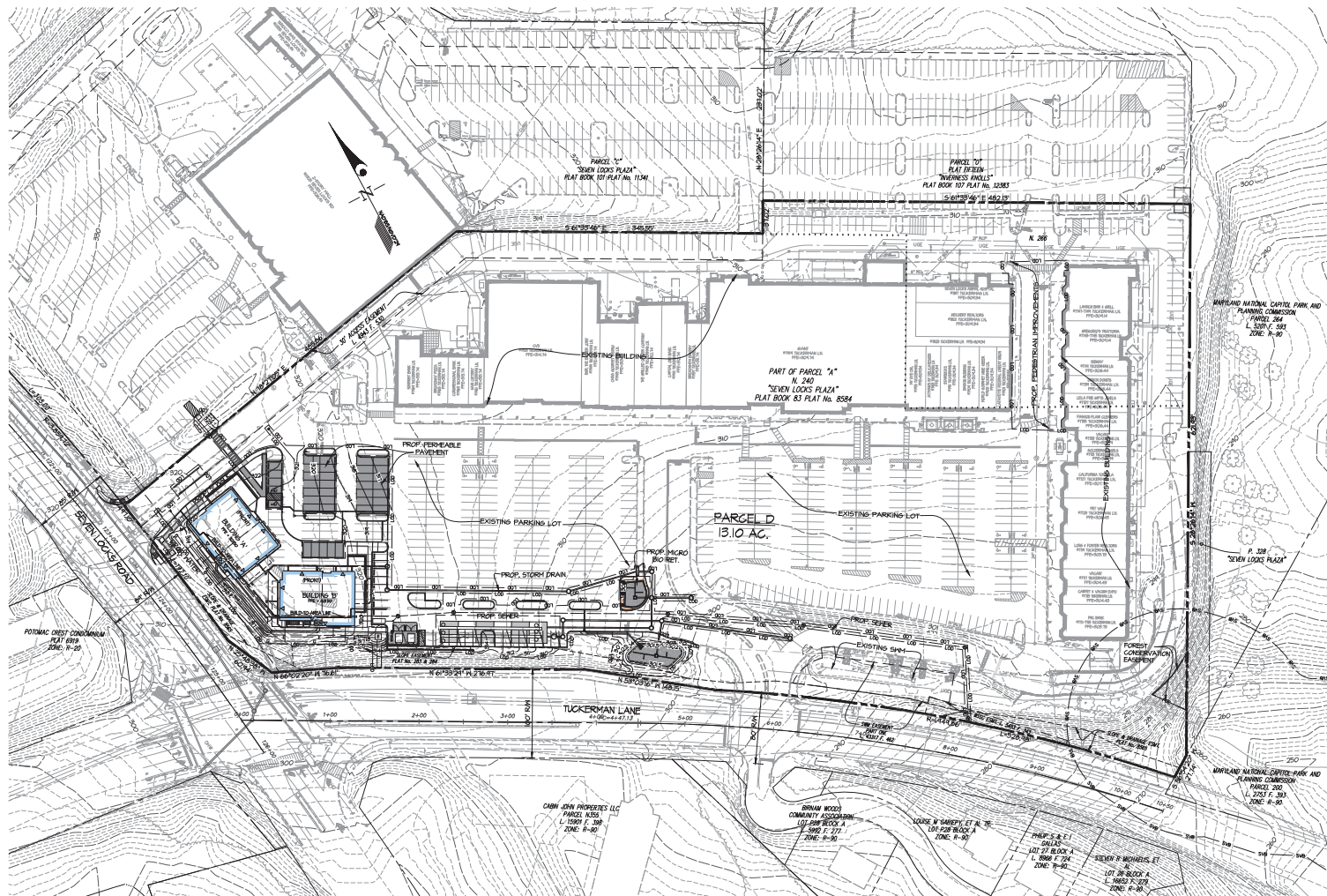
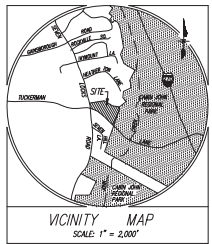
SECTION 6 – CONCLUSION

The proposed Administrative Subdivision Plan meets the requirements established in the Subdivision Regulations and the Zoning Ordinance, and conforms to the recommendations of the 2002 *Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of Administrative Subdivision Plan No. 620170050 with the conditions listed at the beginning of this report.

Attachments:

1. Administrative Subdivision Plan
2. Agency Correspondence Letters
3. Community Letter
4. Cemetery Inventory
5. Cemetery Assessment
6. Historic Preservation Background/History of the Vicinity

Attachment 1



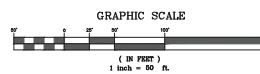
PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein: is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 29884
Expiration Date: January 20, 2018

Date _____ Tim Longfellow
Professional Engineer
Geschick, Little & Weber, P.A.

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3809 NATIONAL DRIVE • SUITE 250 • BARTONSVILLE OFFICE PARK
BARTONSVILLE, MARYLAND 20806
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PREPARED FOR:
EDENS, L.P.
7200 WISCONSIN AVENUE
SUITE 400
BETHESDA, MARYLAND 20814
ATTN: JIM MCKENNEY
301-652-7400

SCALE	ZONING
1" = 50'	CRT
DATE	TAX MAP - CR
AUGUST, 2017	GQ-121/34

ADMINISTRATIVE SUBDIVISION PLAN
CABIN JOHN SHOPPING CENTER
PROPOSED PARCEL D (SEVEN LOCKS PLAZA)

G. L. W. FILE No.
16066
SHEET
3 OF 4

Attachment 2



Isiah Leggett
*County
Executive*

DEPARTMENT OF TRANSPORTATION

Al R. Roshdieh
Director

August 10, 2017

Mr. Troy Leftwich, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Administrative Plan No. 620170050
Cabin John Shopping Center

Troy
Dear Mr. Leftwich:

We have completed our review of the amended administrative plan dated August 8, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on June 13, 2017. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
2. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
3. Provide a ten (10) foot wide Public Utilities Easement (PUE) along all existing street frontages. Where a Public Improvement Easements (PIE) are being proposed, the PUE will need to be increased by the width of the PIE. Please note the maximum cross-slope for a PUE is 4:1 ratio.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
5. We recommend that the applicant coordinate with Ms. Patricia Shepherd of our Transportation Engineering Section at patricia.shepherd@montgomerycountymd.gov or at 240-777-7231.
6. We recommend that the applicant coordinate with Mr. Jon Hutchings, the CIP Manager for Seven Locks and Tuckerman Road sidewalk and bikeway project. Mr. Hutchings can be reached at jon.hutchings@montgomerycountymd.gov or at 240-777-7224.
7. In accordance with our previous agreement with the Planning Department and the applicant, we recommend the frontage road improvements be deferred to the future preliminary plan amendment.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma our Development Review Senior Planning Specialist for this project at (240) 777-2118 or at rebecca.torma@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/DOT/Development Review/Rebecca/developments/Potomac subregion/cabin john/620170050 Cabin john shopping ctr admin plan.docx

Enclosure

cc: Kate Bucklew Edens
Kevin Foster Gutschick, Little & Weber P.A.
Ed Axler M-NCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
Jon Hutchings MCDOT DTE
Stacy Coletta MCDOT DTS
Patricia Shepherd MCDOT DTE
Rebecca Torma MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: CABIN JOHN SHOPPING CENTER

Administrative
Preliminary Plan Number: 620170050

Street Name: SEVEN LOCKS ROAD

Master Plan Road
Classification: ARTERIAL

Posted Speed Limit: 35 mph

Street/Driveway #1 (SOUTHERN ENTRANCE)

Street/Driveway #2 (NORTHERN ENTRANCE)

Sight Distance (feet) OK?
Right 415 YES
Left 700 YES

Sight Distance (feet) OK?
Right 495 YES
Left 1050 YES

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed
(use higher value)

Tertiary	-	25 mph
Secondary	-	30
Business	-	30
Primary	-	35
Arterial	-	40
		(45)
Major	-	50
		(55)

Required
Sight Distance
in Each Direction*

150'
200'
200'
250'
325'
400'
475'
550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

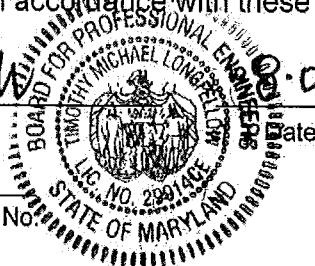
ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature

29914

PLS/P.E. MD Reg. No.



