

# **Draft Minutes**

JOINT MEETING  
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES  
9:30 a.m. June 15, 2017  
At the Mathews Memorial Library, 251 Main Street, Mathews, VA 23109

## **State Review Board Members Present**

Elizabeth Moore, Chair  
Joseph D. Lahendro, Vice-Chair  
Dr. Sara Bon-Harper  
Dr. Carl Lounsbury  
John Salmon

## **Historic Resources Board Members Present**

Clyde Paul Smith, Chair  
Margaret T. Peters, Vice-Chair  
Dr. Ashley Atkins-Spivey  
Dr. Colita Nichols Fairfax  
Nosuk Pak Kim  
Frederick S. Fisher  
Erin B. Ashwell

## **State Review Board Members Absent**

Dr. Laurant Lee  
Dr. Gabrielle Lanier

## **Historic Resources Board Members Absent**

None

## **Department of Historic Resources Staff Present**

Julie Langan, Director  
David Edwards  
Marc Wagner  
Melina Bezirdjian  
Michael Pulice  
Jim Hare

Stephanie Williams, Deputy Director  
Aubrey Von Lindern  
Jennifer Pullen  
Blake McDonald  
Elizabeth Lipford

**Guests present** (from sign-in sheet) – Lisa Jordon (Mecklenburg Co.), Rodney Rhodes (Staunton), Emily Salmon (Richmond), Trisha Farinholt (Surry), Tim Hill (Mathews), Angela Justice (Mathews), Debra McClane (Richmond), Laura Purvis (Richmond).

## **Guests from State Agencies –**

Catherine Shankles (Office of the Attorney General)  
Andrew Tarne (Office of the Attorney General)

## **State Review Board (SRB)**

Chair Elizabeth Moore called the SRB meeting to order at 9:32 a.m. and explained the role of the SRB and the process of Register designation. She invited the SRB members to introduce themselves, and welcomed everyone in attendance.

Chair Moore asked for a motion to adopt the June 15, 2017, meeting agenda. With a motion from Mr. Salmon and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the agenda.

Chair Moore presented the March 2017 meeting minutes and asked for a motion to approve the minutes. With a motion from Dr. Lounsbury and a second from Mr. Lahendro, the SRB voted unanimously to approve the minutes as presented.

## **Historic Resources Board (HRB)**

Chair Smith called the BHR meeting to order at 9:37 a.m. He explained the role of the BHR as an official policy-making Board of the Commonwealth, and asked each of the Board members to introduce themselves. He noted the presence of a quorum of the Board.

Chair Smith asked for a motion to adopt the meeting agenda for the June 15, 2017, Board meeting. Ms. Peters made the motion. It was seconded by Dr. Atkins-Spivey and passed unanimously with no discussion.

Chair Smith presented the March 2017 meeting minutes and asked for a motion to approve the minutes. Dr. Atkins-Spivey made the motion. It was seconded by Ms. Kim and passed unanimously with no discussion.

**Chair Moore introduced Director Langan.**

**Director’s report:**

Director Langan thanked the Mathews community and expressed appreciation for the preservation efforts taking place in the town and the county. She officially welcomed Erin Ashwell to her first board meeting as a member of the Board of Historic Resources, having been appointed by Gov. McAuliffe following the voluntary departure of Drew Gruber. Director Langan referenced a handout that was being made available to attendees regarding a local cultural project that was provided by Mr. Forest Morgan. She reported that the full Director’s Report had been distributed to the members of the boards. In the interest of time she was deliberately keeping her remarks brief, however she was happy to provide additional detail or answer any questions the members of the boards might have. No questions were asked. Regarding other new items, Dir. Langan reported that the Friends of Wilderness Battlefield will continue to steward the battlefield which was given to DHR after the Walmart situation was resolved several years ago. The Agreement with FWB has been extended. On Monday, she noted that the Department celebrated the 50<sup>th</sup> anniversary of the *Loving v. Virginia* ruling by the Supreme Court with a dedication of a historical highway marker at the Patrick Henry Building in Richmond. Three BHR members were present at the dedication and Gov. McAuliffe was the keynote speaker. Dir. Langan suggested that DHR has possibly never generated more publicity than that received that day. After covering meeting logistics, Dir. Langan reminded the members of the boards that the Town of Surry Historic District nomination has been postponed, however, she expressed hope that it might be ready for presentation at the September joint meeting of the Boards. She said that DHR will work with the County of Surry to attempt to resolve the problem causing the postponement. Dir. Langan also reported that DHR has sent a draft conflict of interest policy to the members of the boards, and requested feedback in advance of the September meeting. Dir. Langan concluded her remarks by noting that the Army Corps of Engineer’s preliminary permit for the Surry-Skiffes Creek Transmission Line at Jamestowne had been issued and reported that the Programmatic Agreement had been finalized and signed in May. She said that a great deal of mitigation activity was included in the PA, of which she expects various stipulations will be complicated and require many years to fulfill given the \$91million price tag associated with them. This is expected to have a large impact on the workload of DHR staff as every resulting undertaking will need to be reviewed for compliance with Section 106 of the NHPA.

At the conclusion of the Director’s Report, Chairman Smith commented on an aspect of the work that DHR does, which he considers to be quite important; the effort to maintain DHR’s Facebook presence. He said that DHR sends out regular and wonderful information about Virginia, and encouraged everyone in attendance to ‘Like’ the DHR page and refer to it frequently. Dir. Langan responded by citing the excellent work performed primarily by Marc Wagner and Randy Jones, who supply the majority of Facebook postings on the DHR page.

**NOMINATIONS**

**The following Eastern Region nominations were presented as a block by Mr. Marc Wagner.**

**Eastern Region.....presented by Marc Wagner**

1. Alexander Hill Baptist Church, Buckingham County, #014-5054, Criteria A and C
2. \*\*North Thompson Street Historic District, City of Richmond, #127-7046, Criterion C
3. §Saxis Island Historic District, Town of Saxis, Accomack County, #296-0001, Criteria A and C
4. South Hill Commercial Historic District, Town of South Hill, Mecklenburg County, #301-5062, Criteria A and C

Chair Smith invited public comment regarding the nominations. Mr. Lahendro spoke about the Alexander Hill nomination noting that 9 emancipated African Americans received 346 acres from Alexander Mosley to begin their new lives following emancipation and that this included the location of the church. He also felt it was worth noting that one of those freedmen eventually became the pastor of the church. Dr. Fairfax also commented saying she thought it was exceptional that the preacher’s mound at Alexander Hill is extant since very few of them have survived. Ms. Peters remarked on the N. Thompson St. H.D. that the nomination was extraordinarily well done and did an excellent job capturing the growth and expansion of Richmond.

Chair Moore requested a motion for the SRB to approve nominations one through four as presented. With a motion from Mr. Lahendro and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nominations as presented.

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

Please let the record show that Ms. Peters left the meeting prior to the presentation and vote for the West Main Street Historic District. Ms. Peters recused herself having helped to write the nomination. The presentation was made by Marc Wagner.

5. \*\*\*West Main Street Historic District, City of Charlottesville, #104-0083, Criteria A and C

Chair Moore requested a motion for the SRB to approve the nomination of the West Main Street Historic District as presented. With a motion from Mr. Lahendro and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nomination as presented.

Chair Smith requested a motion for the BHR to approve the West Main Street Historic District as presented. With a motion from Dr. Atkins-Spivey and a second from Mr. Fisher, the BHR voted unanimously to approve the nomination as presented.

The record shows the return of Ms. Peters to the meeting.

**Eastern Region.....presented by Elizabeth Lipford**

6. \*\*Robert Fulton School, City of Richmond, #127-0378, Criteria A and C

Chair Smith invited public comment regarding the Fulton School nomination. Dr. Spivey provided additional context regarding the Indian community in the Rocketts area and reported that there is oral history available of a student who attended both schools. This information is included in her recently defended dissertation.

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

Chair Smith requested a motion for the BHR to approve the nomination as presented. With a motion from Ms. Peters and a second from Mr. Fisher, the BHR voted unanimously to approve the nominations as presented.

**Eastern Region.....presented by David Brown**

1. §Mathews Downtown Historic District, Town of Mathews, Mathews County, #057-5415, Criteria A, C and D

Chair Moore invited public comment regarding the nominations. Dr. Lounsbury commented that, in 1912 county commissioners voted to forbid free-range chickens on the Mathews County Court House grounds. Mr. Fisher noted a friend was recently cited for allowing Guinea fowl to wander around Charles County Court House.

Chair Moore requested a motion for the SRB to approve the nomination as presented. With a motion from Dr. Bon-Harper and a second from Mr. Salmon, 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 Dr. Fairfax and a second from Ms. Ashwell, the BHR voted unanimously to approve the nomination as presented.

**The Northern Region nominations were presented by Ms. Aubrey Von Lindern, after which public comment and discussion by the Boards took place.**

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

1. \*\*Llangollen, Loudoun County, #053-0408, Criteria A and C
2. \*\*Montgomery Hall Park, City of Staunton, #132-5023, Criteria A and C
3. The Wilderness, Bath County, #008-0011, Criterion C

Chair Moore invited public comment regarding the nominations. Dr. Moore requested that the Montgomery Hall Park nomination be recirculated to the SRB as soon as the additional Criterion D information is added to it.

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

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

**The Western Region nominations were presented by Mr. Michael Pulice, after which public comment and discussion by the Boards took place.**

**Western Region.....presented by Michael Pulice**

1. Bloomsburg (Watkins House), Halifax County, #041-0024, Criterion C
2. Brandon-on-the-Dan, Halifax County, #041-0302, Criterion C
3. \*Bristol Commercial Historic District Piedmont Avenue 2017 Boundary Increase, City of Bristol, #102-5035, Criteria A and C

4. Cedar Grove, Halifax County, #041-5391, Criterion C
5. Glenwood, Halifax County, #041-5201, Criterion C
6. \*\*Hopwood Hall, Lynchburg College, City of Lynchburg, #118-0152, Criteria A and C
7. Oak Ridge, Pittsylvania County, #071-0020, Criterion C
8. Scott-Hutton Farm, Rockbridge County, #081-0282, Criterion C

Chair Moore invited public comment regarding the nominations. Ms. Peters asked whether statewide significance was considered for Hopwood Hall, which she felt might be appropriate. Mr. Pulice said that after consideration he and the authors did not feel the statewide significance could be proven without a considerable amount of additional research. Ms. Peters commented that she felt it was an exceptionally well-written nomination.

