

# **Draft Minutes**

JOINT MEETING  
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES

**9:30 a.m. September 21, 2017**

At the Science Museum of Virginia, Discovery Room, 2500 W. Broad Street, Richmond, VA 23220-2057

## **State Review Board Members Present**

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

## **Historic Resources Board Members Present**

Dr. Ashley Atkins-Spivey  
Clyde Paul Smith  
Erin B. Ashwell  
Dr. Colita Nichols Fairfax  
Margaret T. Peters

## **State Review Board Members Absent**

None.

## **Historic Resources Board Members Absent**

Nosuk Pak Kim  
Frederick S. Fisher

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

Julie Langan, Director  
David Edwards  
Marc Wagner  
Jim Hare  
Michael Pulice  
Geri Hayes  
Stephanie Pate  
Jennifer Loux

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

**Guests present** (from sign-in sheet) – Joseph Bailey; Ellen Craig (St. Luke’s Episcopal Church); Sandra Esposito (St. Luke’s Episcopal Church); Trisha Farinholt (Town of Surry HD); Zachary Frederick (Oliver Chilled Plow Works Warehouse); Robin Lyttle (Bethel AME Church and Dallard-Newman House HD); Glen Sjoblom (president of Great Falls Historical Society); Karen Thomas (Bethel AME Church and Dallard-Newman House HD); Bryan Townes (Tower Building)

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

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

Chair Smith called the BHR meeting to order at 10:02 a.m. He invited property owners to introduce themselves when their respective nominations are presented this morning. He thanked DHR staff members Jennifer Loux and Matt Gottlieb for their work on the state highway marker program, which has more than 2600 highway markers along Virginia’s roads. Chair Smith said that upon taking office, Governor McAuliffe announced a goal of preserving at least 1,0000 Virginia treasures during his administration, and today the tally stands at 1,300. 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.

Chair Smith asked for a motion to adopt the meeting agenda for the September 21, 2017, Board meeting. Ms. Ashwell made the motion. It was seconded by Dr. Fairfax and passed unanimously with no discussion.

Chair Smith presented the June 2017 meeting minutes and asked for a motion to approve the minutes. Vice-Chair Peters made the motion. It was seconded by Dr. Fairfax and passed unanimously with no discussion.

## **Elections – Board of Historic Resources**

Chair Smith asked for a nomination for the officers of Chair and Vice-Chair. Outgoing Vice-Chair Peters nominated Ashley Atkins-Spivey as Chair and Clyde Smith as Vice Chair. Dr. Fairfax seconded the motion. The officers were elected unanimously. The newly elected Chair Atkins-Spivey assumed the role of Chair for the remainder of the meeting and Smith assumed the role of Vice-Chair.

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

Chair Elizabeth Moore called the SRB meeting to order at 10:11 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 September 21, 2017, meeting agenda. With a motion from Dr. Lee and a second from Dr. Lanier, the SRB voted unanimously to approve the agenda. d

Chair Moore presented the June 2017 meeting minutes and asked for a motion to approve the minutes. With a motion from Mr. Lahendro and a second from Dr. Lee, the SRB voted unanimously to approve the minutes with no discussion.

### **Chair Moore introduced Director Langan.**

#### **Director's report:**

Director Langan introduced DHR's new Director of Administration to the Boards and DHR's Human Resources Manager Wendy Baker. She discussed DHR's budget for the current fiscal year, with level funding received for SFY 2017-2018. There remain many unknowns with regard to the FFY2017-2018 funding, as well as numerous vacancies at federal agencies with which DHR works. She mentioned that the Civil Rights and Underrepresented Communities federal grants remain available this year. Earlier this week Governor McAuliffe announced \$1 million in state grant awards for battlefield preservation in Virginia. Director Langan said that conflict of interest training is not on the Boards' agenda as other state agencies have not completed their work on the matter. She explained that the Town of Surry Historic District, which was delayed from presentation in June, is going to be considered today as DHR completed consultation with the local governments where the district is located. Director Langan said that DHR has two staff vacancies, a Register program assistant and the stewardship council position. She said that easement staff have cleared a backlog of easement applications pertaining to battlefield preservation. Director Langan explained her involvement in the ongoing public debate concerning Confederate monuments, including advising the City of Richmond and the mayor's Monument Avenue Heritage Commission. She anticipates that legislation about the monuments will be introduced in the upcoming General Assembly session. She also is responding to phone calls and other inquiries from the general public. She said that she also recently was appointed to the Virginia Indians Advisory Board, of which BHR Chair Atkins-Spivey also is a member. She continues to serve on the board of the NCSHPO. DHR is now in transition mode for a new administration in January. The department has submitted transition documents focused on the 5 most critical issues facing the department: sea level rise; threats to state and federal tax credit programs; large-scale energy projects; sensitive historic topics, which includes Confederate monuments; and infrastructure, which includes unaddressed information technology needs and insufficient staffing in some of DHR's programs. Director Langan anticipates that legislation concerning DHR's ability to implement a fee schedule for the easement program will be introduced during the upcoming General Assembly session. Revenue from the fee schedule therefore will not begin until the next SFY. She said clarifying language regarding eligibility of African American cemeteries to receive state preservation funds also is expected. She announced that the annual Virginia Preservation conference will take place in Petersburg on October 6, 2017. She said Board members also will receive more information about events in Fredericksburg for the Civil War Trust's "grand review" weekend in early November. She noted that the Board members also have received a calendar of upcoming highway marker dedications, to which all Board members are invited. She asked the Board members also to consider Board training to take place in 2018, including whether it should be linked to a quarterly Board meeting or some other time. She said that the December 14 Board meeting will be in Richmond.