Date

08-20-2017

Montgomery County Review:

☒ Approved

☐ Disapproved:

By:

Date:

Edgella Roma
8/8/17



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

June 22, 2017

Mr. Timothy Longfellow
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Cabin John Shopping Center
Preliminary Plan #: N/A
SM File #: 282809
Tract Size/Zone: 13.1 Acres
Total Concept Area: 2.2 Acres
Lots/Block: N/A
Parcel(s): Seven Locks Plaza Parcel A
Watershed: Cabin John Creek

Dear Mr. Timothy Longfellow:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Permeable Pavement, Microbioretention, and a Structural Pipe System.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. A detailed Review of the Structural Design will occur at the time of detailed plan review

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Timothy Longfellow
June 22, 2017
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me 282809 AK

cc: C. Conlon
SM File # 282809

ESD Acres:	1.19 Acres
STRUCTURAL Acres:	1.0 Acres
WAIVED Acres:	N/A



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 13-Jul-17
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Cabin John Shopping Center
620170050

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **13-Jul-17** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

July 21, 2017

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Cabin John Shopping Center, ePlan 620170050, NRI/FSD application accepted on 4/26/2017

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

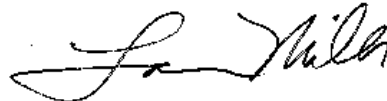
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

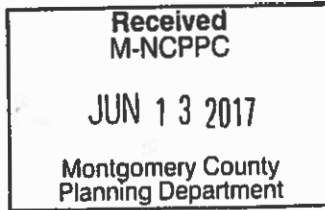
Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller
County Arborist

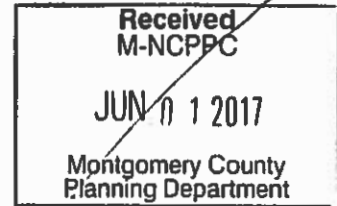
cc: Steve Findley, Planner Coordinator

Attachment 3



Regency Estates Citizens Association, Inc.
Post Office Box 34744
Bethesda, MD 20827-0744

June 5, 2017



Montgomery County Planning Department
Development Applications and Regulatory Coordination Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Plan 620170050
Cabin John Shopping Center

We are concerned about the proposed addition of two new buildings in the Cabin John Shopping Center. These two buildings are very near the intersection of Tuckerman Lane and Seven Locks Road. They should be located further from the intersection.

There were proposals of adding one auxiliary northbound lane on Seven Locks Road and one additional eastbound auxiliary lane on Tuckerman Lane eastbound.

These improvements were supposed to be funded by Parc Potomac and Westfield's Montgomery Mall expansions.

The intersections of Tuckerman Lane and Seven Locks Road have Two through lanes Westbound and Southbound and only One through lane Eastbound. Every afternoon Northbound Seven Locks road normally backs up over ½ mile or longer and during the Morning Lunchtime and Evening backs up Eastbound. Level of service F at these times.

We also call to your attention the proposals for Bike lanes and pedestrian sidewalks on Tuckerman Lane. The next meeting on this proposal will be June 15, 2017 at Herbert Hover Middle School at 6:30 PM.

Tuckerman Lane also has a 96 inch watermain located very close to the proposed buildings which is concern to considered. WSSC has proposed that there be no construction near this very large water main.

There is also a CIP project along Seven Locks Road for adding additional lanes at the intersection of Seven Locks Road and Tuckerman Lane in addition to adding Bicycle lanes along the entire length of Seven Locks Road.

In light of all these proposals we would recommend the Buildings being proposed be set back an addition distance from the roads.


Jerry Garson, Treasurer

Attachment 4

Montgomery County Cemeteries

Name: Scotland Cemetery **ID:** 305
Alternate Name: Snake Hollow Cemetery
Address: Vicinity of Seven Locks Rd/Tuckerman Lane/Coddle Harbor Lane - NE side
Town: Scotland

ADC Map: 35 **Grid:** A/B-1 vic

Cemetery Association: Free Black, Community, Enslaved?

Setting: Suburban **Condition:** Poor

Negative Impacts:

Burials: Unknown

Date range of burials: Unknown

Description: Specific location unknown. According to George Snowden of Snowden's Funeral Home, the graves here were not moved and were not visible by the time the Cabin John Shopping Center and mall were constructed on the site (1967-78).

Comments: Overgrown, in woods with new houses around. Near Park & Planning off Tuckerman Lane. Mostly uncarved stones. Family names are Cooper, Thomas, Simms, et al

Survey date: 12/1/2005

Historic Status:

Additional Sources: Catholic Records reference Snake Hollow Cemetery; Recollection of George R. Snowden, Sr. Dec. 2005, Bette Thompson, Scotland AMEZ, 301-983-1094

Run date: 8/30/2007



**Cemetery Assessment for the Cabin John Shopping Center
Potomac, Montgomery County, Maryland**

August 23, 2017

Introduction

The Ottery Group has prepared this assessment in order to evaluate the potential for one or more unmarked cemeteries associated with the historically African American community of Scotland to have existed at the location of the Cabin John Shopping Center. The shopping center, owned by EDENS, is located at the intersection of Seven Locks Road and Tuckerman Lane in Potomac, Maryland. EDENS requested this assessment for purposes of due diligence associated with planning future construction at the property.

African Americans purchased land along Seven Locks Road after the Civil War. Many had been enslaved, and at least one founder of the community that became Scotland was a Civil War veteran; Henry Dove who resided in this area by 1879 (Hopkins 1879) had served in the 37th Regiment of the United States Colored Troops. The community grew to fifty to seventy-five families, dwelling on approximately fifty acres from north of Tuckerman Lane reaching south to the location of Democracy Boulevard. Originally the community was called Snake Den, after the Snake Den Branch of Cabin John Creek; this place name was established during the mid-eighteenth century, well before African American settlement (Levine 2000). The community had an elementary school by 1901, on Seven Locks Road north of Tuckerman Lane, and a community of worship with two churches, one of which became the Scotland African Methodist Episcopal (AME) Zion Church, established by 1906 and erected in its current location by 1924. Snake Den began to be called Scotland around 1915. By the middle of the twentieth century houses in the area became dilapidated, even though people throughout the community were employed; Scotland received no sewer or water infrastructure, and the county provided no trash collection. Montgomery County desired land for the creation of Cabin John Regional Park, and real estate speculators and developers put a premium on the land as well. Facing condemnation of their homes, Scotland residents pooled their capital and invested in the first affordable housing development in the county, the Scotland Community Apartments, which were completed between 1968 and 1971 using grants and loans from the Federal Housing Administration (FHA) under President Johnson's administration. Developer Carl M. Freeman purchased large areas in the north part of Scotland for redevelopment, creating Cabin John Shopping Center during the same period.

The Montgomery County Planning Department Cemetery Inventory includes two cemeteries associated with Scotland, one located adjacent to the Scotland AME Zion Church (MIHP M:29-15) approximately one-half mile south along Seven Locks Road, and one identified as "Scotland Cemetery" and "Snake Hollow Cemetery" in the inventory, located generally in the vicinity of Seven Locks Road, Tuckerman Lane, and Coddle Harbor Lane on the northeast side of these intersections (Montgomery County Planning Department 2007a; 2007b). This assessment consisted of compiling available research on the history of the Scotland community including title histories, reviewing historical source materials, and an analysis of this research in order to evaluate and assess the likelihood for this or another cemetery to exist within the 23.55 ac EDENS property.

This preliminary effort did not include a field investigation of the property other than a visual walkover to document existing conditions, including examination of the approximately two-acre wooded area in the eastern portion of the property (Attachment 1), and utilizes only publicly available documents from various repositories located in Washington DC and Maryland.

Methodology for Survey of Primary Documentary Research

This assessment builds upon research with primary historical documents, defined as documents with known provenience, authored in past contexts, and associated with events pertaining to the property under investigation, such as newspaper reports, legal records such as deeds and plats, administrative records, and other available documents. The Ottery Group carried out background historical research into the following records and topics:

Historic land records. Digital imagery of Montgomery County land records is accessible online via the retrieval system hosted at www.mdlandrec.net, and <http://plats.net>, the latter being supported by the Maryland State Archives. Title history research was carried out for the entire EDENS property for Cabin John Shopping Center (Attachment 2), in order to identify portions of the property associated with the Scotland community and thus having potential to contain unrecorded family cemeteries. The full text of all deeds was reviewed for information about possible cemeteries. Historic title information is presented in Attachment 3.

