

Approved Minutes

BOARD OF HISTORIC RESOURCES

9:00 a.m. June 20, 2019

At Rooms A & B of the Florence Elston Inn and Conference Center of Sweet Briar College
450 Sweet Briar Drive, Sweet Briar, VA 24595

Board of Historic Resources Members Present:

Clyde Paul Smith, Chair
Dr. Colita Nichols Fairfax, Vice-Chair
Dr. Ashley Atkins-Spivey
Erin Ashwell
Nosuk Pak Kim
David Ruth

Board of Historic Resources Members Absent:

Fred Fisher

Department of Historic Resources (DHR) Staff Present:

Julie Langan, Director
Stephanie Williams, Deputy Director
Jennifer Loux
Jennifer Pullen
Brad McDonald
Jim Hare
Marc Wagner
Elizabeth Lipford
Austin Walker

Other State Agency Staff Present:

Catherine Shankles, Office of the Attorney General

Guests Present (from sign-in sheet):

Andrea Hall-Leonard (Della I. Hayden Marker, FCPS-Hayden Group)

Chair Smith called the meeting to order at 9:08 am, explained the purpose of the Board of Historic Resources, and asked each member to introduce him/herself.

HIGHWAY MARKERS

Jennifer Loux, Highway Marker Program Manager, introduced herself and began her presentation with the Diversity Sponsor Markers.

Sponsor Markers – Diversity

1.) Della Irving Hayden (ca. 1855-1924)

Sponsor: Franklin City Public School Board and The Hayden Group

Locality: City of Franklin

Proposed Location: 580 Oak Street

2.) John J. Wright School

Sponsor: John J. Wright Museum

Locality: Spotsylvania County

Proposed Location: 7565 Courthouse Road, Spotsylvania

3.) Oak Lawn Cemetery

Sponsor: Historic Oak Lawn Cemetery Foundation

Locality: Suffolk

Proposed Location: 449 Market Street

4.) Pearl Bailey (1918-1990)

Sponsor: Ingenuity Capital Holding, Inc.

Locality: Newport News

Proposed Location: corner of Chestnut Ave. and 29th St.

5.) Sgt. Miles James (ca. 1829-ca. 1871)

Sponsor: Ms. Jorja K. Jean

Locality: Virginia Beach

Proposed Location: Virginia Beach Courthouse Village

6.) The Irene Morgan Story Begins

Sponsor: Friends of the Museum

Locality: Gloucester County

Proposed Location: 2425 Hayes Road, Hayes

7.) Dorothy Johnson Vaughan (1910-2008)

Sponsor: Gamma Upsilon Omega Chapter, Alpha Kappa Alpha Sorority, Inc.

Locality: Hampton

Proposed Location: 602 Settlers Landing Road (Hampton Carousel Park)

8.) Mary Winston Jackson (1921-2005)

Sponsor: Gamma Upsilon Omega Chapter, Alpha Kappa Alpha Sorority, Inc.

Locality: Hampton

Proposed Location: 602 Settlers Landing Road (Hampton Carousel Park)

9.) The Westwood Community

Sponsor: Friends of Westwood Playground

Locality: Richmond City

Proposed Location: intersection of Dunbar Street, Willow Lawn Drive, and Patterson Avenue

Comment Summary:

After Dr. Loux's presentation, Chair Smith asked if there was anyone in the audience who wished to speak. Andrea Hall-Leonard, representing Franklin City Public Schools and the Hayden Group, spoke on behalf of the Della Irving Hayden marker, noting its significance to the community and offering her thanks to the Board members and DHR staff for their consideration. Following Ms. Hall-Leonard's remarks, Chair Smith called for a motion. A motion was made to approve the markers as presented in a block by Ms. Kim and seconded by Dr. Fairfax, and the markers were approved unanimously. Dr. Loux then presented the second block of markers, the Sponsor Markers.

Sponsor Markers

1.) Lt. Col. Roger Preston Chew (1843-1921)

Sponsor: George Calomiris

Locality: Loudoun County

Proposed Location: 34298 Harry Byrd Highway

2.) Court Street Baptist Church

Sponsor: Court Street Baptist Church

Locality: Portsmouth

Proposed Location: 447 Court Street

3.) James River Steam Brewery

Sponsor: Richmond Beeristoric, Inc.

Locality: Henrico County

Proposed Location: Route 5 at Old Hudson St.

4.) Stephens Family

Sponsor: Stone House Foundation

Locality: Frederick County

Proposed Location: Stephens Run Street near intersection with Route 11

Comment Summary:

After Dr. Loux's presentation, Chair Smith asked if there were other comments or questions or anyone from the audience wishing to speak; hearing none, a motion was called for. Ms. Kim made a motion to approve the markers as presented in a block and was seconded by Dr. Atkins-Spivey, and the markers were approved unanimously.