#### **Work Plan report:**

Deputy Director Williams reminded Board members that she sent the Board members a draft of DHR's 2017-2018 work plan in advance of today's meeting. She explained that the Work Plan is driven in part by goals DHR sets concerning our agency's work with the National Park Service and those pertaining to our biennial state plan. She highlighted some areas of the Work Plan, including goals for the tax credit and easement programs, the Survey & Register Division, the Review & Compliance Division, the Community Services Division, which includes the Certified Local Government Program, and the State Archaeology Division. Deputy Director Williams noted that goals for each program have a modest increase from last year's work plan. She explained that the completion target the battlefield preservation projects is based on the extended time needed to complete negotiation of easements and recordation of deeds. She asked the Boards to approve the Work Plan as presented.

Chair Atkins-Spivey asked the BHR for a motion to approve the Work Plan as presented. With a motion from Vice-Chair Smith and a second from Ms. Peters, the BHR unanimously approved the Work Plan as presented.

Chair Moore asked the SRB for a motion to approve the Work Plan as presented. With a motion from Dr. Lanier and a second from Dr. Lee, the SRB unanimously approved the Work Plan as presented.

#### **Approval of 2018 meeting schedule**

Deputy Director Williams requested that the Boards approve the 2018 meeting schedule as follows: March 15, 2018 (third Thursday of the month); June 21, 2018 (third Thursday); September 20, 2018 (third Thursday); and December 13, 2018 (second Thursday).

Chair Atkins-Spivey asked the BHR for a motion to approve the 2018 meeting schedule as presented. With a motion from Vice-Chair Smith and a second from Ms. Ashwell, the BHR voted unanimously to approve the minutes.

Chair Moore asked the SRB for a motion to approve the 2018 meeting schedule as presented. With a motion from Mr. Lahendro and a second from Dr. Lee, the SRB voted unanimously to approve the minutes.

## NOMINATIONS

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

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

1. John Groom School, Town of South Hill, Mecklenburg County, #301-5063, Criteria A and C
2. \*\*Tower Building, City of Richmond, #127-6136-0004, Criterion C

Mr. Lahendro asked about plans for the future of the John Groom School. Mr. Wagner said he expects it to be an adaptive reuse project using historic tax credits, during which ownership will transfer from the Town of South Hill. Dr. Bon-Harper said that the nomination included a fine discussion of public education including the context of race during the twentieth century.

Chair Atkins-Spivey invited questions or comments from the BHR members public comment regarding the nominations. None were made.

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

Chair Moore asked the SRB for questions or comments. None were made.

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

The following Eastern Region nominations were presented as a block by Ms. Elizabeth Lipford.

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

1. §Town of Surry Historic District, Town of Surry, Surry County, #308-5001, Criteria A and C
2. \*\*Virginia Beach Courthouse Village and Municipal Center Historic District, City of Virginia Beach, #134-5299, Criteria A and C

Ms. Lipford introduced a property owner, who stated she is very much in favor of the Town of Surry Historic District designation.

Ms. Lipford noted that Virginia Beach recently became a Certified Local Government. The Virginia Beach Courthouse Village and Municipal Center Historic District is the second historic district to be designated since that time, and a nomination for a third historic district is being prepared.

Vice-Chair Smith asked about Criteria Consideration G. Ms. Lipford said that it applies to the district because its periods of significance end less than 50 years ago.

Chair Atkins-Spivey invited other questions or comments from the BHR members and public comment regarding the nominations. None were made.

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

Chair Moore asked the SRB for questions or comments. None were made.

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

The following Eastern Region nomination was presented by nomination author Ms. Camille Wells.

### **Eastern Region.....presented by Camille Wells**

1. Greenfield, Lancaster County, #051-0083, Criteria A and C

Ms. Wells introduced the property owner, Bonnie Rumsey, who with her late husband, Dexter Rumsey, restored the property. The Board members thanked her for attending the meeting. Ms. Rumsey thanked Ms. Wells for her work on the nomination.

BHR member Ms. Peters left the room during the presentation.

Chair Atkins-Spivey invited questions or comments from the remaining BHR members and public comment regarding the nominations. None were made.