Historic maps and aerial photography. Relevant maps including U.S. Geological Survey topographic maps, real estate atlases, and aerial photographs were accessed and provide pertinent spatial data and chronological markers for development of Cabin John Shopping Center and adjacent lands. A GIS database layering together historical map data with information contained in deed and plat records has not been created under the present scope of work.

Historic newspapers. Regional newspapers were used to develop a basic chronology and land use history, alongside deed research, tax assessments, and other documentary sources. These can help identify specific information about cemeteries operating in Scotland. In some cases, published death notices can be linked with other archival records, namely death certificates on file at the Maryland State Archives in Annapolis.

The Washington Evening Star, the newspaper of record for the District of Columbia and adjacent areas in Maryland is available digitally through the District of Columbia Public Libraries as keyword searchable, full-text original print images from 1852-1981, as is the Washington Post starting in 1877. These newspapers were searched for relevant material using keywords such as “Snake Den”, “Scotland Cemetery”, “Snake Hollow Cemetery”, “Scotland AME Zion”, “Scotland, Md”, and so forth. This yielded several pertinent stories under some topics, which helped to refine the timeline for development of the Scotland community, and placement of landmarks such as schools and churches. A small number of published death notices mentioning Scotland area cemeteries were identified.

The Jane C. Sween Library of the Montgomery County Historical Society in Rockville, Maryland maintains a vertical file on the Scotland community, containing a complete record of relevant newspaper items from the period of Scotland’s relocation from 1964 through 1971, and after.

Genealogical records. Genealogical material contained in the Maryland State Archive (MSA) was accessed, including Donna Cuttler’s (Cuttler 2000) *The Genealogical Companion to Rural Montgomery County Cemeteries*, which contains no references to Scotland, and the Genealogical Council of Maryland’s *Directory of Maryland Burial Grounds* (Maryland 1996), which similarly excludes Scotland’s cemeteries. The MSA also holds Maryland census records, tax assessments, wills and probates, records of the Orphan’s Court and other court records. Many of these records are also available from other sources, for instance the Maryland Room of the University of Maryland Libraries in College Park, the Enoch Pratt Free Library in Baltimore, and www.Ancestry.com. These wider genealogical records were selectively consulted, but hold potential to characterize the historical African American community of Scotland, and the social networks linking them with the region more broadly.

Death records are an important component of genealogical research, and archived death records in Maryland are organized for the convenience of amateur and professional genealogists who are searching these records for named individuals. Pertinent death records consist of State of Maryland death certificates and indices recording names, counties of residence, and dates of death. Death records held at the MSA for the period from 1897 to 1972 are available, often in digital format, organized by county, year of death, and name of the decedent (MSA 2015a; 2015b; 2015c).

The Montgomery County Archives contain no death records for the county, but the Montgomery County Planning Department maintains an inventory of cemeteries in the county, at http://www.montgomeryplanning.org/historic/education/cemeteries_locationals.htm. The associated records including hand-written notes and forms for the county's cemetery inventory are held at the Montgomery County Historical Society in Rockville, and these were consulted, resulting in the identification of two cemeteries associated with Scotland. The Montgomery County Historical Society maintains a vertical file on cemeteries, and a cemetery card file created by a genealogy club during the 1970s, searchable by name and cemetery within a selection of burying grounds in Montgomery County, both held in the Jane C. Sween Library in Rockville; these resources contained no mention of any cemeteries in Scotland.

Using published death notices and census data for the family of Henry Dove, available on www.ancestry.com, one death certificate was identified at the MSA listing Scotland cemetery as the place of burial in 1933, and another listed the Dove family cemetery as place of burial, in 1953; subsequent research locates this cemetery outside of the EDENS property at Cabin John Shopping Center.

Overview and Land Use History

Land within the Cabin John Shopping Center derives partly from a large landholding of the Scriven family of Washington, DC, which passed through several speculative real estate companies during the middle decades of the twentieth century, and partly from the accumulation of small parcels associated with the Scotland community. The African American community at Scotland traces its founding to the 1879 purchase at auction of 36 acres by freeman William Dove, one progenitor of a large clan that remained associated with the Scotland community into the twenty-first century; the Scotland Community Apartments had a section nicknamed “Dove Land” at the time Dove descendent Bette Thompson was interviewed by the Washington Post in 2005 (Rathner 2005). The settlement was initially known as Snake Den, after the Snake Den Branch of Cabin John Creek, which runs on the west side of Seven Locks Road near what was historically Dove family property northeast of the intersection of Seven Locks Road and Tuckerman Lane. Henry Dove, William Dove's uncle, a former slave and Civil War veteran who was enlisted in the 37th Regiment of the U.S. Colored Troops (Ancestry.com 2017), purchased 28.5 ac in this area in 1886, and his land was divided among his heirs who held it until the mid-twentieth century (Attachment 4).

The place name was changed to Scotland by 1917, possibly earlier, based upon references to the place as Scotland in public notices (Evening Star 1917; 1918). Scotland grew to a community of approximately 75 African American families by the mid-twentieth century, but subdivision of land within families, and regulation of acceptable land use by Montgomery County authorities, constrained improvements by Scotland residents, created extremely poor housing conditions in the community (Montgomery Sentinel 1965c). Decades of disinvestment by the county led to the Scotland residents eventually selling their land and relocating to Scotland Community Apartments, the first such affordable housing project in Montgomery County, between 1968 and 1971. Developer Carl M. Freeman acquired much of the land in Scotland north of Tuckerman Lane by 1955, including the Cabin John Shopping Center property, and the mall and shopping center were constructed starting in 1968

Cemetery Assessment for the Cabin John Shopping Center
Potomac, Montgomery County, Maryland

and continuing into the 1970s (Levine 2000; Rathner 2005; Ryan 2009). Title research shows that a portion of the EDENS property is comprised by lands formerly owned by Scotland residents, namely Henry Dove's descendants (see Attachments 3-4).

The Scotland community extended from north of Tuckerman Lane to reach the present-day location of Democracy Boulevard, with the intersection of Tuckerman Lane with Seven Locks Road being the location Scotland Elementary School, which existed by 1901 (Evening Star 1901) and was dilapidated by the 1920s (Montgomery Sentinel n.d.) but provided an alternative to the Seven Locks Colored Elementary School, established in 1879 further north within the county-operated, state-funded segregated school system. Construction of Scotland AME Zion Church in its present location was completed in 1924 (Dwyer 1975), and a one-room Rosenwald elementary school was established nearby in 1927 (Diggins 1964; Levine 2000; Montgomery Sentinel 1965b). These structures appear on historic maps and atlases of the vicinity (Baist 1918; USGS 1923; USGS 1944). Scotland AME Zion Church was home to a group of worshipers that first gathered in 1906 as the Warren Church and held services in a private home until completion of the church building in 1924 (Dwyer 1975). There is some evidence that services took place in a building located on Seven Locks Road immediately northeast of the intersection with Tuckerman Lane; a map published by the United States Geological Survey (USGS) in 1923 shows a church in this location, on the south side of the road that became Coddle Harbor Way (USGS 1923) (Attachment 5). The structure is not labeled except to identify it as a church or place of worship, and a structure is depicted in the same location on a USGS topographic map published in 1944, but is not indicated as a church. Bette Thompson, born around 1935 and great-granddaughter of Henry Dove, commented during an interview with Bethesda Magazine interview 2009 that "The Scotland AME Zion Church... Until 1905, it was where Cabin John Shopping Center is" (Ryan 2009). Bette Thompson's 2009 statement and the structure included on the 1923 USGS topographic map are the only historical data identified during preparation of this assessment indicating a church in this location.

Circumstances of land ownership in Scotland became complicated to the point of obscurity by midcentury (Zweigenhaft 1965). "Much of the land is in joint or indeterminate ownership, making it difficult at present for individuals or families to sell even if they wanted to do so," reported the Montgomery Sentinel in July 1965 (Montgomery Sentinel 1965d). "Tracts, cut up and handed down from one generation to the next, have cloudy titles; many of the lots are too small to meet county minimum legal requirements for septic tanks and wells" (Evening Star 1965a). Intervention in Scotland by county, state and federal agencies was heralded by efforts of the Scotland Civic Association and the organization called Save Our Scotland, which held its first meeting in February 1965 and publicized the living conditions of the approximately fifty families residing there in severe deprivation (Diggins 1964; Montgomery Sentinel 1965c, 1965d; Rathner 2005).