Break at 9:29 A.M. – Board of Historic Resources Meeting

JOINT MEETING
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES
9:30 a.m. June 20, 2019
At Rooms A & B of the Florence Elston Inn and Conference Center of Sweet Briar College
450 Sweet Briar Drive, Sweet Briar, VA 24595

State Review Board Members Present

Joseph D. Lahendro, Acting Chair
Dr. Laurant Lee
Dr. Carl Lounsbury
Dr. Jody L. Allen
John Salmon

Historic Resources Board Members Present

Clyde Paul Smith, Chair
Dr. Colita Nichols Fairfax, Vice-Chair
Dr. Ashley Atkins-Spivey
Nosuk Pak Kim
Erin B. Ashwell
David Ruth

State Review Board Members Absent

Dr. Sara Bon-Harper

Historic Resources Board Members Absent

Fred Fisher

Department of Historic Resources Staff Present

Julie Langan, Director
Jennifer Pullen
Marc Wagner
Aubrey Von Lindern
Jennifer Loux
Elizabeth Tune
Randall Jones
Austin Walker

Stephanie Williams, Deputy Director
Jim Hare
Elizabeth Lipford
Michael Pulice
Brad McDonald
Megan Melinat
Elizabeth Moore

Guests present (from sign-in sheet) – Steve and Jan Augustine (Samuel Eley House); Albert Burckard (Isle of Wight County Historical Society); William Burckard (Isle of Wight County Historical Society); Kayla Halberg (Samuel Eley House)

Representative from Tribal Government – The Honorable Chief Anne Richardson

Guests from State Agencies – Catherine Shankles (Office of the Attorney General)

State Review Board (SRB)

Acting Chair Joseph Lahendro called the SRB meeting to order at 9:36 a.m. and explained the role of the SRB and the process of Register designation. He invited the SRB members to introduce themselves, and welcomed everyone in attendance.

Acting Chair Lahendro asked for a motion to adopt the June 20, 2019, meeting agenda. With a motion from Dr. Lee and a second from Dr. Lounsbury, the SRB voted unanimously to approve the agenda.

Acting Chair Lahendro presented the March 2019 meeting minutes and asked for a motion to approve the minutes. With a motion from Dr. Lee and a second from Dr. Lounsbury, the SRB voted unanimously to approve the minutes with no discussion.

Elections – State Review Board

Given the recent departure of State Review Board Chair Elizabeth Moore to join DHR staff as State Archaeologist, elections were necessary to determine new SRB leadership positions. Acting Chair Lahendro asked the Board members for nominees to serve as the new Chair of the State Review Board.

Mr. Salmon nominated Acting Chair Lahendro as Chair. Dr. Lounsbury seconded the nomination, and the SRB voted unanimously to elect Acting Chair Lahendro as the new Chair of the State Review Board.

Acting Chair Lahendro asked the Board members for nominees to serve as the new Vice Chair of the State Review Board. Mr. Salmon nominated Dr. Bon-Harper as Vice Chair. Dr. Lounsbury seconded the nomination, and the SRB voted unanimously to elect Dr. Bon-Harper as the new Vice Chair of the State Review Board.

Board of Historic Resources (BHR)

Chair Smith asked for a motion to adopt the June 20, 2019, meeting agenda. Ms. Kim made the motion. It was seconded by Dr. Atkins-Spivey and passed unanimously with no discussion.

Chair Smith presented the minutes for the BHR’s April 2019 meeting and asked for a motion to approve the minutes. Ms. Kim made the motion. It was seconded by Dr. Atkins-Spivey and passed unanimously with no discussion.

Chair Lahendro introduced DHR Director Julie Langan, who proceeded to deliver the Director’s Report.

Director’s Report:

Director Langan thanked Sweet Briar College for its kind reception and introduced new SRB member Dr. Jody Allen with the explanation that she was filling the vacancy created by the end of term of Dr. Gabrielle Lanier. Langan noted that two BHR board members, Mr. Fisher and Chair Smith have terms that expire after the current meeting. The Governor will appoint new board members to replace or reappoint Mr. Fisher and Chair Smith at a date to be determined. (Langan initially stated that the board members in question would continue in service until the Governor’s actions are finalized, however this statement was corrected after the fact.)

The resignation of SRB chair Dr. Elizabeth A. Moore was explained to the boards as the happy result of Dr. Moore being named to the position of State Archaeologist and the duties of her position at DHR were briefly outlined.