Chair Moore requested a motion to approve the nominations as presented. With a motion from Dr. Lounsbury and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nominations as presented.

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

**The following nominations were presented by Ms. Debra McClane, who authored each one, after which public comment and discussion by the Boards took place.**

**Eastern, Northern, and Western Regions.....presented by Debra McClane**

1. Oceana Neighborhood Historic District, City of Virginia Beach, #134-0968, Criteria A and C
2. Old Manse, Town of Orange, Orange County, #275-5007, Criteria B and C
3. Slusser-Ryan Farm, Montgomery County, #060-0337, Criterion C

Chair Smith invited public comment regarding the nominations. Mr. Fisher asked about the Old Manse regarding protections in place to prevent subdivision, Ms. McClane responded that there are none currently.

Chair Moore requested a motion to approve the nominations as presented. With a motion from Dr. Bon-Harper and a second from Mr. Lahendro, the SRB voted unanimously to approve the nominations as presented.

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

**The Joint Session of the Boards adjourned at 11:47 a.m.**

**Register Summary of Resources Listed:** Historic Districts: 7  
 Buildings: 14  
 Structures: 0  
 Sites: 0  
 Objects: 0  
 MPDs: 0

BOARD of HISTORIC RESOURCES

Mathews Memorial Library, 251 Main Street, Mathews, VA 23109

**Board of Historic Resources Members Present:**

Clyde Paul Smith, Chair  
 Margaret T. Peters, Vice-Chair  
 Erin Ashwell  
 Dr. Ashley Atkins-Spivey  
 Dr. Colita Nichols Fairfax  
 Frederick S. Fisher  
 Nosuk Pak Kim

**Department of Historic Resources (DHR) Staff Present:**

Julie Langan, Director  
 Stephanie Williams, Deputy Director  
 Jennifer Loux  
 Brad McDonald  
 Megan Melinat  
 Wendy Musumeci  
 Gray O'Dwyer  
 Stephanie Pate  
 Elizabeth Tune

**Other State Agency Staff Present:**

Catherine Shankles (Office of the Attorney General)

Andrew Tarne (Office of the Attorney General)

**Guests Present:**

Adam Gillenwater (Civil War Trust)

Nancy Sheppard (Airship Roma Highway Marker)

Adam Caldwell (Richmond Professional Institute Highway Marker)

**EASEMENTS**

Chair Smith called the meeting to order at 12:38 pm and asked each member to introduce him/herself. Ms. Tune introduced Adam Gillenwater of the Civil War Trust in the audience, as well as Easement Program staff members Stephanie Pate and Gray O'Dwyer.

**Easement Program Policies**

**1. Easement Program Policy #12: Administrative Fees**

Ms. Tune presented a substantial revision to the previously submitted draft revision of Policy #12: Administrative Fees. This policy addresses the administrative fee schedule for certain types of new easement transactions and projects involving existing easements held by the Board of Historic Resources ("the Board"). In order to have the capacity to accept new easements while sustaining its commitment to the protection of the Commonwealth's unique historic resources already under easement, the Board has adopted an administrative fee schedule effective in 2017.

The Department of Historic Resources ("DHR"), specifically, the Easement Program within the Division of Preservation Incentives, will be responsible for assessing and administering these fees on behalf of the Board. The Director of DHR is authorized to promulgate any additional rules necessary for the administration of these fees, provided that such rules comply with the terms of this Policy.

New Easement Offers

A. Easement Application Fee

A fee of five hundred dollars (\$500) shall be paid at the time a new easement application is submitted for review and consideration by DHR and the Board. This fee will go toward DHR's due diligence review and analysis of the proposed offer.

B. Grant Funded Easements Requiring Additional Restrictions

An administrative fee equal to two percent (2%) of the total grant award will be assessed against the grant recipient for any new easement offer where (i) the conveyance of the preservation and conservation easement is required by a federal or state grant program (with the exception of the Virginia Battlefield Preservation Fund administered by DHR), and (ii) such grant requires the inclusion of additional restrictions beyond the standard easement template, modification of standard restrictions, inclusion of a co-holder, and/or interests granted to a third party. Such fee is intended to offset the increased costs to DHR resulting from negotiations, communications, and modifications of the deed of conservation easement prior to recordation, and the increased stewardship burden of additional restrictions, non-standard restrictions, and communications and coordination with any co-holder or third party that has an interest through the conservation easement.

This fee will be due when the grant award is disbursed. If multiple grants are awarded to the subject of an easement offer, the fee will be charged for each grant that meets the criteria above.

Examples of applicable grants include without limitation:

- American Battlefield Protection Program Battlefield Land Acquisition Grants
- USDA Agricultural Conservation Easement Program - Agricultural Land Easement Program (formerly Federal Farm & Ranchland Protection Program)
- Virginia Land Conservation Foundation Grants

C. Reconsideration of an Offer

A fee of one thousand dollars (\$1,000) will be required for reconsideration by the Board of any previously approved offer of easement where such reconsideration is a result of: (i) the expiration of the Board's prior approval, or (ii) a change in the terms of the easement offer due to an act or omission of or a modification made or proposed by the applicant and/or landowner.<sup>1</sup> This fee must be received by DHR with the new application.

Examples of a change of terms of the easement offer by an applicant or landowner may include, but are not limited to, the following:

- Failure to accurately and/or completely identify all existing buildings, structures, amenities, and features on the real property being offered for easement in the Easement Application.
- A lease, or extension or renewal of a lease or license granted to a third party to use the real property, e.g. a residential lease, being offered for easement beyond the term provided to and/or approved by the Board.
- Granting of rights to third parties, such as conveyance of an access easement or utility right-of-way, after approval of the offer by the Board and without providing notice of the intent to convey such rights prior to the Board's approval to accept.
- Significant change(s) in the structure of the proposed transaction, such as new or different sources of grant funding, loss of grant funding, intent to seek federal and/or state tax benefits.
- Change(s) in the fundamental terms of the offer, such as inclusion of new or additional reserved rights such as an increase in the square footage allowance for new construction or allowances for additional buildings or structures.

The applicability of this fee and any determination of whether this fee applies shall in no way affect the requirements for reconsideration pursuant to Board Policy #2: Criteria for Acceptance of Easements.

#### D. Baseline Documentation

A fee of one thousand five hundred dollars (\$1,500) will be assessed against the landowner in each instance where a baseline documentation report ("BDR")<sup>2</sup> is required to be updated or revised because (i) the terms of the easement have changed or (ii) the easement is not recorded within six months of completion of the BDR. Such fee is due prior to DHR conducting the work to update or revise the BDR.

Because the BDR reflects the condition of property at time of easement recordation and serves as the basis for enforcement and stewardship, it is imperative that the information and documentation contained therein is accurate. A BDR generally includes: (i) a brief written description of the current condition, character, and features of the property; (ii) a brief written description outlining the historic, archaeological, and cultural significance of the property as well as other conservation values; (iii) a list of existing historic and non-historic buildings, structures, and sites with a detailed description of existing architectural features of primary built historic resources that are specifically protected by the easement; (iv) the specific conservation purposes protected by the easement; (v) a brief written description of the current condition, character, features, and use of the property; (vi) historic documentation, survey plat, and maps of the property; and (vii) photos of the property and protected resources with an accompanying photo-point map.

#### Existing Easements

##### A. Conversion / Diversion

###### 1. Review Fee

A fee of one thousand dollars (\$1,000) shall be assessed for the Board's review and determination of whether a project or activity affecting an easement property constitutes a conversion or diversion of all or a portion of such property. This fee will serve to offset the significant resources required of DHR to gather information, communicate with the project proponent and landowner, and prepare the matter for presentation to the Board. This fee will apply regardless of the Board's determination and must be paid when the Project Review Request form is submitted.

If the project proponent is unaware of the terms of the conservation easement, DHR Easement Program staff will notify the project proponent in writing that the proposed project or activity requires review under Section 10.1-1704 of the Open-Space Land Act. In

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<sup>1</sup> Board Policy #2: Criteria for Acceptance of Easements states that the Board's standard approval to accept a new offer of easement expires two (2) calendar years from the date of the Board meeting at which the offer was approved for acceptance. Similarly, if any significant changes to the terms of the easement offer or significant or major changes to the property occur following the Board's approval, the revised offer must be brought back to the Board for its reconsideration.

<sup>2</sup> Board Policy #4: Documentation of Easement Properties requires that documentation of the condition of the resources and conservation values protected by the easement be conducted as close as possible prior to recordation of the easement. This documentation is essential in the administration of the easement as it serves as the basis for enforcement of the terms of the easement and stewardship of the resources protected.

such event, the fee will be due within ten (10) business days of the date of the written notice by DHR. DHR Easement Program staff may suspend review of the project until the fee is received by DHR. It is the project proponent's responsibility to ensure that payment has been received by DHR.

## 2. Processing Fee

If the Board determines that the project or activity constitutes conversion or diversion, and the project proponent chooses to move forward with the project or activity, an additional fee of one thousand dollars (\$1,000) will be assessed for staff time required to process the project. If the total staff time required to process the project exceeds forty (40) hours, the project proponent will be charged for each additional hour of staff time at the hourly rate or combined hourly rates of the staff members processing the project. The initial processing fee will be due within ten (10) business days after the public meeting at which the Board determined that the project or activity constitutes conversion or diversion. Additional charges shall be due within ten (10) business days after notice thereof by DHR.