The Scotland Community Development Corporation was created in 1965, with Scotland residents pooling their land and receiving equity shares in a new housing development, the current Scotland Community apartments located on Scotland Drive in Potomac, Maryland. An FHA demonstration grant was secured in 1965, and a \$1.6 million FHA loan to construct townhomes followed in 1967 (Evening Star 1965b; Evening Star 1967; Montgomery Sentinel 1965a). Construction on the 100-unit townhome development began in 1967 and was completed in 1971, with units being occupied by owners or tenants as quickly as they were finished (Montgomery Sentinel 1971).

The Cabin John Shopping Center began construction in 1968, and examination of available aerial photography shows that the southern, shopping center portion of the development was completed by 1969 (Real Estate Directories 1970). The Cabin John Mall began construction by November 1970, and a portion of the neighboring Inverness development were completed by 1979.

Preliminary Results

Three cemeteries associated with the Scotland community were identified within proximity to the Cabin John Shopping Center, but it does not appear that these occur within the 23.55 ac EDENS property. Two of the cemeteries have recorded locations. These consist of the cemetery associated with Scotland AME Zion Church, directly adjacent to the present-day church property on Seven Locks Road (Montgomery County Planning Department 2007a), which is still extant and was presumably established after construction of the church in this location began in 1915, and the Dove family cemetery, which is situated a short distance north of the shopping center within a portion of the Inverness development, north of Coddle Harbor Lane.

The Dove family cemetery was identified during title history research for that part of the current land title survey for Cabin John Shopping Center identified as Parcel “O” (Plat No. 12383), which is part of the Inverness Knolls subdivision, in the eastern portion of the shopping center. Carl M. Freeman’s 1955 purchase of a number of parcels totaling 28.35 ac included much of the land in the northernmost part of Scotland, including the former properties and homeplaces of Henry Dove and his descendants, among them a woman named Elizabeth M. J. Dove. A plot of land containing 7,250 square feet, and a right of way providing access to it, were held back from the sale of 21.5 ac by Elizabeth Dove, and subsequent deed records for transfers in 1966 and 1977 maintain the exclusion of this small plot, indicating that it contains a cemetery. No cemetery is visible on aerial photography of the 21.5 ac property, but real estate atlases published in 1970 and 1972 appear to show the location of the cemetery clearly (ARCATA Real Estate Data 1972; Real Estate Directories 1970) (for instance, Attachment 6). Finally, a death certificate for Tilghman Edward Dove, a descendant of Henry Dove, was located at the MSA, and this record indicates that he was buried at the Dove Cemetery in Scotland in October of 1953.

The Montgomery County Planning Department’s Cemetery Inventory includes one additional cemetery associated with Scotland, called Scotland Cemetery or Snake Hollow Cemetery (Montgomery County Planning Department 2007b) (Attachment 7). The location of this cemetery could not be ascertained, and little corroborating evidence regarding the cemetery was discovered during this assessment. Information in the county’s inventory draws on several sources: recollections of George R. Snowden, Sr. who operated the Snowden funeral home in Rockville, Maryland and had first-hand experience of the cemetery; recollections of Bette Thompson, a Dove descendant and community leader who pursued the relocation of Scotland during the 1960s; and unspecified Catholic records referencing Snake Hollow Cemetery. This last note suggests that the cemetery was Catholic, or inter-denominational. According to George Snowden’s description, graves were never removed from the cemetery, and the cemetery was not visible at the time that Cabin John Shopping Center and Mall were constructed. The location recorded in the inventory is “Vicinity of Seven Locks Rd/Tuckerman Lane/Coddle Harbor Lane – NE side”. Other comments in the inventory suggest that the surveyors had located and visited the cemetery, in December 2005 when vegetation would have died back giving grave markers greater visibility. The form notes that the Snake Hollow Cemetery is “Overgrown, in woods with new houses around. Near Park & Planning [facilities for Cabin John Regional Park] off Tuckerman Lane. Mostly uncarved stones. Family names are Cooper, Thomas, Simms, et al”. If the cemetery was visited in 2005, as it appears, then it would not have been directly impacted by past construction on the Cabin John Shopping Center property.

The Ottery Group staff carried out a pedestrian walkover of the undeveloped, wooded area in the eastern portion of the shopping center property, in the vicinity of a stormwater management facility (Attachment 2). This approximately two-acre area contains second-growth mixed hardwood forest on a gradual hillslope that descends towards a drainage to the northeast, which exits a pond that collects stormwater from the Cabin John Shopping Center and the adjacent Inverness Knolls development. The stormwater management facility was built during the above-mentioned development projects, and

was not examined. The balance of this two-acre area appears to contain the early twentieth-century ground surface with regenerated forest. No evidence of a cemetery was noted within this portion of the Cabin John Shopping Center property, suggesting that the Snake Hollow Cemetery likely falls on M-NCPPC property, within Cabin John Regional Park.

Summary and Recommendations

The Ottery Group has prepared this assessment in order to assist in determining whether the EDENS property at Cabin John Shopping Center in Potomac, Maryland is likely to contain one or more unmarked cemeteries associated with the African American community of Scotland from the later nineteenth century to the mid-twentieth century, when the property was assembled for subdivision and redevelopment by developer Carl M. Freeman, and his partners. The Montgomery County Planning Department Cemetery Inventory includes two cemeteries associated with Scotland, one associated with Scotland AME Zion Church one half-mile south of the shopping center on Seven Locks Road, and one located generally in the vicinity of the shopping center, known as Scotland Cemetery or Snake Hollow Cemetery. Title history research and other documentary sources identified a third historic cemetery, the Dove family cemetery formerly situated on a 21.5 ac parcel north of and adjoining Coddle Harbor Lane north of the shopping center. This land is now part of the Inverness development, also associated with developer Carl M. Freeman.

Historic map and title information clearly situate the Dove family cemetery outside of the Cabin John Shopping Center property. The position of the cemetery may be depicted in real estate atlases published in 1970 and 1972, when the small cemetery of 7,250 square feet was recognized as separate from the lands that Freeman and his partners reassembled for subdivision in the Inverness development. The site of the Dove family cemetery was not located on the ground and its present condition has not been ascertained.

The Scotland Cemetery or Snake Hollow Cemetery has unclear associations. It may have been utilized by Scotland residents prior to the establishment of the Scotland AME Zion Church cemetery further south. Undertaker George R. Snowden indicated during an interview in 2005 that Scotland Cemetery/Snake Hollow Cemetery was not visible at the time Cabin John Shopping Center was constructed, implying disuse and neglect. Details in Montgomery County's inventory data for the cemetery suggest that it was located and visited during survey in 2005, and that it is situated in woodlands near new residential construction, adjacent to M-NCPPC facilities for Cabin John Regional Park. No evidence of a cemetery, such as carved or uncarved grave markers, was identified during pedestrian survey of the approximately two acre, wooded, eastern portion of the shopping center property. All of this suggests that Scotland Cemetery/Snake Hollow Cemetery is not located within the 23.55 ac property associated with Cabin John Shopping Center, but further east along Tuckerman Lane.

This assessment provides a baseline evaluation of the potential for a cemetery to be located on land currently part of the Cabin John Shopping Center. The preliminary conclusion of this historical records review is that no known cemeteries can be documented within the Cabin John Shopping Center property. Based on the information presented in this assessment, no further measures or investigations are recommended at this time.