Langan noted that that the updated guidelines for public participation at the joint meetings of the boards had been posted and that she expected them to be made official by the end of July if not sooner. She reminded the boards that the inaugural *Guidebook to Virginia’s African American Historic Markers* was nearing completion and is expected to be published by the University of Virginia Press also at the end of July. She thanked the DHR staff involved with the project and especially acknowledged BHR Vice-Chair Dr. Colita N. Fairfax for her generous review of the draft publication and for provided its foreword. In addition, she alerted the boards to expect that Secretary Matt Strickler and Dep. Secretary John Sax will attend either the upcoming September or December joint board meeting.

Regarding interaction with the Secretary’s office, Langan explained the ongoing development of materials to support anticipated decision packages that will be submitted by DHR for consideration in the next state biennial budget and emphasized that IT and collections storage continue to be two high-priority concerns, along with the re-establishment of a maritime archaeology program. She also outlined the Governor’s interest in removing the Jefferson Davis Memorial Arch at Fort Monroe in advance of the 2016 Commemoration events and explained the legal complications behind doing so. She continued by referencing Confederate memorials issues in Norfolk and on a courthouse property protected by an easement held by the BHR. Next up, she discussed the difficulty that DHR has had in filling the vacant tax credit review position ,which is primarily the result of not being able to offer a competitive salary, and she expressed similar concerns about the fact that sister state agencies are able to offer higher levels of compensation for work that is also performed at DHR.

In conclusion, Langan sought to recognize two special guests, Rappahannock Chief Anne Richardson and Meredith Woo, president of Sweet Briar College, neither of whom had yet arrived. Chair Smith complimented both the DHR staff and Director for their work.

Chair Lahendro invited Ms. Lipford to present the first set of nominations to be considered.

NOMINATIONS

The following Eastern Region nominations were presented as a block by Ms. Elizabeth Lipford. Dr. Lounsbury acknowledged his involvement with the preparation of the nomination for Kirnan (China Hall) and recused himself during the subsequent vote by the SRB.

Eastern Region.....presented by Elizabeth Lipford

1. **Samuel Eley House, City of Suffolk, DHR #133-0101, Criterion C
2. Isle of Wight County Courthouse Complex, Isle of Wight County, DHR #046-0005, Criteria A and C

3. Kirnan (China Hall), Westmoreland County, DHR #096-0013, Criterion C
4. Chief Otho S. and Susie P. Nelson House, King and Queen County and Essex County, DHR #049-5132, Criteria A and C
5. **Third Street Bethel AME Church 2019 Update and Boundary Increase, City of Richmond, DHR #127-0274, Criteria A and C

Mr. William Burkard spoke in support of the nomination for the Isle of Wight County Courthouse Complex and thanked DHR staff for their assistance with the nomination.

The Honorable Chief Anne Richardson of the Rappahannock tribe spoke in support of the nomination for the Chief Otho S. and Susie P. Nelson House.

Chair Lahendro requested a motion for the SRB to approve the four nominations less Kirnan (China Hall). With a motion from Dr. Lounsbury and a second from Dr. Lee, the SRB voted unanimously to approve the four nominations as presented. Dr. Lounsbury then removed himself from the room.

Chair Smith requested a motion for the BHR to approve the five nominations as presented. With a motion from Ms. Kim and a second from Ms. Ashwell, the BHR voted unanimously to approve the five nominations as presented.

Chair Lahendro requested a motion for the SRB to approve the nomination of Kirnan (China Hall). With a motion from Dr. Lee and a second from Dr. Allen, the SRB voted unanimously to approve the nomination as presented. Dr. Lounsbury then returned to the room.

The following Eastern Region nomination was presented by Mr. Marc Wagner.

Eastern Region.....presented by Marc Wagner

1. Nike-Ajax Missile Launch Site N-75, Isle of Wight County, DHR #046-5052, Criteria A and C
2. *Norwood-Wingina Rural Historic District, Nelson County, DHR #062-5135, Criteria A and C

From the public in attendance, Mr. Burkhardt stated his thanks for “decades of support from DHR staff” and his belief that the Nike property is the best remaining Nike site worldwide. He was followed by Mr. Andy Wright from the Nelson County Historical Society who also voiced his thanks for the work undertaken to nominate the Norwood-Wingina Rural H.D.

Chair Lahendro requested a motion for the SRB to approve the last two Eastern Region nominations as presented. With a motion from Dr. Lee and a second from Mr. Salmon, the SRB voted unanimously to approve the nominations as presented.

Chair Smith requested a motion for the BHR to approve the nominations as presented. With a motion from Ms. Ashwell and a second from Dr. Atkins-Spivey, the BHR voted unanimously to approve the nominations as presented.