If the project or activity determined to constitute conversion or diversion must be reviewed a second time by the Board, an additional fee of five hundred dollars (\$500) will be assessed against the project proponent. The additional fee will offset the cost of staff time necessary to prepare for and present the matter to the Board. Second reviews may be necessary for the Board to review proposals regarding additional mitigation or substitute property.

## 3. Additional Fee for Federal Grant Funded Battlefield Easements

A fee of one thousand dollars (\$1,000) will be assessed where DHR Easement Program staff, on behalf of the Board, is required to prepare and provide to the American Battlefield Protection Program ("ABPP") an evaluation of whether a project or activity will impact or directly affect a battlefield easement property and may constitute conversion or diversion of conserved land subject to Section 6(f)(3) (defined below) and any proposed mitigation or substitution.<sup>3</sup> This fee must be submitted with the Project Review Request and is in addition to the fee assessed under Section II.A.1.

If the project proponent submits a Project Review Request and is not aware that the affected property is subject to Section 6(f)(3), DHR Easement Program staff will notify the project proponent in writing that the proposed project or activity requires review under Section 6(f)(3). The fee is due within ten (10) business days of the date of written notice by DHR. DHR Easement Program staff may suspend review of the project until the fee is received by DHR. It is the project proponent's responsibility to ensure that payment has been received by DHR.

### B. Boundary Line Adjustments

A fee of one thousand dollars (\$1,000) will be assessed for consideration by the Board of a request for a boundary line adjustment ("BLA"). This fee will offset the extensive staff time and resources to review the request and prepare and present the matter to the Board. The fee must accompany the Project Review Request form or be paid within ten (10) business days of submission to DHR of the request for a BLA. DHR Easement Program staff may suspend review of the BLA request until the fee is received by DHR. It is the project proponent's responsibility to ensure that payment has been received by DHR.

### C. Expedited Project Review

A flat fee of five hundred (\$500) will be assessed against an applicant or landowner for an expedited review of a submitted Project Review Request. For purposes of this Policy, the expedited review period is ten (10) business days. This fee applies to each individual project, therefore, projects involving more than one building or phased projects may require additional fees.

Expedited reviews shall only be available with respect to existing easements and to (1) current landowners and (2) third parties such as contract purchasers, utility companies, and other agents of the landowner, provided the prior written approval of the landowner has been received by DHR. DHR's Director, in coordination with the Director of the Division of Preservation Incentives (hereinafter "Division Director") has the authorization of and full discretion enjoyed by the Board to agree or decline to conduct an expedited review. In determining whether to agree or decline to conduct an expedited review, the Director may consider factors such as the complexity of the project, the amount of information available in DHR's records about the property, the extent and complexity of the deed of conservation easement and the applicable restrictions, the existence of co-holders who may share in review responsibilities, and the

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<sup>3</sup> A significant number of easements held by the Board over battlefield properties were acquired using or conveyed as a condition of grant funding provided by the ABPP, a federal program within the National Park Service under the Department of the Interior. The properties benefitting from ABPP's grant program are subject to the Land and Water Conservation Fund Act (54 U.S.C. §§ 200301 - 200310 (2016, as amended)), specifically Section 200305(f)(3), commonly known and hereinafter referred to as "Section 6(f)(3)." Section 6(f)(3) imposes a similar conversion/diversion standard on the land and requires that the ABPP make determinations regarding projects or activities that have the potential to constitute conversion or diversion. The deeds of conservation easement for those ABPP-funded battlefield properties include provisions requiring DHR Easement Program staff, on behalf of the Board, to prepare and provide to ABPP an evaluation of the project or activity and any proposed mitigation or substitution. As such, ABPP-funded battlefield easements impose additional responsibilities on DHR's Easement Program.

schedules and workloads of staff involved in such reviews. The Director may assign all authority and responsibility under this Section II.C to the Division Director.

Notwithstanding the foregoing, no expedited review shall be available for (1) reconsiderations by DHR's Treatment Committee, or (2) appeals brought to the Board pursuant to Board Policy # 5: Review of Applications for Work on Easement Properties.

Comments Summary:

Ms. Ashwell inquired as to the typical grant amount applicants receive. Ms. Tune replied that the amount varies considerably, from under \$50,000 to more than \$1 million and clarified that the fee would not apply to the Virginia Battlefield Preservation Fund applicants. Ms. Ashwell asked if there will be a period of time where applicants will not be aware of the new fees early enough to include the 2% fee in their grant budget request. Ms. Tune answered that the fee would be in place from the implementation date and Director Langan added that DHR has been in communication with the battlefield partners to ensure they are aware of the fee structure. She noted that they were not opposed to the fees, as they will allow DHR to augment Easement Program staff and work more effectively and efficiently. Chair Smith questioned if the proposed fees will cover DHR costs. Director Langan answered that the fees do not begin to cover staffing costs, but do help. She added that the fees will enable DHR to add staff and recoup field time in a modest action compared to other easement holding organizations. Chair Smith asked if there were a lot of objections. Director Langan replied there have not been, and that DHR has repeat partners who are very aware of the challenges faced by the Easement Program. Ms. Tune added that these fees address a targeted area of the Easement Program and reminded the Board that most other program services do not have associated fees. Chair Smith confirmed that the Board should vote on Policy #12 at this meeting and encouraged members of the Board to ask questions.

Ms. Kim asked, in the case of a Conversion/Diversion consideration, if the applicant would be given an estimate of staff hours and if a project itemization would be provided by DHR. Ms. Tune responded that the number of staff hours is highly dependent on the type of project in question but agreed that DHR could attempt to provide a number of hours for each project based on the information available for the project. She further explained that the hourly rate fee of \$28/hour was based upon an average of easement program staff hourly rates. Ms. Kim asked if this policy would be effective July 1, 2017. Ms. Tune stated that staff would like to remove that language from the draft provided, as DHR is working with the Department of Planning and Budget on an implementation date, but, regrettably, it will be after July 1, 2017. Director Langan added that the policy would be implemented as soon as possible, but acknowledged multiple administrative requirements.

Ms. Peters commented that the average hourly rate for Easement Program staff seemed very low. She inquired if that rate included benefits. Ms. Tune replied that the rate only included salary, not benefits. Ms. Peters stated that the personnel cost to the Commonwealth is about 30% more than the salary. Director Langan agreed, and informed the Board that the cost is about 38% more than the salary. Chair Smith suggested that these costs be added into the fee, to better reflect the cost to the agency now, rather than requesting an increase of these fees in the near future. Ms. Peters agreed. Director Langan pointed out that such action would affect all the fees that are based on hourly staff rates. Ms. Shankles asked if the Board wished to see a revision to the proposed Policy #12. Chair Smith noted his preference for proceeding at this meeting with an edit reflecting the revised figures. Director Langan confirmed that such revisions would include only the cost of personnel, and not overhead. Ms. Peters repeated her support that the fees more closely reflect the cost to DHR. Ms. Ashwell asked if there is a sense for how much revenue would be generated within a fiscal year. Ms. Tune estimated that, for example, in 2013, the Easement Program considered 36 projects and about 10 conversion/diversion determinations. Ms. Ashwell noted this was a significant amount; she further commented that in private practice, the easement holder would not be expected to bear all the costs associated with such a donation. Chair Smith asked for the amount of this year's DHR budget reduction. Director Langan replied that the funding for the fiscal year coming up would be unchanged, but noted DHR sustained a 3% budget cut this year. Chair Smith suggested rounding the cost up. Ms. Kim remarked that a gradual increase might be better received by the public given that DHR was starting from a no-fee situation and wondered if the fees would reduce the number of applications. Ms. Peters commented that most easement donors are sophisticated and already pay attorney fees, so these fees should not be viewed as significant in the overall process; she expressed an intention to ensure Easement Program staff had a workable policy document in this regard. Ms. Tune reminded the Board that most of the day-to-day business with property owners has no associated costs, so DHR still provides a great service.

Chair Smith asked the Board if there was any disagreement upon the notion of charging fees. The Board acknowledged support of program fees but voiced concern that the amount was appropriate. Chair Smith returned to the \$40/hour rate and suggested that be the base staff rate, with the ability to round the calculated amount up at management discretion. Director Langan agreed with the \$40/hour rate modification as appropriate. Ms. Ashwell requested that staff be cognizant of the effective date of the policy and consider grandfathering projects in if appropriate, due to limited grant funding sources and varying deadlines. Chair Smith then asked Mr. Adam Gillenwater of the Civil War Trust ("CWT") for his thoughts regarding the proposed fees. Mr. Gillenwater agreed that DHR is in a position to need the additional resources. He noted that CWT had not seen the specific dollar figures until today, but was aware the fees would be implemented. Director Langan noted that CWT will likely be surprised how low the fee amount is, in comparison with the Virginia Outdoors Foundation ("VOF"), for example. DHR does not want to appear greedy, but does want to be in a position to provide better service. Ms. Tune noted that VOF will review a fee of \$20,000 for a complex transaction fee at its next policy review meeting. Ms. Kim remarked that the assessment of administrative fees is overdue. Director Langan stated that DHR will update the fee amounts based upon the direction of the Board and confirm the new amounts prior to implementation.

Chair Smith asked for a motion to include all of this discussion. Ms. Ashwell made a motion to adopt Program Policy #12 with the following revisions including removing the effective date and granting discretion to the staff to determine the effective date; revision of



the fee schedule using a \$40/hour average staff rate for fees calculated on the basis of an hourly rate; and that conversion/diversion fees only apply to the third party, non-landowners that are private entities. Ms. Peters seconded the motion and members of the Board voted unanimously to support the motion.

### **New Easement Offers for Consideration**

The following new easement offers were presented by Ms. Musumeci for the Board's consideration.