Cemetery Assessment for the Cabin John Shopping Center
Potomac, Montgomery County, Maryland

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**Attachment 1: Field Photographs Depicting Existing Conditions at Cabin John Shopping Center,
Potomac, Maryland**



1. Overview of Cabin John Shopping Center, Facing West



2. Overview of the Cabin John Mall, Facing Northeast



3. View South from Coddle Harbor Lane at Northwest Corner of Cabin John Shopping Center Property, Along Berm Separating Parking Lot from Public Way on Seven Locks Road (right of frame)



4. View of Proposed Construction Area at Southwestern Corner of Property, Parcel "A"



5. View Southeast from Southwest Corner of Cabin John Shopping Center Property, Along Berm Separating Shopping Center Driveway from Public Way on Seven Locks Road (right of frame)



6. View North from Southwest Corner of the Cabin John Shopping Center Property, Area for Proposed Construction (Seven Locks Road at right of frame)



7. View Facing Northwest Along the Tree Line from the Eastern Corner of the Cabin John Shopping Center Parking Lot, Wooded Portion of the Property at Right



8. View Facing North Along Eastern Property Line of Cabin John Shopping Center, Showing Ground Cover and Conditions in Wooded Portion of Property

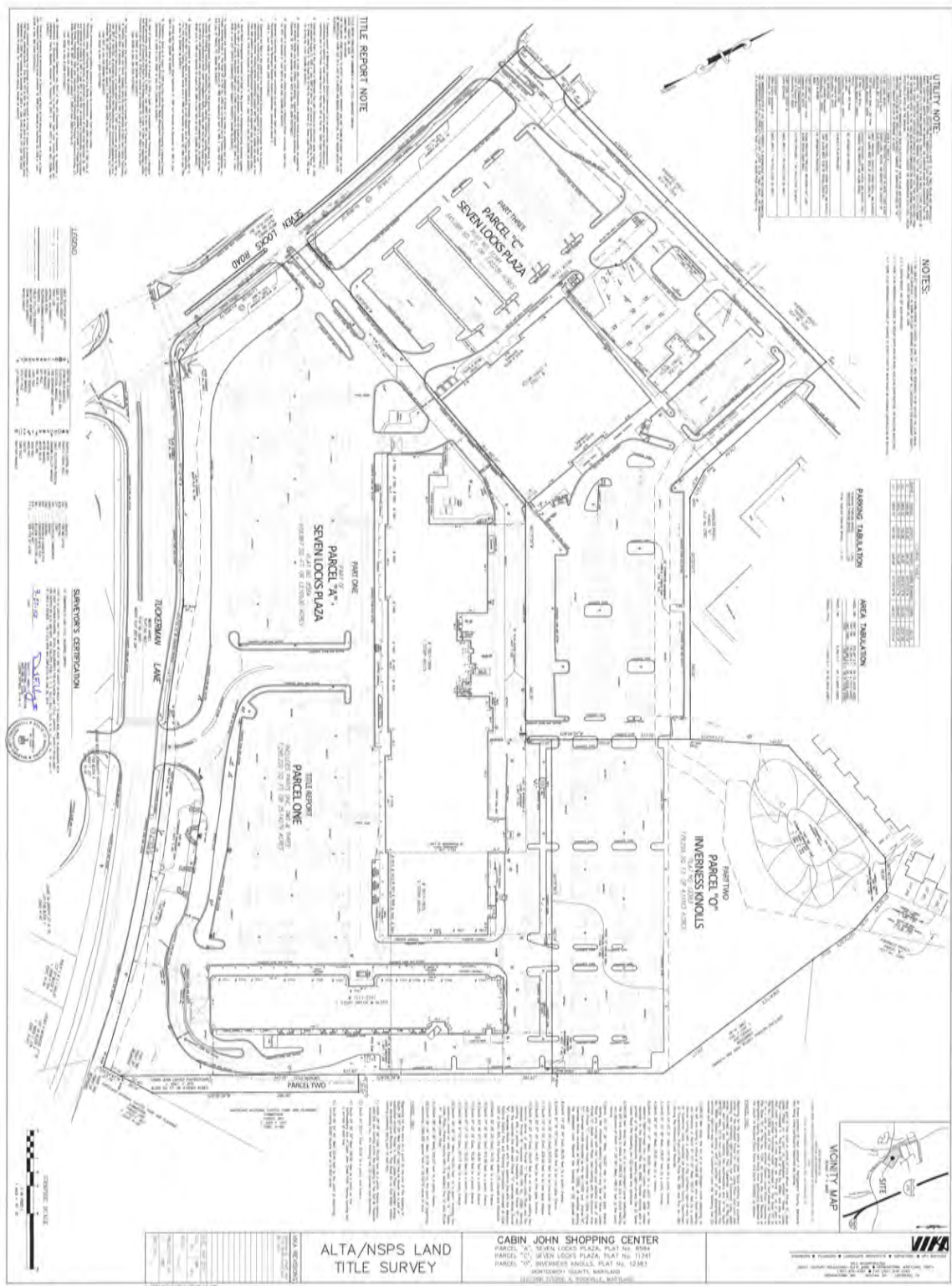


9. View Towards Southwest from Interior of Wooded Portion of Cabin John Shopping Center Property, Showing Grade and Ground Cover



10. Overview of Stormwater Management Facility in the Wooded Portion of the Cabin John Shopping Center Property, Facing East-Northeast

Attachment 2: Survey of Cabin John Shopping Center Property Completed in 2016, Noting Parcel Divisions and Plat References Within the Property



Attachment 3: Title History for EDENS Property at Cabin John Shopping Center

Part 1, Parcel "A", Plat 8584 (Scriven/Sherman Tract)

Book	Page	Date	Grantor	Grantee	Acreage	Notes
53660	431	12/20/16	Cabin John Associates Limited Partnership, a Maryland Limited Partnership, and Carl M. Freeman Associates, Inc., a Maryland Corporation	Cabin John (EDENS), LLC, Bethesda	25.33	
3586	497	12/1/66	Carl M. Freeman Associates, Inc.	Cabin John Limited Partnership	9.89	
3332	270	2/8/65	The Edgemoor Land Company	Carl M. Freeman Associates, Inc.	366(?)	"Being part of a tract of land called "Hensley", "The Addition to Hensley", "Rock Spring", "Boon's Good Luck Again", or by whatever name or names the same may be known as and called..."
1429	583	8/24/50	Park and Country Club District, Inc.	The Edgemoor Land Company	366	Park and Country Club District Incorporated, formerly known as Bethesda Amusement Corporation
540	62	6/20/32	The Security Land Company	Bethesda Amusement Corporation	No acreage listed	
392	274	1/12/26	James M. Mount, and Zeru A. Mount, his wife	The Security Land Company	366	Sale of three parcels specifically excludes a tract NOT conveyed by Margaret V. Sherman to Cornelia Elizabeth Scriven et al, 6/12/1917,

Book	Page	Date	Grantor	Grantee	Acreage	Notes
						L268 f152, 69 acres. See Deets and Maddox 1917 Real Estate Atlas, Attachment 4
310	71	9/22/21	George P. Scriven, and Elizabeth McQuade Scriven, his wife, and Katherine Scriven, all of the District of Columbia	James M. Mount	Three parcels totalling 325.158 ac	"...pieces and parcels of lands and premises...being part of a tract of land called "Hensley" part of a tract called "The Addition to Hensley", part of a tract called "Rock Spring", and part of a tract alled "Boon's Good Luck Again..."
310	76	9/22/21	Cornelia Elizabeth Scriven, unmarried, and Katherine Scriven, unmarried, of the District of Columbia	James M. Mount	40	
PBR268	152	6/12/17	Margaret B. Sherman, widow, of Mobile, Alabama	Cornelia Elizabeth Scriven and Katherine Scriven, District of Columbia	40	Indenture; references 1915 subdivision deed of Geroqe P. Scriven, et ux., et al.
252	244	7/30/15	George P. Scriven, widower, of the District of Columbia, Katherine Scriven, unmarried, of Washington, and Margaret B. Sherman of Mobile, Alabama		433.54	All of the land described as the "Farm Property"; "...whereas the said parties hereto have concluded to make an amicable division of said "Farm Property", and have agreed upon the following partition of said "Farm Property"...

Book	Page	Date	Grantor	Grantee	Acreage	Notes
226	253	2/16/12	Edward S. Bragg, Fond du Lac, Wisconsin	Cornelia C. Bragg, his wife, Fond du Lac, Wisconsin	433.54	Same three parcels described above, and the same deed references that follow
TD27	68	9/1/03	James B. Wimer and Mary M. Wimer, his wife, of the District of Columbia	George P. Scriven of the District of Columbia	154.849	(1) from L.226 f.253 above, "all that piece or parcel of land called "Hensey", "The Addition to Hensey", "Rock Spring", and "Boones Good Luck Again", situated in the County of Montgomery, State of Maryland."
TD27	70	9/1/03	James B. Wimer and Mary M. Wimer, his wife, of the District of Columbia	George P. Scriven of the District of Columbia	145.175	(2) from L.226 f.253 above. Also "all that piece or parcel of land called, "Hensley", "The Addition to Hensey", "Rock Spring", and "Boones Luck Again".." Conveyance is EBP 34 f325, 1885 sale of 452 ac from William W. Anderson and wife, and Julie Anderson to John H. Bumgardiner?
180	16	9/24/04	James B. Wimer and Mary M. Wimer, his wife, of the District of Columbia	George P. Scriven of the District of Columbia	133.52	(3) from L.226 f.253 above
TD 24	387	2/10/03	J. Hite Miller, Charles M. Barrick, and Cadwell C. Tyler, all unmarried, of the District of Columbia	James B. Wimer	133.52 (?)	Antecedent for all three James B. Wirt sales, L.TD27 f.68, L. TD27 f.70, and L.180 f.16