The following Northern Region nomination was presented by Ms. Aubrey Von Lindern.

Northern Region.....presented by Aubrey Von Lindern

1. **Stones Chapel, Clarke County, DHR #021-0229, Criteria A and C

Chair Lahendro requested a motion for the SRB to approve the nomination as presented. With a motion from Dr. Lounsbury and a second from Dr. Lee, the SRB voted unanimously to approve the nomination as presented.

Chair Smith requested a motion for the BHR to approve the nomination as presented. With a motion from Ms. Kim and a second from Dr. Atkins-Spivey, the BHR voted unanimously to approve the nomination as presented.

The following Western Region nominations were presented as a block by Mr. Michael Pulice.

Western Region.....presented by Michael Pulice

1. **American Viscose Plant, City of Roanoke, DHR #128-0238, Criteria A and C
2. *Appalachia Historic District, Town of Appalachia, Wise County, DHR #164-5003, Criteria A and C

Chair Lahendro requested a motion for the SRB to approve the nominations as presented. With a motion from Dr. Lee and a second from Dr. Lounsbury, the SRB voted unanimously to approve the nominations as presented.

Chair Smith requested a motion for the BHR to approve the nominations as presented. With a motion from Ms. Ashwell and a second from Ms. Kim, the BHR voted unanimously to approve the nominations as presented.

Sweet Briar College President Woo and Ms. Mary Pope Hutson were welcomed by the members of the boards. President Woo addressed the audience and answered questions about the goals of Sweet Briar College. Both women expressed interest in continuing to work with DHR on the architectural history of the campus and the preservation of its buildings.

Chair Lahendro read a proclamation acknowledging the dedication and service of former SRB Chair Dr. Elizabeth A. Moore, who then expressed her thanks and excitement at initiation of her new duties as State Archaeologist.

The Joint Session of the Boards adjourned at 12:25 p.m.

Register Summary of Resources Listed: Historic Districts: 4
Buildings: 6
Structures: 0
Sites: 0
Objects: 0
MPDs: 0

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Department of Historic Resources (DHR) Staff Present:

Julie Langan, Director
Stephanie Williams, Deputy Director
Brad McDonald
Jennifer Pullen
Elizabeth Tune
Megan Melinat

Board of Historic Resources Members Not Present:

Fred Fisher

Other State Agency Staff Present:

Catherine Shankles (Office of the Attorney General)

Guests Present (from sign-in sheet):

John Thorpe Richards, Jr., Bob Patterson, Gary Chittum, Michelle Suttle, Patty Dunton, Charles “Rusty” Olejasz (Weblin House)
James O. McGhee (Lamb-St. Julien), Robert and Mary Ann B. Lamb (St. Julien)

EASEMENTS

Chair Smith called the meeting to order at 1:07 p.m.

With a motion from Ms. Ashwell and a second from Dr. Fairfax, the Board voted unanimously to amend the posted agenda to allow the Project Owner Appeal to proceed first, followed by Easement Violations and then the NPS Transfer Update agenda item.

Project Review Owner Appeal

1. Saint Julien, Spotsylvania County

Property Owners: Robert H. Lamb and Mary Ann B. Lamb

Tune presented the project summary on behalf of DHR and explained the appeal related to two specific aspects of the proposed rehabilitation: the proposed construction of a new attic stair in the existing historic stair hall and the loss of historic material resulting from the design of the kitchen addition as proposed. Tune reviewed the timeline of the rehabilitation project, which initiated in 2006. Mr. Lamb then spoke on behalf of his proposal and explained the request from his perspective. Mr. Lamb questioned DHR’s interpretation of flexibility as an accurate characterization and expressed disappointment when he reached the time limit for his presentation before reaching the end of his planned remarks. The architect for the project, Mr. James McGhee introduced himself and showed drawings of the proposal in addition to photographs illustrating the current condition.

Comments Summary:

Ms. Ashwell clarified that the attic to which access was sought was over the main block of the house and not the rear portion. Chair Smith asked how the attic was currently accessed. Ms. Tune responded that it was not currently accessible space. Ms. Ashwell then asked if the proposed kitchen addition was in the same location as the previously approved mudroom. Ms. Tune confirmed this and clarified that the mudroom was not constructed and, as proposed, would become larger to accommodate the kitchen. Dr. Fairfax asked if the pull down stair would result in removal of ceiling material. Ms. Tune responded that it would, but this was preferred over the impact of the introduction of a new stair, which also requires removal of existing ceiling material. Ms. Ashwell asked how much of the existing brick wall was in question. Ms. Tune replied that the exact amount was undetermined at this time. Chair Smith clarified the proposed scope of work and remarked that the house had been without a kitchen floor since 2007. Chair Smith suggested a caucus of DHR staff and property owner regarding the refinement of the proposed kitchen addition and asked Mr. Lamb to withdraw his request for the new stair. Mr. Lamb expressed a great need to access the 1,000 square feet the attic to store a tremendous amount of family items. Mr. McGhee described the intent to suspend the new stair from a new king post, replicating the condition of the historic stair. Chair Smith took exception to the idea that the new stair would ever be removed, despite Mr. McGhee's position that the approach was reversible. Dr. Atkins-Spivey asked if this stair approach was the same one reviewed by DHR staff. Mr. McGhee responded that this version was slightly modified. Chair Smith reminded Mr. Lamb that the property was protected by an easement held by the Board, and thus was held to a distinct standard. Ms. Ashwell observed that the kitchen aspect seemed like a difference in details, while the stair aspect seemed like a difference in concept between DHR staff and the property owners. Dr. Fairfax remarked that she understood the position of Mr. Lamb, but noted that consideration of other possibilities was necessary and a solution would not be achieved at this meeting, as more deliberation was necessary. Dr. Fairfax requested more discussion transpire between this meeting and the September meeting. Chair Smith commented that if the Board were to vote at this meeting, it would not be a favorable vote for the property owner, and elected to not call the issue to a vote. Dr. Fairfax made a motion to table a project review decision until the next Board meeting with the expectation that DHR staff will continue to work with the property owner and architect. Ms. Kim seconded the motion and it passed unanimously.

Easement Violations

Mr. McDonald presented the following notices of violations that occurred on existing easement properties:

1. Oakley Farm, Bath County

Property Owner: William and Cornelia Hodges

Violation Classification: Major and Willful

On April 19, 2019, as part of both easement and tax credit review, the property owners were informed that areas to be disturbed by proposed driveways, utilities, and construction of a new barn would require archaeological investigation. The need for, and reasoning behind, this request was conveyed to one of the property owners by telephone on April 24, at which time Easement staff's concerns for the area to be disturbed by barn construction were clearly stated. A scope of work for archaeological investigation was received April 25 and approved by Easement staff on April 29. On May 6, Easement staff received a digital copy of the resulting archaeological report, which provided both written and photographic documentation of the fact that the barn site had been graded and a pad prepared prior to the archaeologists' arrival, rendering the requested investigation impossible. On May 9, 2019, the property owners were informed via certified mail of the violation of the terms of their easement, at which time an explanation was requested. The owners were also informed that no further action would be taken pursuant to their pending tax credit application until the identified situation was resolved. Staff received a written response, which included a written assessment of archaeological potential provided by the owners' archaeological consultant, by mail on June 3. The consultant confirmed that, in his professional opinion, the area in question was unlikely to contain significant archaeological deposits.

A violation is defined as (i) any action or event or lack of maintenance that has caused or has the potential to cause harm to the historic resources and features and/or the conservation values of the property that are protected by the easement, or (ii) any action, event or failure to act that conflicts with or contradicts any restriction or covenant contained in the easement.

- The grading and preparation of a construction pad for a building prior to requested archaeological investigation of that area is in direct conflict with the terms of the conservation easement, specifically the requirement for prior written approval.

A Technical Violation is defined as "a violation that results when a property owner has made alterations to the protected historic resources, features, or conservation values of the property that are consistent with the historic character of the property, but the property owner did not follow the appropriate notification and approval procedures pursuant to the relevant deed of easement and *Easement Program Policy #5: Review of Applications for Work on Easement Properties*."

- Based upon the lack of cultural material identified by the archaeological survey, as well as the consultant's professional determination that significant archaeological deposits were unlikely to be found at the barn site, Easement staff is reasonably confident that no such resources were harmed by site work. However, given that the owners chose to proceed with pad construction in the absence of DHR approval, staff have determined that a technical violation is in order.

A Willful Violation is defined as "a violation that occurs when the property owner undertakes an action or fails to undertake an action in direct contradiction to a written directive, notice or requirement issued by DHR, acting on behalf of the Board, or the Board."

- The owners were informed, both in writing and by telephone, of the need for archaeological investigation to ensure that significant resources were not harmed by planned construction activity. The site of the barn was specifically referenced as an

area of concern. By opting to proceed with construction after being given this direction but before the area could be appropriately investigated, the property owners willfully ignored both established procedure and direct communication from Easement staff.