#### **1. Pardue Tract, Second Manassas Battlefield, Prince William County**

Property Owner: Jaqueline D. Pardue Living Trust, Under Contract to Civil War Trust

Acreage: 5.89 acres

Located in Prince William County, the Pardue Tract (DHR ID 076-0271-0010) measures approximately 5.89 acres and shares its northeastern boundary with Manassas National Battlefield Park. The property fronts General Longstreet's Line, which is a private gravel road running through the surrounding Zouave Hills residential subdivision, and is improved for residential use. Existing buildings and structures on the property include a 1968 ranch-style dwelling with an integrated two-car garage, and a detached workshop/garage. Access is via a long paved drive that leads to the integrated garage. The topography of the parcel slopes steeply from the west downward toward a low-lying floodplain of Young's Branch, a creek that runs along the eastern boundary of the property. The Civil War Trust ("CWT") plans to purchase the property by July 1<sup>st</sup>, 2017. To assist with acquiring the property, the CWT has applied for an American Battlefield Protection Program ("ABPP") grant. After placing the property under easement, the CWT plans to use the property for battlefield interpretation purposes. They intend to remove the non-historic structures within five years after recordation of the easement, while leasing the dwelling until the five-year period expires. Preservation of this parcel is critical to completing a "critical mass" of protected parcels in and around the Manassas Battlefield core area. Conveyance of an easement on the property also further protects it from commercial and residential development.

The Pardue Tract is located entirely within the core area of the Second Manassas Battlefield, which has been given a Preservation Priority Rating of I.2 Class A by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of I.2 are those that have good to fair integrity and high to moderate threats. Battlefield sites rated Class A are those that had a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Northern Virginia Campaign from June to September of 1862. The property is also within the Manassas National Battlefield Park Historic District (DHR ID #076-0271), listed on the Virginia Landmarks Register and National Register of Historic Places in 1972 and amended/expanded in 2005. The buildings on the property were found to be non-contributing resources.

The property is visible from General Longstreet's Line (private road) and the Manassas National Battlefield Park, operated by the National Park Service as a public accessibly battlefield interpretative park. Preservation of the property will augment approximately 528 acres of land protected by the Virginia Board of Historic Resources ("Board") in Prince William County. The property is also located in the Mosby Heritage Area and the Journey Through Hallowed Ground National Heritage Area, and is bordered on its eastern side by Young's Branch Creek.

Musumeci added that some issues with the property were recently uncovered. The access road, General Longstreet's Line, is privately owned and maintained by the Zouave Hills Road User Association and DHR will need the right to use this privately maintained road to access the property for monitoring and enforcement of the easement. From the documentation received to date, it is not yet clear how DHR will be given the right to that access. DHR is working with CWT and the Office of the Attorney General to resolve this aspect.

#### Comments Summary:

Regarding the access issue, Chair Smith asked if CWT could grant access as the new property owner. Ms. Musumeci replied that was potentially possible, and noted staff has been working with CWT to determine what authority for access CWT will have as a property owner in the subdivision. Chair Smith confirmed that the Board was able to act on the easement offer at this meeting. Ms. Musumeci replied that was possible if the Board would like to do so, as the Easement Acceptance Committee ("EAC") included conditions with their recommendation to the Board. Chair Smith asked if the July 1, 2017 closing date was feasible. Ms. Musumeci replied that was uncertain at this time. Dr. Atkins-Spivey asked to hear the EAC's conditions. Ms. Shankles summarized that the access road, and the authority to grant use of the road, is the unresolved issue at this time. Ms. Ashwell suggested acquiring an easement by necessity to access the property. Ms. Shankles thought that might be a possibility. Mr. Tarne clarified that the deed for the access road is unclear, as the association articles of incorporation and bylaws did not reveal documentation that granted any rights to road directly and noted that it was important to verify that DHR had rights to use the road in order to steward the easement. Mr. Gillenwater commented that the CWT legal staff is working on access language to include in the easement. Chair Smith asked Mr. Gillenwater if it complicated matters if the Board elected to postpone acceptance of the offer, and wondered if the Board could accept the offer with a provision for access. Ms. Musumeci explained that this was addressed in the first condition recommended by the EAC.

The EAC recommended acceptance of the easement offer with the following conditions:

1. The Board and DHR are given all rights and privileges of access over privately owned and maintained roads within the Zouave Hills residential subdivision for purposes of monitoring and enforcing the terms of the easement.
2. Demolition and removal of existing non-historic buildings and structures shall be completed within five (5) years of the date of easement recordation.
3. Any change to the time frame for demolition or removal of existing non-historic buildings and structures as determined by the Board shall be negotiated in advance of recordation of the easement with DHR.
4. Rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and the DHR, and such plan shall be incorporated into the easement either directly or by reference.
5. Any lease in effect at the time of recordation must be subordinated to the easement, and the following must occur:
  - DHR is provided with a copy of any lease agreement related to the property within thirty (30) days of execution of such agreement.
  - DHR is provided with written documentation that any tenants occupying or using the property have agreed to sign the deed and subordinate their interest to the easement.

Chair Smith called for a motion to approve the easement offer as presented, subject to the conditions recommended by the Easement Acceptance Committee. Mr. Fisher made a motion and it was seconded by Ms. Peters. The Board voted unanimously to approve the offer subject to the recommended conditions. Ms. Musumeci acknowledged Ms. Shankles and Mr. Tarne for their efforts on this complicated transaction.

## **2. Mays Tract, Trevilian Station Battlefield, Louisa County**

Property Owner: Fred and Barbara Mays, Under Contract to Civil War Trust

Acreage: 10.23 acres

Located along State Route 33 in Louisa County, the Mays Tract is comprised of two contiguous parcels measuring approximately 10.23 acres, and is within the core and study areas of the Trevilian Station Battlefield. The property fronts Route 33 (also known as Louisa Road) and is primarily wooded. The northern portion of the property is visible from Route 33 while the southern portion is visible from Amick Road (State Route 744). An area of the property that fronts State Route 33 was recently cleared of trees with heavy equipment when the property was listed for sale. The property is currently unimproved, although, according to a recently completed Environmental Site Assessment, an unidentified structure may have been located on the property from 1989 to 1994. CWT purchased the property in April 2017 and intends to use an American Battlefield Protection Program (“ABPP”) grant to partially fund the acquisition. After conveying an easement on the property, the CWT plans to use it for battlefield interpretation purposes. Preservation of this property is critical to completing a “critical mass” of protected battlefield land in the core area of the Trevilian Station Battlefield. The placement of an easement on the property also further protects it from commercial and residential development.

The Mays Tract is located within in the core and study areas of the Trevilian Station Battlefield, which has been given a Preservation Priority Rating of II.2 Class B by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of II.2 are those that have good to fair integrity and low to moderate threats. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this instance Grant’s Overland Campaign from May to June of 1864. The property is visible from State Route 33 and Amick Road. Preservation of the property will augment over 1,000 acres of land subject to easements held by the Virginia Board of Historic Resources (“Board”) in Louisa County in addition to other lands protected by the CWT and the Virginia Outdoors Foundation.

The Easement Acceptance Committee recommended approval of the offer as presented, subject to a review of all title work associated with the property.

Comments Summary:

There was no discussion.

Chair Smith called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Ms. Ashwell made a motion and it was seconded by Dr. Atkins-Spivey. The Board voted unanimously to approve the offer subject to the recommended condition.

## **3. Rose Dale, Alleghany County**

Property Owner: Rose Dale, Inc.

Acreage: 0.38 acre

Located just north of the Town of Covington, the Rose Dale Tract (DHR ID# 003-0348-0018) contains a single parcel of land totaling 0.38 acre. Fronting Midland Trail Road (State Route 60), a locally designated scenic road, the property is improved for residential use. Improvements include a ca. 1856 dwelling that is listed in the Virginia Landmarks Register (“VLR”) and National Register of Historic Places (“NRHP”) as a contributing resource to the Rosedale Historic District. The historic dwelling has also been determined individually eligible for listing on the state and national registers. Rose Dale, Inc. acquired the property in 1980. On November 15, 2016, Rose Dale, Inc. executed a contract to gift the parcel containing the house to Alleghany County. After receiving the property, the County plans to use the building for governmental office space and similar publicly accessible uses. Rose Dale Inc. also recently gifted a 14.3 acre adjoining

parcel to the County for use as a park. The 14.3 acre parcel is currently under easement with the Virginia Outdoors Foundation. Conveyance of an easement on the 0.38 parcel containing the historic dwelling will complement the adjoining conservation easement and will protect the house from future demolition.

Rose Dale is a two and one-half story brick dwelling that was designated a contributing resource to the Rosedale Historic District. This district was listed on the VLR on December 3, 1997 and the NRHP on June 26, 1998 for its architectural variety and historic significance as a well-preserved center of residential development in Alleghany County. The Rosedale Historic District (DHR ID# 003-0010) takes its name from the historic dwelling, which was the former center of an antebellum plantation owned by the McAllister family, and is the oldest dwelling in the district. Built circa 1856, the dwelling is distinguished by its Greek-Revival and Italianate style features. Constructed of Flemish-bond and American-bond brick, the house is considered to be one of the finest of its style and type in Alleghany County. The north elevation is divided into three sections by stuccoed pilaster strips painted white and features a front entry porch with delicate wooden supports pierced by cruciform cut-outs and a decorative balustrade on a balcony above. Other exterior features include a set of four gabled dormers, four brick chimneys, a ca. 1900 east elevation porch with a sleeping porch above, and an integral two-story brick ell on the rear portion with enclosed two tier porch. On the interior, the two-room-deep center-passage-plan has modest Greek-Revival style mantels, sliding pocket doors between the rooms, and a stair with a simple balustrade. In the 1940s, the attic rooms were finished and gable-front dormers were built on the north elevation. Rose Dale once stood among a complex of agricultural structures and other outbuildings, which have since been demolished. A 2013 survey by VDHR found that the dwelling had received much-needed maintenance and that its historic integrity was largely intact.

Rose Dale was constructed for Thompson McAllister, a Pennsylvania native who moved to Covington in the 1850s. McAllister formed a railroad contracting business to help build the Covington & Ohio Line (later the Chesapeake & Ohio Line). McAllister served as a Confederate regimental captain during the Civil War. Thompson and Lydia McAllister's son, Abraham Addam McAllister, became a leading businessman in the area after opening the Rose Dale Market Farm in 1887. Abraham McAllister was the builder of several dwellings in Covington, including within the Rosedale neighborhood. Rose Dale (the dwelling) was also the site of a private school for girls in the late 1870s to early 1880, which provided instruction in academics and "social graces." During the Depression, the dwelling was divided into five apartments and leased.