Book	Page	Date	Grantor	Grantee	Acreage	Notes
TD 12	220	11/10/1899	Phil H. Tuck of Baltimore City, Attorney, German H. Hunt, and The Tenallytown and Rockville Railroad Land Company of Montgomery County	J. Hite Miller, Charles M. Barrick, and Cadwell C. Tyler, of the District of Columbia	442	
		5/12/1899	German H. Hunt, widower of Baltimore City	J. Hite Miller, Charles M. Barrick, and Cadwell C. Tyler, of the District of Columbia		
JA43	29	1/24/1894	The Tenallytown and Rockville Railroad Land Company of Montgomery County	German H. Hunt, widower of Baltimore City	442	Mortgage
JA27	6	5/13/1891	Annie Vance, unmarried, Washington City District of Columbia	The Tenallytown and Rockville Railroad Land Company of Montgomery County	1230.125 and 10 square perches	Deed documents transfer of a whole series of holdings from Annie Vance to Railroad Land Co., listing a whole series of deed references: JA23 f.64, JA21 f. 309, JA21 f. 384, JA21 f. 381, JA21 f.396, JA23 f. 41
JA23	64	9/20/1890	Julian H. Miller and Anna L. Miller, his wife	Annie Vance of Washington City in the District of Columbia	442	Merges parcels from transactions from Thomas C. Magruder to two grantees, deeds dated 1815 and 1813; no clear statement of how the Millers obtained the land
		10/4/1815	Thomas C. Magruder	Robert P. Magruder		Referenced in L. JA 23 f.64
		12/21/1813	Thomas C. Magruder	William Wilson		Referenced in L. JA 23 f.64

Part 2, Parcel "O", Plat 12383

**Southern section obtained through The Edgemoor Land Company in 1965, part of the
Scriven/Sherman Tract**

Book	Page	Date	Grantor	Grantee	Acreage	Notes
53660	431	12/20/16	Cabin John Associates Limited Partnership, a Maryland Limited Partnership, and Carl M. Freeman Associates, Inc., a Maryland Corporation	Cabin John (EDENS), LLC, Bethesda	25.33	
3332	270	2/8/65	Edgemoor Land Company, a Maryland Corporation	Carl M. Freeman Associates, Inc., a Maryland Corporation	19.35	
1429	583	8/24/50	Park and Country Club District, Inc., a Maryland Corporation, formerly Bethesda Amusement Corporation	Edgemoor Land Company, a Maryland corporation	366	See title chain for Part 1 for continuation.

Northern section obtained from Dove descendants in Scotland in 1955

Book	Page	Date	Grantor	Grantee	Acreage	Notes
53660	431	12/20/16	Cabin John Associates Limited Partnership, a Maryland Limited Partnership, and Carl M. Freeman Associates, Inc., a Maryland Corporation	Cabin John (EDENS), LLC, Bethesda	25.33	
4977	225	5/13/77	Cabin John Limited Partnership, a Maryland Limited Partnership	Carl M. Freeman Associates, Inc.	28.35	"All that certain tract of land... Being part of the Lancaster and Pumphrey Tracts (Parcels Nos. 2 and 10), part of the Thomas Tract (Parcel No. 3) and part of the Elizabeth M. J. Dove Property (Tract No. 6),

Book	Page	Date	Grantor	Grantee	Acreage	Notes
						all described in..." L. 3496 f. 245
3496	245	1/2/66	Carl M. Freeman, individual and Trustee, and Virginia A. Freeman, his wife, and Carl M. Freeman and Alexander Chase, Trustees	Cabin John Limited Partnership, a Maryland Limited Partnership	n.a.	One of the parcels included in this deed, The Elizabeth M. J. Dove Property (Tract No. 6) appears to contain a cemetery of 7,250 ft2 in area, plus ROW for access to cemetery site; Property with cemetery is part of the purchase by Carl M. Freeman in 1955, but <u>does not</u> fall within the 23.55 ac EDENS property; Follow up documents below
2243	29	12/1/55	Martha E. Jordan, Trustee	Carl M. Freeman, Trustee	n.a.	See Plat No 4631 for beginning point metes and bounds;
60	138	9/10/1896	Sarah Ann Dove, widow, Victorine (?) D. Williams, and Richard B. Williams, her husband, Caroline V. Dove, unmarried, Samuel W. Dove and Henrietta Dove, his wife, Tilghman E. Dove and Jane Dove his wife, and Bertha P. Crawford and Lorenzo S. Crawford her	Lorenzo Snowden Dove of Montgomery County	28.5	Being Lot No. 3 in the division of the lands of Cephas F. Willett and an adjoining tract lying on the East Side of the public way leading from Rockville to Orndorf's mill, being part of a tract of land called "Sweepstakes", being the same

Book	Page	Date	Grantor	Grantee	Acreage	Notes
			husband, all of Montgomery County			lands which the aforesaid Henry Dove obtained from Elizabeth A. Willett administratrix, of Cephas F. Willett, deceased... "the same lands upon which the said Henry Dove resided at the time of his [Willett's] death."
JA 33	408	4/21/1886	Elizabeth A. Willett of Washington City, District of Columbia, administratrix of Cephas F. Willett, deceased	Henry Dove		Cephas F. Willett died while Henry Dove was still paying off the land; his admin. Elizabeth A. Willett deeds the land to Dove after he filed w/ Orphan's Court saying that he had paid the balance of the purchase money. "All that piece or parcel of land lying on the East side of the Public Road leading from Rockvile to Orndorff's Mill, being Lot No. 3 in the Division of said Willetts Lands being part of a tract of land called "Sweepstakes" of by whatsoever name the same

Book	Page	Date	Grantor	Grantee	Acreage	Notes
						may be called...", and also a second parcel, deed ends "Being the same land on which the said Henry Dove and family now reside."

Part 3, Parcel "C", Plat 11341

Section of 1.5 ac within Parcel "C" on Plat 11341 (Balance of Parcel "C", see L.3496 f.245 in Part 2, Parcel "O" Inverness Knolls for continuation, and L. 3332 f. 270 in Part 1, Parcel "A", the Scriven/Sherman Tract.)