As part of their June 3, 2019 response to Easement staff's notification of violation, the property owners have offered to work with a professional archaeological consultant to develop an "Archaeology Plan" for Oakley Farm, intended to identify areas of archaeological sensitivity. This information would be shared with DHR and used for future project planning. Easement staff is in favor of this approach and willing to work with both consultant and owners to complete the study.

Comments Summary:

Chair Smith clarified that Mr. McDonald was presenting the violation information as a notification and no action of the Board was requested. McDonald then confirmed that the cited violation was resolved.

2. Kirby Tract, Third Winchester (Opequon) Battlefield, Frederick County

Property Owner: Shenandoah Valley Battlefields Foundation

Violation Classification: Major and Willful

On Monday, April 1, Easement Program staff received a series of photographs of the Kirby Tract taken by a concerned citizen. These photographs document significant mechanical ground disturbance between the existing dwelling and barn and the adjacent Redbud Road (VA Route 661). Upon review of files associated with this property, staff confirmed that this ground disturbance took place without prior review or approval by the Department. The owner has since stated that ground disturbance was related to the removal of sod and gravel previously applied to the property, as well as removal of concrete piers associated with a garage that was taken down several years ago. All work was performed in the absence of consultation with DHR, however, as the owner assumed that this type of ground disturbance was unlikely to damage archaeological resources. As the Kirby Tract has never been subjected to archaeological investigation, and as the property lies within the study area of two Civil War battlefields, this assumption is unfounded.

A violation is defined as (i) any action or event or lack of maintenance that has caused or has the potential to cause harm to the historic resources and features and/or the conservation values of the property that are protected by the easement, or (ii) any action, event or failure to act that conflicts with or contradicts any restriction or covenant contained in the easement.

- The mechanical removal of sod, earth, gravel, and concrete piers from the property in the absence of consultation with DHR is in direct conflict with the terms of the conservation easement, specifically the requirements for prior written approval and the protections afforded to archaeological resources.

A Major Violation is defined as "a violation that results in irreversible damage to the historic resources, features, or conservation values of the property that are protected by the easement."

- Recital 2 within the Deed of Easement specifically cites "*the historic battlefield, battlefield landscape, archaeological, architectural, and open-space values*" as those worthy of protection. The Shenandoah Valley Battlefields Foundation received grant funds from both the federal American Battlefield Protection Program and the state Virginia Battlefields Protection Fund to facilitate the purchase of this property specifically for its significance as a portion of the Third Winchester and Rutherford's Farm battlefields. This significance is largely represented by the property's archaeological potential, an assessment based upon the known concentration of troop movement and the direct engagement of opposing armies on and across the property. The Kirby Tract had not, however, been subjected to the type of archaeological investigation that would provide us with firm data with which to better understand and interpret the property's role in both battles as well as the property's history both before and after the Civil War. The ground disturbance that has taken place on the Kirby Tract has destroyed any archaeological resources that may have been present, and this damage cannot be remediated. The multiple requirements for Grantee review and approval (as outlined above) are designed to help easement property owners to avoid both violation of the terms of the easements and irreparable damage to the conservation values that the easement protects.

DHR Easement staff continues to communicate with SVBF but at this time has reached no firm conclusions with regard to remediation. SVBF has expressed regret and indicated their willingness to work with DHR to address this situation and ensure that it does not happen again. The damage to the archaeological potential of this property cannot be undone, but a formal, comprehensive survey of the remainder of the property may be an appropriate response. Staff welcomes the Board's opinions in this matter.

Comments Summary:

Dr. Atkins-Spivey asked if DHR could mandate an archaeological survey. Mr. McDonald replied that DHR can suggest and encourage one, but not require it.

NPS Transfer Update

Director Langan updated the Board on the negotiations related to the transfer of battlefield properties protected by easements held by the Board to the National Park Service ("NPS"). The federal government will not accept land that is encumbered by an historic preservation/open-space easement. The Director noted that legislation was introduced in 2017 that would have extinguished easements on nine properties transferred to NPS. At that time, the Board was made aware of the possible threat to the easements held by the Board and

passed a resolution of No Support for the pending proposal. The Office of the Attorney General, the Department of Justice, and DHR have worked to find a solution, and two years later, negotiations are concluding. The Director requested the Board consider a motion to authorize the execution of: the Memorandum of Understanding (“MOU”) on behalf of the Board; the Deed of Assignment of Board easements that may be transferred to NPS; and the Deed of Amendment, to be accepted under Director Langan’s signature. Director Langan acknowledged that the agreement was not perfect, but stated her belief that this was the best agreement possible. The Director noted that the agreement includes the three non-negotiable aspects required by DHR: a reversion clause, a prohibition of the merger of NPS interests, and the discretion of the Board to determine whether any additional easements would be transferred to NPS.