The Easement Acceptance Committee recommends acceptance of the Rose Dale Tract easement offer as presented.

#### Comments Summary:

Ms. Peters inquired as to the Period of Significance for the house, and wanted to ensure that the attic interior would be subject to the easement protections. Ms. Musumeci noted that the house is not individually listed, but that it contributed to the district, and confirmed that all of the interior would be protected, with modifications subject to review by the Easement Program Architect. Dr. Fairfax asked if there were any identified graves representing an enslaved community on this property. Ms. Musumeci replied that none were identified in the documentation DHR received to date. She noted that this property is a small part of the much larger, 2,000-acre historic farm, but that staff will continue to seek this information. Ms. Musumeci noted that the historic district has a much broader scope and does not specifically focus on this house.

Chair Smith called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Ms. Kim made a motion and it was seconded by Mr. Fisher. The Board voted unanimously to approve the offer as presented.

#### **4. Turner Ashby Monument, City of Harrisonburg**

Property Owner: Turner Ashby Chapter #162 of the United Daughters of the Confederacy

Acreage: 1.7 acres

Located in the city of Harrisonburg, the Turner Ashby Monument (DHR ID 115-5063) contains approximately 1.7 acres of land. The property is accessed by Turner Ashby Lane, which branches off Neff Avenue, and is surrounded on three sides by the campus of James Madison University. The property contains the granite and limestone Turner Ashby Monument, which commemorates the death of Confederate General Turner Ashby on June 6, 1862. Comprised primarily of wooded cover, the property is currently used for public recreation and memorial purposes. It was listed on the Virginia Landmarks Register and National Register of Historic Places in March 2017 under Criteria A, for its association with the "Lost Cause" movement. It also meets Criteria Consideration F for its association with the Battle of Harrisonburg and the commemoration of the site where General Ashby was killed. The Turner Ashby Chapter #162 of the United Daughters of the Confederacy ("UDC") acquired the property on April 10, 2017. After placing the property under easement, the UDC intends to continue use of the property as a public park and for commemorative purposes. The transaction will be a full gift of conservation easement. The Turner Ashby monument is located in a rapidly expanding area of the City, and conveying a perpetual easement on the property will protect it from development.

The Turner Ashby Monument marks the location where Confederate General Turner Ashby died during the Battle of Harrisonburg at Chestnut Ridge on June 6, 1862. Witnesses to his death reported that Gen. Ashby fell against a tree at the top of Chestnut Ridge. The Turner Ashby Memorial Organization was formed in July 1897 to acquire the land where Ashby died, and to raise funds to construct a monument. The tree was eventually removed, and the Turner Ashby Monument was erected in its place in 1898. The monument was

dedicated on June 6, 1898 by the Turner Ashby Chapter of the UDC and the organization holds a ceremony annually to commemorate the date of Gen. Ashby's death.

The Turner Ashby Monument is situated on a 1.7-acre wooded lot that is surrounded by residential development and recreational sports fields, largely owned by James Madison University. A tall metal fence (ca. 1962) encircles the property, except for a section located near the entrance. Access to the monument is via a paved footpath that leads from the parking lot through the property, and ends in a circle in front of the marker. The monument is located near the western border of the property, and rests on a flagstone-paved base measuring 18' by 18'. The monument itself is a granite and limestone cenotaph measuring nearly 8' in height, which is surrounded by a 5' 3" tall wrought iron fence. It sits slightly below the grade of the walkway, and a recently installed small stone retaining wall and flagstone steps provide access. The property also contains one wooden sign explaining the Battle of Harrisonburg, one Civil War Trails sign, as well as a number of informational and directional signs. The privately owned property is visible from Neff Avenue and is accessed by Turner Ashby Lane, both of which streets are public rights-of-way. It is regularly open to the public and is comprised of primarily wooded cover in a developed area of Harrisonburg.

The Easement Acceptance Committee recommends acceptance of the Turner Ashby Monument Tract easement offer as presented.

Ms. Peters, as co-author of the nomination for the monument, recused herself from the room.

#### Comments Summary:

Dr. Atkins-Spivey asked if this offer was in the context of the removal of Confederate monuments, as it is an important conversation. Ms. Musumeci replied that this aspect came up during the Easement Acceptance Committee meeting and pointed out that Confederate monuments are already protected on other easement properties, some of which are designated as contributing resources and others which are not. She noted that this will be the first time that the monument resource is the reason for the easement. Director Langan observed that Dr. Atkins-Spivey raised a relevant point, because of the conversations happening on the national level, the property owners want to ensure its protection; because it is on private property and does not have the same level of protection as some public monuments. She also noted the owners' concern with the development pressure of James Madison University. Chair Smith clarified that this monument is on private property and that moving /removal conversations deal with those on public property. Ms. Ashwell observed that an easement would extend the public benefit umbrella to perpetual protection. Director Langan agreed and noted that the nonprofit owners are thinking in terms of long-term stewardship. Ms. Ashwell asked for clarification of the partial listing for its association with the "Lost Cause" movement. Director Langan explained that most memorials in the news were not erected immediately after the war, but in a period referred to as the "Lost Cause" during the late nineteenth and early twentieth centuries, in order to commemorate past battles once the resources were available to do so. This monument is part of the "Lost Cause" movement, and not the battle itself. Dr. Fairfax noted that the ideology of the "Lost Cause" movement continues today. Ms. Musumeci noted that the Easement Acceptance Committee confirmed that the easement offer generally meets the program acceptance criteria. Dr. Atkins-Spivey asked if the Easement Acceptance Committee discussed the controversy over the removal of monuments. Ms. Musumeci responded affirmatively and explained that the applicant applied previously, but at that point the monument was not listed or within a federally recognized battlefield, and therefore did not meet our acceptance criteria. The applicant then pursued listing successfully and resubmitted the easement application.

Chair Smith called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Fisher made a motion and it was seconded by Ms. Kim. Three members of the Board voted to approve the offer subject to the recommended conditions and three members voted against approval, with the remaining member, Ms. Peters, recused. Ms. Shankles of the Office of the Attorney General confirmed there was no majority vote and the motion did not pass.

Dr. Atkins-Spivey observed that this is a difficult conversation for the Board and nationally. Ms. Ashwell expressed hope that at some point the "Lost Cause" movement and its impact in the twentieth century is reviewed with context, as it is valuable to have pieces to use to critically interpret the role of the movement in history, and she understood the opposing viewpoint. Dr. Atkins-Spivey agreed and wondered if acceptance of the offer would be viewed as a value statement of the Board. She noted that she could see both perspectives but felt that there is prolific "monumentation" regarding this topic. Mr. Fisher commented that he is not well-educated on the "Lost Cause" movement, but believed that it expresses part of history that is worth protecting. He noted that one could interpret the reason for the monument as noteworthy of a man who died defending his homeland. Chair Smith relayed his recent experience at the Ashburn school marker dedication.

Chair Smith asked if, following this additional discussion, it was appropriate to take another vote. Ms. Shankles replied that the Board could, if someone wished to change his/her vote. Members declined and the initial vote stood.

Ms. Musumeci commented that staff might suggest the applicant seek an easement with the Shenandoah Valley Battlefield Foundation ("SVBF"). Chair Smith did not believe that providing the applicant with an alternative was necessary. Director Langan informed the Board that SVBF had requested to co-hold the easement should the Board approve the offer, so this alternative is a logical suggestion. Chair Smith acquiesced.

Ms. Peters returned to the meeting.

## 5. Murray Dick Fawcett House, Alexandria Historic District, City of Alexandria

Property Owner: City of Alexandria

Acreage: approx. 0.15 acres

Located in the city of Alexandria, the Murray-Dick-Fawcett House (DHR ID 100-0097 and 100-0121-1131) fronts Prince Street and can also be viewed from Saint Asaph Street. The property contains the Murray-Dick-Fawcett House, a wood frame dwelling built circa 1772, and modified with additional building campaigns in 1784, 1797, 1807, and 1823. The property is associated with the Alexandria Historic District, which was designated a National Historic Landmark in 1966, listed in the Virginia Landmarks Register in 1968, and the National Register of Historic Places in 1969. Because the nomination does not contain an inventory of contributing and non-contributing buildings, DHR is confirming its status as “contributing” to the historic district in order to satisfy DHR Easement Program’s enabling legislation. DHR’s Architectural Evaluation Team has confirmed this status and there is similar process underway with the National Park Service, seeking their concurrence. The property was also recorded in the Historic American Building Survey in 1936. In 2002, a kitchen addition was constructed adjacent to the existing kitchen. In addition to the dwelling, the property also contains a detached modern garage and an adjoining lot comprised of open-space land, gardens, and landscaping. The city of Alexandria acquired the property in April 2017 and plans to use the dwelling for residential purposes in the short-term, and then as a museum and historic park in the long-term, including the open-space land for public events.

According to the 1936 Historic American Buildings Survey, the Murray-Dick-Fawcett House was constructed ca. 1772 by Patrick Murray. The earliest portion of the house is a 1½ story wood structure that rests on a brick and stone foundation. It was originally arranged around a hall-chamber plan, and covered with flush beaded wood siding. There is an interior chimney located on the western side of the house, and the roof was originally covered with rounded wood shingles, some of which are still intact. On the interior, the ½ story was reached by an enclosed winder stair. The first floor rooms feature chair rails, molded architraves, and raised paneling on the doors. The center hall is embellished with cabinetry. In 1785, Murray enlarged the house with a wood-frame shed addition, thereby adding two rooms to the first floor. The winder stair was also converted to a single run stair.