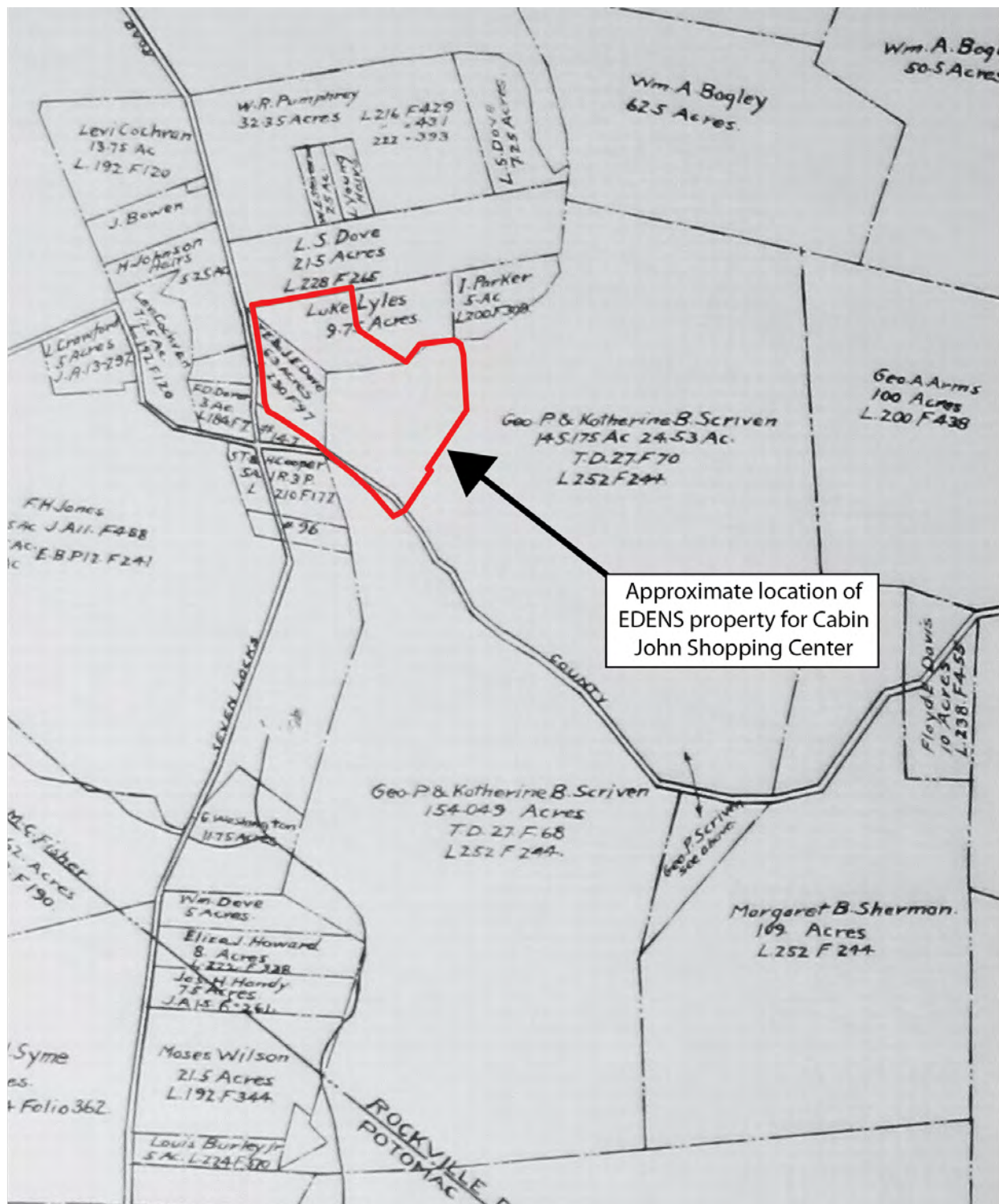
Book	Page	Date	Grantor	Grantee	Acreage	Notes
53660	431	12/20/16	Cabin John Associates Limited Partnership, a Maryland Limited Partnership, and Carl M. Freeman Associates, Inc., a Maryland Corporation	Cabin John (EDENS), LLC, Bethesda	25.33	
4032	565	1/5/71	Eddington L. Crawford, widower	Cabin John Limited Partnership, a Maryland limited partnership	1.5889	References plat of subdivision "Parcel A, Seven Locks Plaza" Plat no. 8584
1173	550	7/26/48	Nancy Pratt	Virginia M. Crawford and Eddington L. Crawford, Tenants by the Entireties	1.5	All that tract of land called "Sweepstake", containing one and one-half acres of land, more or less
668	131	5/10/37	Harvey Milton Matthews and Susie M. Matthews, his wife, of Bethesda, Maryland	Virginia M. Crawford of near Scotland, Maryland	1.5	Same Matthews family as resided in the River Road African American community in Bethesda; "Whereas Basil Matthews of

Book	Page	Date	Grantor	Grantee	Acreage	Notes
						Scotland Montgomery County, died seized and possessed of a certain piece or pieces, parcel or parcels of land... and left as his sole heirs at law two persons, his issue, a son Harvey Milton Matthews, and a daughter Virginia M. Crawford, who together as tenants in common would lawfully inherit the aforesaid land..." Virginia M. Crawford has paid Harvey Milton Matthews \$50, for his interest in the property
JLB 214	356	8/16/10	Berry E. Clark	Basil Matthews	1.5	Sale of land by clerk of MOCO county commissioners, sold to settle tax debt by Emory H. Bodley, collector of state and county taxes. Sale of land to Basil Matthews referenced MOCO Circuit Court 9/12/1906 No. 548 Misc. Petitions

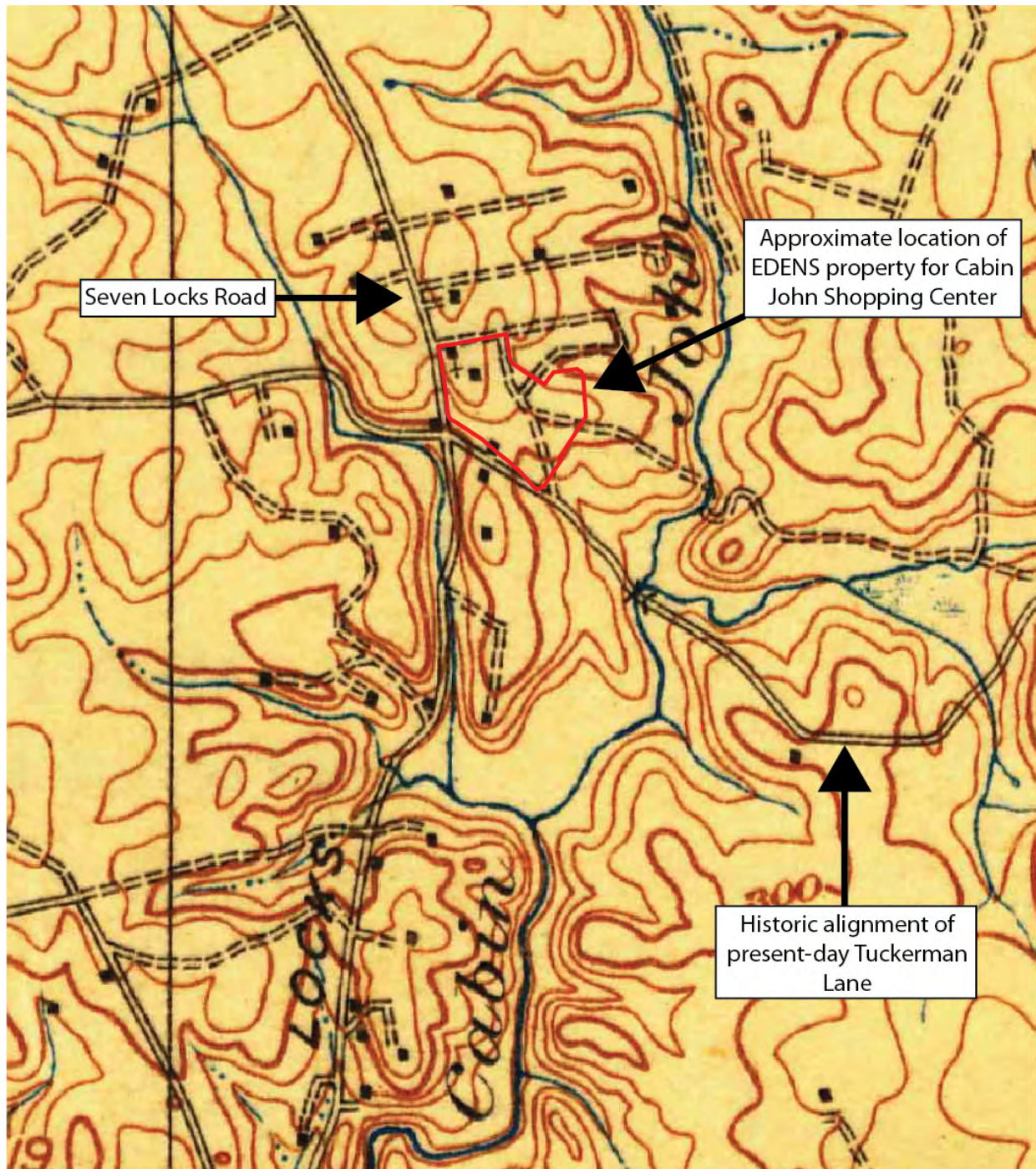
Book	Page	Date	Grantor	Grantee	Acreage	Notes
EBP 15	169	1/4/1876	Cephas F. Willett and Elizabeth A. Willett, his wife	Margaret Handy	1 ac 2 roods	"...all that tract, part of tract, piece or parcel of land called "Sweepstakes", situate, lying and being in the said Montgomery County and conveyed by William Thompson of R. Late Sherriff to Cephas F. Willett by deed.." Referenced for metes and bounds of 1.5 ac parcel. Metes and Bounds mention properties of Henry Dove and Luke Lyles, see Deets and Maddox 1917 Real Estate Atlas, Attachment 4
JGH 2	245	5/19/1853	William Thompson, late Sheriff of Montgomery County	Cephas F. Willett of Montgomery County	See antecedent deeds	Indenture - lands known as "Sweepstakes" and "The Reserve", the latter being a resurvey of "Magruder's Rich Levels" and "Hickory Levels" (referenced with three deeds recorded 1807-1816) seized and sold to Cephas Willett at Sheriff's auction, in

Book	Page	Date	Grantor	Grantee	Acreage	Notes
						judgement against William C. Chappell and Burgess Willett, deceased of Montgomery County – possible relation of the Chappell family in Tenleytown
P, G or L	47	1/1/1816	Warren Magruder	Burgess Willett		
P, G or L	50	12/22/1815	Henry Summers and Mary Summers	Burgess Willett		
N	421	10/15/1807	Catherine Jones, Jesse Leach and Sarah Leach his wife, and Polly Willett of Montgomery County	Burgess Willett of Montgomery County		"...whereas Ninian Willett late of the county aforesaid died intestate and seized in fee a part of a tract of land called Sweepstakes and part of a tract called Jones Inheritance lying in the county aforesaid", heirs of Ninian Willett sell the land mentioned and other lands, but no clear description of the land in this document.