Comments Summary:

Chair Smith confirmed that DHR (on behalf of the Board) was successful in their requests. Director Langan observed that a strategy other than a perpetual easement must be possible in order to protect properties headed to NPS and expressed her hesitancy to devote incredible staff time to perpetual easements that would be transferred. Director Langan clarified that her request was for approval of the concepts, not the wording, as the wordsmithing was complete. Ms. Ashwell expressed gratitude for the Commonwealth’s efforts in negotiating with the federal government. Mr. Ruth acknowledged the challenge of the situation and supported the path forward. Mr. Ruth also expressed gratitude for the efforts of the American Battlefield Trust in this regard. Chair Smith restated Director Langan’s summary. Ms. Kim asked if any action of the Board was necessary. Director Langan requested a motion to proceed with signature. Ms. Kim made a motion to authorize Director Langan to complete and sign the agreement document. Ms. Ashwell seconded the motion and it passed unanimously.

The Board took a brief break at 2:31 p.m.
The Board resumed at 2:38 p.m.

Easement Project Update

1. Weblin House, City of Virginia Beach
Property Owner: Weblin Properties, LLC

Ms. Tune presented the project update. Following the last Board meeting, Director Langan wrote to the Mayor of Virginia Beach to reiterate that the review of the projects according to the easement is a separate and independent process from any review under the City of Virginia Beach requirements. Additionally, DHR requested information and documentation on the proposed co-op ownership structure. Last week, DHR received the draft master declaration documents for the co-op, but have not yet reviewed them in concert with the Office of the Attorney General. Staff will do so and anticipates bringing the issue back to the Board at the September 2019 meeting and will provide any conclusions at that time.

CLOSED SESSION

CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7)and A(8) OF THE CODE OF VIRGINIA PERTAINING TO LEGAL ADVICE REGARDING EASEMENT PROPERTY.

Dr. Fairfax made a motion to convene the Board in closed session; it was seconded by Ms. Kim. Chair Smith closed the open session and excused all members of the public at 2:42 p.m.

The Board returned to open session at 3:13 p.m. with a motion from Dr. Fairfax, which was seconded by Chair Smith. Each board member individually attested that only matters pertaining to legal advice regarding an easement property were discussed.

New Easements Recorded Since the April 2019 HRB Meeting

Ms. Tune then briefed the Board about the following recently recorded easements.

- 1. Lyon Farm, Fisher’s Hill Battlefield, Shenandoah County**
Easement Donor: Shenandoah Valley Battlefields Foundation
Acreage: 63.087
Date Recorded: 04/19/19
Grant Funding: Virginia Battlefield Preservation Fund, Virginia Land Conservation Foundation, American Battlefield Protection Program

- 2. Battery I, Drewry’s Bluff and Proctor’s Creek Battlefields, Chesterfield County**
Easement Donor: County of Chesterfield
Acreage: 0.344 acre
Date Recorded: 05/15/19
Grant Funding: Virginia Land Conservation Foundation

3. **Batteries II and III, Drewry's Bluff and Proctor's Creek Battlefields, Chesterfield County**
 Easement Donor: County of Chesterfield
 Acreage: 1.38 acres
 Date Recorded: 05/15/19
 Grant Funding: Virginia Land Conservation Foundation

4. **Ashe Tract I, Buckland Mills Battlefield, Prince William County**
 Easement Donor: William Hollingsworth, Trustee, pursuant to the terms of the Elizabeth A. Hollingsworth Revocable Trust dated October 10, 2013
 Acreage: 3.687 acres
 Date Recorded: 06/10/19
 Grant Funding: American Battlefield Protection Program

5. **Ashe Tract II, Buckland Mills Battlefield, Prince William County**
 Easement Donor: Thomas J. Ashe III, Trustee, pursuant to the terms of the Mary Elizabeth Ashe Trust dated August 25, 2004
 Acreage: 3.4004 acres
 Date Recorded: 06/10/19
 Grant Funding: American Battlefield Protection Program

6. **Ashe Tract III, Buckland Mills Battlefield, Prince William County**
 Easement Donor: Thomas J. Ashe III, and John E. McCulloch, Trustees, pursuant to the terms of the Thomas J. Ashe III Exempt Trust arising under the Thomas J. Ashe, Jr. Trust, dated January 3, 1997
 Acreage: 4.562 acres
 Date Recorded: 06/10/19
 Grant Funding: American Battlefield Protection Program

General Public Comment

Chair Smith read a statement addressing the guidelines of public participation at Virginia Board of Historic Resources meetings.