In 1792, the house was purchased by John Thomas Ricketts and William Newton. Newton resided in the house and replaced Murray’s kitchen with a brick ell to provide service rooms. The ell contained 1 ½ stories and was made of brick laid in a 3:1 common bond. According to the HABS drawings, the buildings that were attached to the dwelling by the ell included a kitchen, smoke room, wash room, and necessities. The second floor of the ell included slave quarters. By 1816, John Douglas Brown purchased the house. Brown removed an entrance porch and sealed a bulkhead entrance to the cellar that could be accessed from Prince Street. The new entryway became the doorway that was added to the east end gable in 1784.

According to Sanborn Fire Insurance Maps, the adjoining open space parcel was home to several businesses from 1891 to 1959. These included a grocery, a “Chinese laundry,” and school/office building used by the Second Presbyterian Church. The school/office building was thought to have been two stories, and was demolished sometime after 1959. It appears that no other structures were subsequently constructed on the parcel other than the current garage building (circa 1970).

The adjoining open space parcel is currently open to the public, and is used as a garden. The city of Alexandria plans to use this lot for public events, and will keep the exterior of the property regularly open to the public. The project will augment 19 other properties in Alexandria that are subject to easements held by the VBHR.

The city of Alexandria acquired the property in fee-simple in April 2017, in part with a \$900,000 grant from the Virginia Land Conservation Fund and a \$350,000 grant from the Open Space Lands Preservation Trust Fund (“Fund” or “PTF”) administered by the Virginia Outdoors Foundation (“VOF”). The purpose of the PTF (created in 1997; see VA Code §10.1-1801.1) is to assist landowners with the costs of conveying open-space or conservation easements. As a requirement of the grant, VOF must hold or co-hold an easement over the property. In order to satisfy this condition, VDHR is proposing that the Board of Historic Resources co-hold this easement with VOF. While the easement will be conveyed jointly to VOF and the Board, because of their different responsibilities under Virginia law and their different areas of expertise, some provisions will be enforceable jointly by the Board and VOF, and some provisions will be enforced solely by the Board. The following restrictions in the easement would be jointly administered: division, signage, and public access. Both VOF and the Board will also jointly administer the administrative provisions of the easement, including, but not limited to Conversion/Diversion, Extinguishment, Amendment, and Assignment.

The Easement Acceptance Committee recommends acceptance of the Murray-Dick-Fawcett Tract easement offer, subject to the following conditions:

1. Prior to recordation of the conservation easement, recordation of a deed releasing the covenants at Deed Book 710, Page 74 held by the Alexandria Redevelopment and Housing Authority.
2. If there is no current/recent survey for the property, a new field survey with accompanying plat must be obtained to address possible discrepancies in the property boundaries.
3. A portion of the dwelling encroaches on the city of Alexandria owned sidewalk/right-of-way. The Deed of Conservation Easement shall contain a provision requiring that the City grant an ordinance allowing this encroachment prior to any transfer of the Murray-Dick-Fawcett House property out of City ownership.
4. Any lease in effect at the time of recordation must be subordinated to the conservation easement.

Comments Summary:

Mr. Tarne confirmed that, as of the morning of the meeting, the City of Alexandria will issue a full release of all existing covenants. Chair Smith called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Ms. Ashwell made a motion and it was seconded by Dr. Atkins-Spivey. The Board voted unanimously to approve the offer subject to the recommended conditions.

**Easement Offer for Reconsideration**

Ms. Musumeci presented the following item for reconsideration, due to the additional grant requirement of a co-hold by the Virginia Outdoors Foundation:

**1. Jenkins Tract/Hansbrough Ridge, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 174 acres

Grant Funding: American Battlefield Protection Program; Open-Space Lands Preservation Trust Fund (VOF)

Located two miles east of the village of Stevensburg and north of Virginia Route 3 (Germanna Highway) in Culpeper County, the Jenkins Tract contains two tax parcels totaling approximately 174 acres of land. Comprised primarily of open space land with approximately 35 acres of wooded cover, the property is unimproved. This tract is notable for its unique topographical feature known as “The Ridge” or “Hansbrough’s/Hansborough’s Ridge” that runs in a north-south direction. With the exception of the 35 acres of wooded cover, the remaining land was subjected to a timber harvest in 2015. The Civil War Trust acquired the property in July 2016, in part with a grant from the American Battlefield Protection Program.

The Virginia Board of Historic Resources (“Board”) initially reviewed and approved the easement offer for the Jenkins Tract at its September 15, 2016 meeting, subject to the following conditions:

1. Per the results of the Phase I archaeological survey and VDHR’s review of the associated report(s), VDHR and CWT jointly negotiate a Landscape Management Plan to address the timbered areas of the property and future interpretation plans, which shall be incorporated into the deed of easement either directly or by reference. *In progress—still waiting for final report from archaeological survey which will inform landscape management plan.*
2. The deed of easement shall include language to address forest management including timbering, replanting, landscape restoration and land conversion consistent with the current standard template. *Completed.*
3. Based on the information included in the Management Summary per the archaeological survey, the Land Management Plan identified in #1 above, should include reasonable measures to protect the archaeological resources that have been exposed or made accessible or vulnerable as a result of prior timbering on the property. Such measures should include, but not be limited to:
  - A. Install “No Trespassing” signs and utilize blazing measures in accordance with the Virginia Department of Game and Inland Fisheries (DGIF) requirements; *Signage installed; no blazing implemented.*
  - B. Install access restriction measures (gates, chaining, etc.) at all vehicle access points; *Completed.*
  - C. Notify local law enforcement of the site location and concerns; and
  - D. Develop a network of local volunteers willing to periodically patrol the property. *Completed.*

Implementation of 3A through 3B above take place within 60 calendar days from the date of Board approval on September 15, 2016. *Conditions 3A and 3B above satisfied—other than blazing.*

Since the Board’s approval in September 2016, CWT was awarded a \$250,000 grant from the Open Space Lands Preservation Trust Fund (“Fund” or “PTF”) administered by the Virginia Outdoors Foundation (“VOF”) to facilitate public access to the property. The purpose of the Fund (created in 1997; see VA Code §10.1-1801.1) is to assist landowners with the costs of conveying open-space or conservation easements. As a requirement of the grant, VOF must hold or co-hold an easement over the property. In order to satisfy this condition, VDHR is proposing that the Board co-hold the easement with VOF. While the easement will be conveyed jointly to VOF and the Board, because of their different responsibilities under Virginia law and their different areas of expertise, some provisions will be enforceable jointly by the Board and VOF and other provisions will be enforced solely by the Board. The following easement restrictions would be jointly administered: Division, Signage, and Public Access. Both VOF and the Board would also jointly administer the administrative provisions of the easement, including, but not limited to Conversion/Diversion, Extinguishment, Amendment, and Assignment.

The Easement Acceptance Committee recommends approval of the request to co-hold the easement with the Virginia Outdoors Foundation as presented.

Comment Summary:

There was no discussion. Chair Smith called for a motion to approve the easement reconsideration as recommended by the Easement Acceptance Committee. Ms. Peters made a motion and it was seconded by Ms. Kim. The Board voted unanimously to approve the reconsideration subject to the recommended conditions.

The following easement violation update was presented by Mr. McDonald for the Board's information.

### **Easement Violation**

#### **1. Rappahannock Station Battlefield Park, Fauquier County**

Property Owner: Fauquier County

*Notification of minor and willful violation per Easement Program Policy #7: Easement Violations and reauthorization of prior Board approval*

The property is bounded by the Rappahannock River to the south, by US Route 15/29 (James Madison Highway) to the west and by a residential development to the north. Access to the property is currently made from East Street which connects to Remington Road/Business Route 15/29 on the property's eastern boundary. Although farming activity (including dairy farming and cattle grazing) took place in the past, there has been no active agricultural production or animal husbandry on the property for a number of years. The landscape of the entire property is primarily open fields in native grasses and other species, with wooded areas comprised of mixed deciduous species and cedar trees along the Rappahannock River and boundary with US Route 15/29. Along the southern boundary with the Rappahannock River the land drops sharply toward the river. The farm fields are mostly rolling terrace. A large portion of the property at the northeast corner is floodplain. At the time of easement recordation, the property contained a vacant two-story dwelling as well as a cinderblock shed near the eastern edge of the parcel. These structures have since been removed. A complete Phase I Archaeological Survey of the property was commissioned by Fauquier County in 2008/2009.

On February 28, 2017, the Piedmont Environmental Council ("PEC"), a co-holder of the easement, notified VDHR that their staff had visited the property and found an open drainage pond which had been recently constructed within the easement boundaries. In addition, PEC staff also noted that the proposed storm water outfall structure previously reviewed by the Virginia Board of Historic Resources ("Board") in June 2016 had also been completed (letter attached). VDHR Easement Program staff visited the property on March 7, 2017 with representatives of PEC and the County to photo document these issues. Briefly stated, a new drainage pond was constructed within the property without the prior review and approval of VDHR Easement staff. Additionally, the County completed construction of the proposed storm water outfall structure without satisfying the Board's conditions for the vacation of existing utility easements as well as recordation of a new easement for the property. On April 10, 2017, following consultation with the Director of Preservation Incentives, VDHR issued a formal letter informing the property owner that the incident conformed to the definitions of "minor violation" and "willful violation" provided in Easement Program Policy #7.

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 construction of the drainage pond without prior written approval, as well as construction of the storm water outfall structure prior to satisfaction of the Board's conditions for approval constitutes both a Minor Violation and Willful Violation of the easement.

A *Minor Violation* is defined as "a violation that results from inappropriate alterations or lack of proper maintenance where no permanent damage to the protected historic resources, features, or the conservation values of the property have been identified by DHR easement staff."

- While the drainage pond was determined by VDHR to have been constructed in an area that is not archaeologically sensitive, it was installed without the prior review and approval of VDHR and PEC.

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 Board's approval for the proposed storm water outfall was contingent on the completion of several actions with regard to existing utility easements as well as the recordation of a new easement, neither of which have taken place.

For the Minor Violation of the installation of the drainage pond, the EAC recommended (i) that the easement boundaries in this area be professionally resurveyed and marked/flagged in order to minimize the potential for future encroachment; and (ii) Fauquier County submits a written plan to fill, grade, and replant the area.