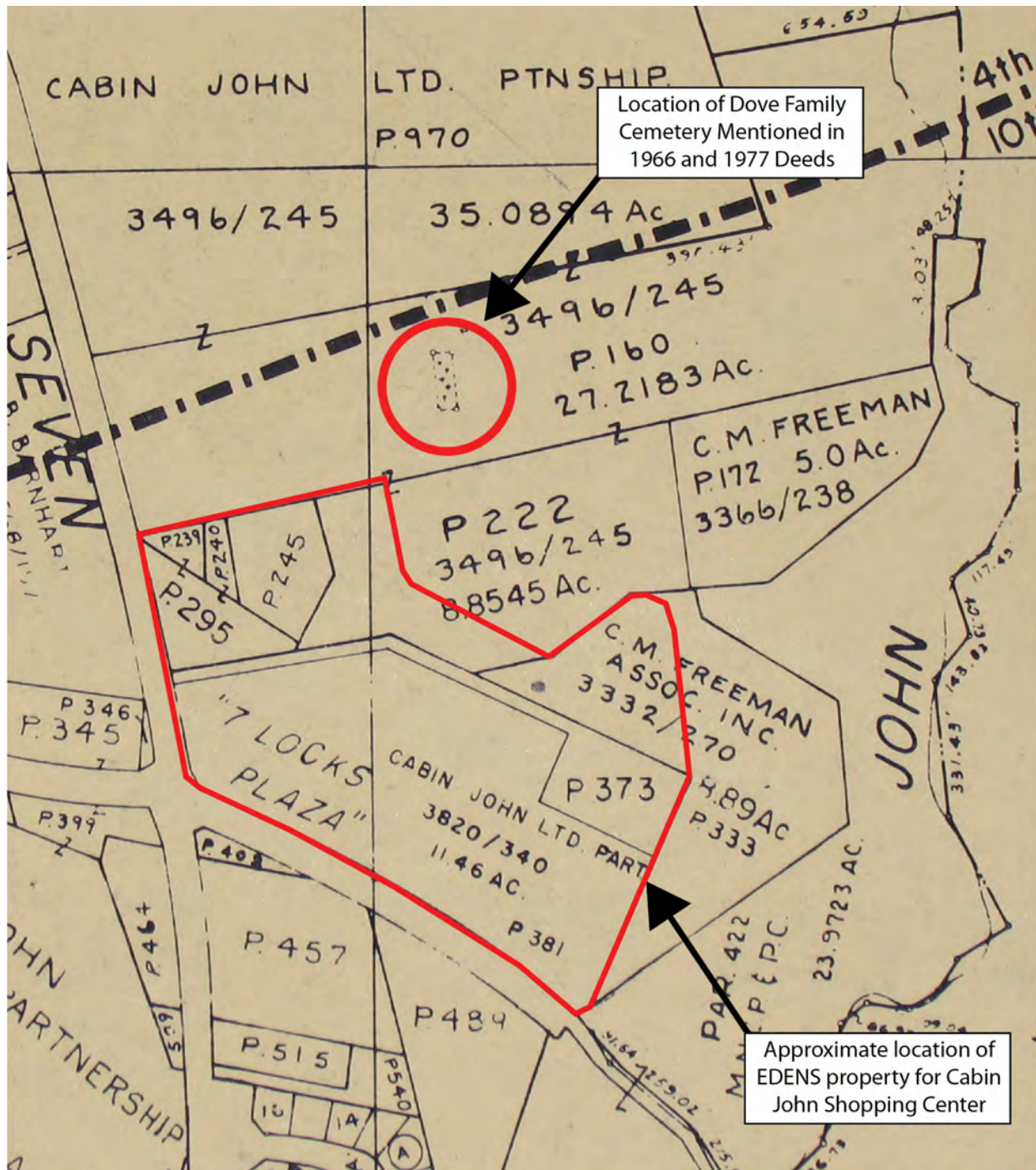
Attachment 4: Detail of Deets and Maddox's 1917 *Real Estate Atlas of the Part of Montgomery County Adjacent to the District of Columbia* Depicting Land Ownership in the Vicinity of Seven Locks Road and Tuckerman Lane.



Attachment 5: Detail of USGS Rockville Quadrangle Published in 1923, Depicting the Present-Day Location of Cabin John Shopping Center and Historical Structures and Landmarks



Attachment 6: Detail of Montgomery County Real Estate Atlas Published in 1970 Depicting Dove Family Cemetery Location on Former Property of Elizabeth Dove



Montgomery County Cemeteries

Name: Scotland Cemetery **ID:** 305
Alternate Name: Snake Hollow Cemetery
Address: Vicinity of Seven Locks Rd/Tuckerman Lane/Coddle Harbor Lane - NE side
Town: Scotland

ADC Map: 35 **Grid:** A/B-1 vic
Cemetery Association: Free Black, Community, Enslaved?

Setting: Suburban **Condition:** Poor

Negative Impacts:

Burials: Unknown **Date range of burials:** Unknown

Description: Specific location unknown. According to George Snowden of Snowden's Funeral Home, the graves here were not moved and were not visible by the time the Cabin John Shopping Center and mall were constructed on the site (1967-78).

Comments: Overgrown, in woods with new houses around. Near Park & Planning off Tuckerman Lane. Mostly uncarved stones. Family names are Cooper, Thomas, Simms, et al

Survey date: 12/1/2005

Historic Status:

Additional Sources: Catholic Records reference Snake Hollow Cemetery; Recollection of George R. Snowden, Sr. Dec. 2005, Bette Thompson, Scotland AMEZ, 301-983-1094

Attachment 6

Historical Preservation Background/History of the Scotland Community in the Vicinity

Scotland Community History

The Property and neighboring land in the vicinity were the original nucleus of Scotland, a free black community that grew after the Civil War. By the mid-1890s, Scotland extended along Seven Locks Road from Democracy Boulevard to a point between Tuckerman and Montrose Roads. The area now known as Scotland is about a half mile to the south of the intersection and consists of the Scotland African Methodist Episcopal Zion Church, an individually designated historic site (MP 29/15) on the west side of Seven Locks Road, and the Scotland townhouse community on Scotland Drive off the east side of Seven Locks Road.

Historic maps and other documents give clues to the character of the early Scotland community, which was first known as Snakeden or Snake Hollow for the nearby Snakeden Branch. The northeastern quadrant of the intersection of Seven Locks Road and Tuckerman Lane contained dwellings owned or occupied by black residents, an early black schoolhouse and associated privy, a church (probably African American), and, per the Montgomery County Cemetery Inventory (See Attachment 4), a black cemetery (precise location unknown). The northwestern quadrant of the intersection likewise contained dwellings owned or occupied by black residents, a black family cemetery, and a church (probably African American). Black residents also lived in the southeastern quadrant.

Suburbanization began in the broader area from the late 1950s, and Scotland underwent rezoning, land swaps, and redevelopment in the late 1960s and early 1970s, resulting in new multi-family housing, a community center, and a smaller footprint for the neighborhood. The northeastern quadrant of the Seven Locks/Tuckerman Road intersection maintained its rural character until the late 1960s, when developer Carl Freeman opened the Cabin John Shopping Center, on the subject Property. He opened Cabin John Mall to north in 1978. About the same time, he also developed Inverness Knolls townhomes to the north of Cabin John Mall. The northwestern quadrant of the intersection maintained its rural character until single-family homes on Patriot and Declaration Lanes were built starting in the late 1960s, townhomes on Cedar Ridge Drive and Foxcrest Court were built starting in the late 1990s, and larger homes were built on an extension of Patriot Lane in the mid-2000s. The southeastern quadrant was developed with an assisted living facility in the late 1990s.