The following members of the public spoke during the public comment period (from sign in sheet):

1. Bob Patterson
2. Gary Chittum
3. Michelle Suttle
4. Patty Dunton
5. Charles Olejasz
6. John Thorpe Richards

Chair Smith adjourned the Board of Historic Resources meeting at 3:45 p.m.

STATE REVIEW BOARD

At Patio Room C of the Florence Elston Inn and Conference Center of Sweet Briar College
 450 Sweet Briar Drive, Sweet Briar, VA 24595

State Review Board Members Present

Joseph D. Lahendro, Chair
 Dr. Laurant Lee
 Dr. Carl Lounsbury
 Dr. Jody L. Allen
 John Salmon

State Review Board Members Absent

Dr. Sara Bon-Harper, Vice-Chair

Department of Historic Resources Staff Present

Jim Hare
 Marc Wagner
 Elizabeth Lipford
 Mike Pulice
 Aubrey Von Lindern
 Austin Walker

Guests (from sign-in sheet):

Rev. Muriel Miller Branch (Pine Grove School)
Kirin Halligan (Pine Grove School)
Kayla Halberg (SP?) (Sylvania Plan)

Chair Lahendro called the meeting to order at 1:15 p.m. for discussion and consideration of the Preliminary Information Forms (informal guidance session).

Preliminary Information Forms

The following proposals were *endorsed*, unless otherwise noted, with the following comments:

(Public comment was invited after presentation of each region’s PIFs.)

Western Region.....presented by Michael Pulice

- 1. Williams Farm, Pittsylvania County, DHR #071-5475, Criteria A and C.
Chair Lahendro asked questions about Bright Leaf tobacco, and wanted to know more about how the buildings on the property worked together operationally. Dr. Lounsbury noted that it is very rare to have buildings extant that each represent a different part of the tobacco curing process.

Northern Region.....presented by Aubrey Von Lindern

- 1. Brookside, Culpeper County, DHR #023-5520, Criteria A and C
Dr. Allen asked if cemeteries had been identified at the property.
- 2. Conrad’s Store, Town of Elkton, Rockingham County, DHR #216-0002, Criteria A and C
The SRB endorsed the PIF without additional comment.
- 3. **Sylvania Plant Historic District, Spotsylvania County, DHR #088-5545, Criteria A and C.
Some discussion ensued regarding the role of the Ballinger Company in the design. Dr. Allen was very interested in the fact that Fredericksburg was the only Virginia locality to show a per capita increase in personal income during the Great Depression.
- 4. Vint Hill Farms Station Historic District, Fauquier County, DHR #030-0020, Criterion A
The SRB endorsed the PIF without additional comment.
- 5. Winslow Residence, Page County, DHR #069-0050, Criterion C
The SRB endorsed the PIF without additional comment.

Eastern Region.....presented by Marc Wagner and Elizabeth Lipford

- 1. Beulah AME Church, Town of Farmville, Prince Edward County, DHR #144-0027-0169, Criteria A and C and Criteria Consideration A.
Chair Lahendro mentioned that photos of the attic’s structure would be helpful.
- 2. Chase City Warehouse and Commercial Historic District, Town of Chase City, Mecklenburg County, DHR #186-5005, Criteria A and C.
Dr. Lounsbury noted that Shadow Lawn, within the proposed district, probably dates to the 1860s, not the 1830s.]
- 3. **Christ and Grace Episcopal Church, City of Petersburg, DHR #123-5506, Criterion C and Criteria Consideration A
The SRB endorsed the PIF without additional comment.
- 4. **Little High Street Historic District, City of Charlottesville, DHR #104-5361, Criteria A and C.
The SRB agreed with the staff recommendation that the section of Minimal Traditional dwellings that were built outside the POS should not be included in the boundary of the proposed district.
- 5. Pine Grove School, Cumberland County, DHR #024-5082, Criteria A and C.
The Rev. Branch noted that her family donated the land for the school (William and Olivia Miller were the owners at the time), and noted that the school continued in operation until 1964. The local School Board was slow to respond to her FOIA request for records. Asked if there might be an opportunity for a rural historic district, Mr. Wagner replied that he and Ms. Lipford would visit to see if that is a possibility.
- 6. **Walnut Hill Historic District, City of Petersburg, DHR #123-5505.
Chair Lahendro questioned if Modernist architect Gordon Galusha might have had a hand in the design of one or more houses, but did not think Bud Hyland had been involved.

Chair Lahendro adjourned the State Review Board meeting at 3:55 p.m.

- * Cost Share Sponsored Project
- ** Certified Local Government
- *** Certified Local Government Sponsored Project
- β African American Civil Rights Grant Program
- δ Underrepresented Communities Grant Program