For the Willful Violation of the construction of the storm water outfall structure without satisfying the Board's conditions for approval, the EAC recommended that the violation be reported to the Board as well as to VDHR's representative at the Office of the Attorney General per Easement Program Policy #7: Violations.

Comments summary:

Ms. Ashwell confirmed that DHR believed that the contractor misunderstood the physical property boundaries and acted unintentionally. Chair Smith expressed his belief that the contractor acted knowingly, but it could not be proven. Chair Smith then asked if the property owner could be expected to follow the refill/reseed plan. Mr. McDonald replied that the work was complete because the County satisfied DHR recommendation for remediation in this regard. Ms. Ashwell confirmed that, for the willful violation, the owner proceeded with construction of the outfall when DHR told them not to, and asked if we received any response to the DHR-issued letters. Mr. McDonald said the outfall itself was approved with six conditions (letter dated August 8, 216) that were not followed. The response to the letter came only very recently in response to the violation citation issued in April 2017. Prior to that, the County was not communicating with DHR. The County did state their agreement to the amended easement in principle, but the developer also has to sign off on the document and DHR has received no further communication. Ms. Ashwell asked how DHR can modify the easement to address their willful violation. Mr. McDonald replied that, according to the conditions originally established, there were some storm water easements associated with the adjacent development that needed to be vacated and some that needed to be included in our deed of easement. He also noted that there will be a resurvey of the existing outfall. He then confirmed that the outfall was proposed, but the administrative process was not followed. Ms. Peters reiterated that the property owner also did not regularly communicate with DHR. Chair Smith asked Mr. McDonald what action staff would like the Board to take. Mr. McDonald replied that this was a notification of the violation, and no action was specifically requested. Chair Smith asked if DHR could require the removal of the outfall structure and refilling/ reseeded similar to the retention pond remediation. Ms. Ashwell reminded him that it the issue was not with the structure itself, but with the lack of adherence to the administrative process. She then asked if the Board could impose any sanctions. Mr. McDonald replied that DHR did not have a lot of leverage in the situation. Mr. Fisher asked if the County was unwilling to communicate with DHR staff, could the Board demand the County appear at a future Board meeting to explain themselves. Mr. McDonald replied that the County was invited to this meeting, but did not elect to attend. Ms. Kim inquired if the Board could assess a fine. Mr. McDonald responded that such action was not possible at this time. He also noted that the County's current project approval expired today, so any additional action regarding amending the deed of easement will require another request of the Board at a future meeting. Mr. McDonald also expressed his resolve to visit the property very frequently.

No action was necessary by the Board as the Violation notice was presented for information only.

#### **New Easements Recorded Since the March 2017 HRB Meeting**

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

- 1. Kirby Tract, Third Winchester (Opequon) and Rutherford Farm's Battlefields, Frederick County**  
Property Owner: Shenandoah Valley Battlefield Foundation  
Acreage: 5 acres  
Date Recorded: 03/09/17  
Grant Funding: Virginia Battlefield Preservation Fund, American Battlefield Protection Program
- 2. Jenks Tract, Glendale and First and Second Deep Bottom Battlefields, Henrico County**  
Property Owner: Civil War Trust  
Acreage: 1 acre  
Date Recorded: 03/09/17  
Grant Funding: Virginia Battlefield Preservation Fund, American Battlefield Protection Program
- 3. Smith Investment Properties Tract I, Williamsburg Battlefield, York County**  
Property Owner: Civil War Trust  
Acreage: 0.543 acre  
Date Recorded: 05/04/17  
Grant Funding: Virginia Battlefield Preservation Fund, American Battlefield Protection Program
- 4. Smith Investment Properties Tract II, Williamsburg Battlefield, York County**  
Property Owner: Civil War Trust  
Acreage: 2.956 acres  
Date Recorded: 05/04/17  
Grant Funding: Virginia Battlefield Preservation Fund, American Battlefield Protection Program
- 5. Newell-Gilbreath Tract, Gaines Mill , Savage's Station, and Cold Harbor Battlefields, Hanover County**  
Property Owner: Civil War Trust  
Acreage: 2.017 acres  
Date Recorded: 05/10/17  
Grant Funding: American Battlefield Protection Program

Ms. Musumeci stated that concluded her presentation.



## CLOSED SESSION

### CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA PERTAINING TO LEGAL ADVICE REGARDING AN EASEMENT VIOLATION

Ms. Ashwell made a motion to convene the Board in closed session; it was seconded by Dr. Fairfax. Director Langan excused all members of the public at 2:42 p.m.

The Board returned to open session at 3:39 p.m. with a motion from Ms. Ashwell which was seconded by Mr. Fisher. Each board member individually attested that only matters pertaining to the easement violation were discussed.

## HIGHWAY MARKERS

Chair Smith made a motion to amend the highway marker agenda such that Sponsor Marker #3: Mildred and Richard Loving would be addressed first; the remaining markers would follow in the same order. Ms. Kim seconded the motion and it passed unanimously.

Director Langan presented the following highway marker:

### 3. Mildred and Richard Loving

Sponsor: Caroline County Board of Supervisors

Locality: Caroline County

Proposed Location: Route 301 and Sparta Road

The text for the marker is yet to be determined, but the Director was seeking Board guidance on how to address an unusual situation. The recently dedicated *Loving v. Virginia* marker was originally intended for placement in Caroline County, but due to pushback at the county level and objection from a descendent, the marker was relocated to Richmond just ten days prior to its dedication. Since that time, the Caroline County Board of Supervisors has voted unanimously to have a Loving marker, either a duplicate marker or another marker dealing with another aspect of the subject. Director Langan asked for feedback related to those options.

#### Comment Summary:

Ms. Kim inquired as to the applicant for this marker. Director Langan replied that this marker would be sponsored by Caroline County and clarified that DHR sponsored the previous Mildred and Richard Loving marker. Ms. Kim asked about the opinion of the descendants. Director Langan responded that the only surviving child of the Lovings would like a duplicate marker. While the descendent does not communicate with DHR, her acquaintance on the Caroline County Board of Supervisors learned she was disappointed that the marker was not erected in Caroline County and that she was satisfied with the text included on that marker. Ms. Kim asked if DHR has duplicated markers before this request. Director Langan replied that there are a couple of duplicates, but noted DHR does not want to encourage duplication as it impacts the overall program integrity. DHR has denied requests for duplicate markers at opposite ends of an historic district; they can have markers at either end, but the text must vary. Ms. Peters noted that a duplicate marker defeats the point of the marker as it designates a specifically significant location. The requested marker almost must be a different text to convey its reason for being in Caroline County, such as it is the location of where the first court decision on the topic was made. Dr. Atkins-Spivey asked if Caroline County was open to either option. Director Langan responded that they were not aware of what the options were, so assumed they would just purchase another marker like the one that was dedicated in Richmond. When Director Langan suggested an additional marker with varied text, the Board of Supervisor expressed hesitation due to the time delay that imposed, and she explained it was really a policy decision for the Board to make. Mr. Fisher confirmed that it was important to immortalize the event, and having one near where the couple lived was most appropriate. Ms. Ashwell inquired as to the nature of the protests that were anticipated and if the recent support of the Board of Supervisors alleviate or balance out those concerns. Director Langan explained that there was a misrepresentation of positions and overstepping of roles. The objecting grandson wanted Mildred Loving's race specified and DHR could not find documentation that proved her racial makeup and so did not include specifics in that regard. Ms. Ashwell asked if the proposal of a new marker meant revisiting that entire debate. Director Langan acknowledged that we likely would, as we do not know Loving's racial makeup, and so cannot include this information on any marker. Ms. Peters stated that Virginia law specifically said a person had to be designated "Negro" or "White"; the new marker could address that aspect. Dr. Atkins-Spivey recommended Sheryll Cashin's book, *Loving: Interracial Intimacy in America and the Threat to White Supremacy*, as one that deals well with the topic. Dr. Fairfax stated that while this historical episode is significant, there are so many historical episodes that are more provocative. Ordering a duplicate marker would imply additional significance of this specific case that may not be warranted. Dr. Fairfax further noted that there are parts of the African American community that will be offended if Mildred Loving is not listed as black, and supported not addressing that aspect directly. Mr. Fisher voiced his support of a duplicate marker.

Chair Smith made a motion not to approve a duplicate marker. Dr. Fairfax seconded the motion. The Board all voted in support of the motion except for Mr. Fisher, who abstained.

Jennifer Loux, Highway Marker Program Manager, introduced herself and presented the Sponsor Markers – Diversity, Sponsor Markers, TEA-funded marker, and Consideration of Replacement Marker Texts.

### **Sponsor Markers - Diversity**

#### **1. Charles Stewart (ca. 1808-after 1884)**

**Sponsor:** Pegram Johnson III and Pocahontas Island Museum

**Locality:** Petersburg

**Proposed Location:** entrance to Pocahontas Island

#### **2. Helen Pesci Wood (1911-1964)**

**Sponsor:** Family and Friends of Helen Pesci Wood

**Locality:** Lynchburg

**Proposed Location:** 3766 Fort Ave.

### **Sponsor Markers**

#### **1. Airship *Roma* Disaster**

**Sponsor:** Nancy E. Sheppard

**Locality:** Norfolk

**Proposed Location:** corner of Terminal Blvd and Hampton Blvd.

#### **2. Averett University**

**Sponsor:** Averett University

**Locality:** Danville

**Proposed Location:** 420 W. Main St.

#### **3. Cary Devall Langhorne (1873-1948)**

**Sponsor:** Military Order of the Purple Heart, Chapter 1607

**Locality:** Lynchburg

**Proposed Location:** 313 Washington Street

#### **4. William Brown, M.D. (ca. 1748-1792)**

**Sponsor:** Friends of Colonial Pohick and The Mary Elizabeth Conover Foundation, Inc.

**Locality:** Fairfax County

**Proposed Location:** in vicinity of Pohick Church, 9301 Richmond Hwy, Lorton

#### **5. Grace Episcopal Church**

**Sponsor:** Vestry of Grace Episcopal Church

**Locality:** Albemarle County

**Proposed Location:** 5607 Gordonsville Road, Keswick

#### **6. Imperial Airlines Flight 201/8**

**Sponsor:** Phyllis McKoy

**Locality:** Richmond

**Proposed Location:** TBD

## 7. Mount Airy

**Sponsor:** Robert C. Light

**Locality:** Campbell County

**Proposed Location:** intersection of Route 43 (Bedford Highway) and Route 630 (Challis Ford Road)

## 8. Oliver Dinwiddie Tucker (1902-1940)

**Sponsor:** Robert Lookabill

**Locality:** Madison County

**Proposed Location:** Route 230 near intersection with Route 691, in Radiant

## 9. Federal Transient Bureau Fire

**Sponsor:** Old City Cemetery/Southern Memorial Association and City of Lynchburg Convention and Visitor Center

**Locality:** Lynchburg

**Proposed Location:** 216 Twelfth St.

## 10. Richmond Professional Institute

**Sponsor:** VCU School of Social Work and the RPI Alumni Council

**Locality:** Richmond

**Proposed Location:** 827 West Franklin St.

### Replacement Marker (sponsored)

#### 1.) Thoroughgood House

**Sponsor:** Thoroughgood House

**Locality:** Virginia Beach

**Proposed Location:** 1136 Parish Road

Comment summary:

Chair Smith inquired as to the sponsor of the Imperial Airlines Flight 201/8 marker. Loux replied that the sponsor is a sister of one of the deceased passengers. Nancy Sheppard spoke on behalf of the Airship *Roma* highway marker. Chair Smith acknowledged her presentation and expressed the Board's appreciation. Adam Caldwell of Virginia Commonwealth University ("VCU") spoke on behalf of the Richmond Professional Institute highway marker and explained the marker's significance to VCU and the various iterations of the School of Social Work. The marker coincides with the 100<sup>th</sup> anniversary of the School of Social Work. Chair Smith asked when the celebration would be held. Mr. Caldwell replied that it would be in October. Chair Smith suggested that it would be possible for the marker dedication to coincide with that celebration. Ms. Loux confirmed that the timeline was feasible. Ms. Loux read excerpts of letters of support for the Oliver Dinwiddie Tucker highway marker. Chair Smith thanked Loux for her significant efforts in managing the highway marker program, and asked for a motion. Ms. Atkins-Spivey made a motion to approve the highway markers as presented. Ms. Kim seconded the motion and it passed unanimously.

### Consideration of Replacement Marker Texts (VDOT project)

1. Donelson's Indian Line KA-8	Lee County
2. Donelson's Indian Line K-16	Scott County
3. Richlands XL-4	Tazewell County
4. Mathias Harman Sr. (1736-1832) X-27	Tazewell County
5. Site of Tidewater Institute WY-2	Northampton County
6. Buckhorn (Ridley's) Quarter U-115	Southampton County
7. Organization of the Christian Church K-236	Surry County
8. Early Exploration F-77	Charlotte County
9. Clifton JE-36	Cumberland County
10. Lovingston R-56	Nelson County
11. Gettysburg Campaign T-38	Loudoun County
12. Chamberlain's Bed S-56	Dinwiddie County

- |  |                   |
|--|-------------------|
| 13. Virginia Home for Boys and Girls SA-45 | Henrico County    |
| 14. Long Bridge W-18                       | New Kent County   |
| 15. Col. Abram Penn (1743-1801)            | Patrick County    |
| 16. Fort Breckenridge D-26                 | Alleghany County  |
| 17. Glebe Burying Ground AL-5              | Augusta County    |
| 18. Adam Miller (1703-1783)                | Rockingham County |
| 19. Battle of Cross Keys D-6               | Rockingham County |
| 20. Action of Toms Brook A-25              | Shenandoah County |

The condition of these seventeen markers were identified by the Virginia Department of Transportation (VDOT) as beyond repair and thus present DHR with an opportunity to update their respective texts.

Chair Smith asked if there was any discussion. There was not, so he asked for a motion. Ms. Kim made a motion to approve the replacement markers as presented. Ms. Peters seconded the motion and it passed unanimously.

Chair Smith thanked the Board and DHR staff for their time and efforts. Director Langan also thanked the host of the meeting, Mathews County.

**Chair Smith adjourned the Board of Historic Resources meeting at 4:33 p.m.**

**STATE REVIEW BOARD**

At the Westville Church Hall, 261 Main Street, Mathews, VA 23109

**State Review Board Members Present**

- Elizabeth Moore, Chair
- Joseph D. Lahendro, Vice-Chair
- Dr. Sara Bon-Harper
- Dr. Carl Lounsbury
- John Salmon

**State Review Board Members Absent**

- Dr. Gabrielle Lanier
- Dr. Laurant Lee

**Department of Historic Resources Staff Present**

- David Edwards
- Jim Hare
- Blake McDonald
- Melina Bezirdjian
- Mike Pulice
- Aubrey Von Lindern
- Marc Wagner
- Elizabeth Lipford

**Guests (from sign-in sheet):** Donna Edwards, Emily Salmon, Dave Brown, Savannah Moses, Jim Hill, Laura Purvis.

Chair Moore called the meeting to order at 1:06 p.m. for discussion and consideration of the Preliminary Information Applications (informal guidance session).

**Preliminary Information Applications**

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

**Preliminary Information Forms**

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

**Western Region.....presented by Michael Pulice**

1. Adkisson Farm, Halifax County, #041-0037, Criteria B and C  
 There are no Thomas Day attributes associated with this property, which makes it rather remarkable, was said somewhat facetiously. Mr. Pulice described that there are integrity issues, but noted the 1853 brick kitchen, which is significant. He also explained the Criterion B aspects of the nomination help to give it the extra points needed to make it eligible. Dr. Lounsbury

thought it might be worth exploring the household structure which might help explain the peculiar architectural organization of the property. Dr. L. Lee wrote in to comment that the kitchen is interesting and the role of the women associated with the property could be elaborated. Dr. Lounsbury thinks there is a very similar kitchen building in Milton, NC, (which could very well provide a T. Day connection after all since Milton is where Day had his home and workshop).

2. \*\*Twelfth Street Industrial Historic District, City of Lynchburg, #118-5498, Criteria A and C  
Mr. Pulice wondered why this group of industrial buildings had escaped notice up to this date. Dr. Moore asked what the buildings are being used for now; they are not much in use according to Mr. Pulice.

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

1. \*\*Oakland Baptist Church Cemetery, City of Alexandria, #100-5339, Criteria A and D  
Ms. Von Lindern explained that this is the only remaining resource associated with the African American community in Fort Ward, but noted that a lot of the headstones are missing. The information about the individuals buried in the cemetery was determined to be sufficient to raise its potential for listing. Several wondered why the cemetery cannot be pulled into the Fort Ward Historic District. The cemetery, however, has a different area of significance than that identified (Military) in the Fort Ward nomination.
2. Warm Springs/West Warm Springs Historic District, Bath County, 008-5025, Criteria A and C  
Dr. Bon-Harper appreciated the description about the way former enslaved African Americans became associated with the town. Mr. Lahendro thinks that perhaps some oral history might bring important details to the surface.

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

1. \*Bruington Rural Historic District, King and Queen County, #049-5025, Criteria A, B, and C  
Someone asked if Robert Semple’s birthplace might be pulled into the district; consultant Dave Brown thought not.
2. Farmville Confederate Cemetery, Farmville (Cumberland County portion), #144-5007, Criterion A  
Dr. L. Lee wrote in to say she would like to see the nomination expanded to include the context of the women who established the cemetery organization after the war. The group commented that a context for Confederate hospital cemeteries in Virginia would be a worthwhile project in the future..
3. §Gas Stations of Mathews County MPD, Mathews County, #057-5515, Criteria A and C  
Mr. Brown explained how the gas stations acted as centers for their respective communities particularly after the loss of the steamboat landings. Demographically Mathews County is a slow growth area. Crossroads communities still are looking at how to review the community center aspect of these old buildings. Some have become key elements of community identity. The earliest resources in the MPD are late 19<sup>th</sup> century but most date to the 1920s-1930s. They are mostly service stations. The inventory in the MPD is a good start, but not exhaustive. One question to explore is how these resources may have been segregated by race. Mr. Brown said he had not yet found evidence of racial segregation of gas station restrooms. Staffing, however, may be more indicative of the racial separation. Mr. Lahendro said that the narrative gives a really good introduction to the transitions in transportation forms in the county. Dr. Lounsbury asked what the typology might be, to explain “what’s holding them all together as a group.” Among other things, building kits started to become popular in the 1920s. M. Pulice suggested the MPD’s geographic scope could be widened to include Virginia’s Middle Peninsula; i.e. not just Mathews County.
4. Gravel Hill School, Henrico County, #043-0741, Criteria A and C  
This is one of the deluxe versions of a Rosenwald School. Now used as a community center, the building’s windows are all intact, as well as blackboards and wainscoting, making it exceptional.
5. \*\*Lee Medical Office Building, City of Richmond, #127-0174-0393, Criterion C  
The building is non-contributing to the Monument Avenue H.D., J. Hare explained that there was some concern that this would be the first non-contributing, individually-listed building within the NHL district to be nominated in its own right. The SRB members did not consider that to be a matter for concern.
6. §Saluda Historic District, Middlesex County, #059-5124, Criteria A and C  
This PIF is an out-growth of the Hurricane Sandy grant-funded architectural survey of Middlesex County. Marc Wagner remarked that there is a ground swell of support for preservation efforts in the county.

**Adjourned at 3:17 p.m. – State Review Board**

- \* Cost Share Sponsored Project
- \*\* Certified Local Government
- \*\*\* Certified Local Government Sponsored Project
- § Hurricane Sandy grant-funded project

**The Boards will take public comment, at the appropriate time, for each session on this agenda.**