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

Chair Moore asked the SRB for questions or comments. None were made.

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

Ms. Peters returned to the room after the votes were taken, at 11:29 a.m.

The following Eastern Region nomination was presented by nomination author Ms. Stephanie Pate.

**Eastern Region.....presented by Stephanie Pate**

1. \*\*Adam Thoroughgood House 2017 Boundary Increase, City of Virginia Beach, #134-0033, Criteria C and D

Chair Atkins-Spivey invited other questions or comments from the BHR members and public comment regarding the nominations. None were made.

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

Chair Moore asked the SRB for questions or comments. None were made.

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

The following Northern Region nominations were presented as a block by Ms. Aubrey Von Lindern.

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

1. Bethel AME Church/Dallard-Newman House Historic District, City of Harrisonburg, #115-5132, Criterion A, Criteria Consideration A
2. \*\*Shiloh Baptist Church, Town of Middleburg, Loudoun County, #259-0162-0007, Criteria A and C, Criteria Consideration A
3. Warm Springs Bath Houses 2017 Boundary Increase, Bath County, #008-0007, Criteria A, C, and D

After presentation of the Bethel AME Church/Dallard-Newman House Historic District, Chair Moore and Vice-Chair Moore welcomed two representatives for the district to the meeting and Vice-Chair Smith noted that the Bethel AME Church is a beautiful building. Ms. Von Lindern thanked Ms. Karen Thomas, founder of the Northeast Neighborhood Association and DHR staff member Randy Jones for their support for and assistance with the historic district nomination project. Ms. Thomas said that the church itself is a small building, but its role in the community is huge. She added that the Dallard-Newman House is planned to be turned into an African American museum and library, the first such facility in Harrisonburg and Rockingham County. Ms. Robin Lyttle, the owner of the Dallard-Newman House, said that the house's original windows are being stored at the plantation where Mr. Dallard had been enslaved. He was a master carpenter there and his house has architectural features very similar to the plantation's house, including the way it's laid out and the turnings on the staircase railings. Ms. Lyttle is the founder of the Shenandoah Valley Black Heritage Project.

During Ms. Von Lindern's presentation, Vice-Chair Smith asked why the Shiloh Baptist Church's period of significance ends in 1967. Ms. Von Lindern explained that for properties where significant activities have continued into the more recent past, using a 50-year cutoff is the typical method for ending the period of significance. Vice-Chair Smith asked if the church is still used as a church and Ms. Von Lindern said yes.

Ms. Von Lindern noted that the nomination for the Warm Springs Bath Houses 2017 Boundary Increase has numerous historic photos and credited the Bath County Historical Society with providing them. Ms. Peters said the nomination for the Warm Springs Bath Houses 2017 Boundary Increase was an extraordinarily well-written and -prepared nomination worthy of publication on its own. Ms. Von Lindern said the property consists of two parts. One is owned by the owner of the Homestead and they are going to undertake repairs to the bath houses. Another company, Natural Retreats, owns the rest of the property and plans to redevelop/restore the property, including all of the original cottages.

Chair Atkins-Spivey invited other questions or comments from the BHR members and public comment regarding the nominations. None were made.

Chair Atkins-Spivey requested a motion for the BHR to approve nominations one, two, and three as presented. Dr. Fairfax made a motion to approve the nominations as presented and Vice-Chair Smith seconded the motion. Chair Atkins-Spivey asked for any discussion of the motion. Ms. Peters stated that she would support all nominations except nomination two for the Shiloh Baptist Church; she has no questions about its eligibility, but will abstain from voting on it because she feels the nomination was inadequate and not prepared to the level that is worthy of DHR in terms of documentation.

Chair Atkins-Spivey said that the BHR would vote on each nomination individually.

Chair Atkins-Spivey requested a motion for the BHR to approve nomination one, for the Bethel AME Church/Dallard-Newman House Historic District, as presented. With a motion from Ms. Ashwell and a second from Dr. Fairfax, the BHR voted unanimously to approve the nominations as presented.

Chair Atkins-Spivey requested a motion for the BHR to approve nomination two, for the Shiloh Baptist Church, as presented. With a motion from Ms. Ashwell and a second from Dr. Fairfax, the BHR voted to approve the nomination as presented, with four members voting in favor and Ms. Peters abstaining.

Chair Atkins-Spivey requested a motion for the BHR to approve nomination three, the Warm Springs Bath Houses 2017 Update and Boundary Increase, as presented. With a motion from Ms. Peters and a second from Ms. Ashwell, the BHR voted unanimously to approve the nomination as presented.

Chair Moore asked the SRB for questions or comments. Dr. Lounsbury said some of his colleagues once measured the gentlemen's bath house "in a natural state." Chair Moore asked if there is photographic documentation of their work, and Dr. Lounsbury said it is not part of the official record.

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

Prior to presentation of the nominations from the Western Region, Vice-Chair Smith introduced the recently arrived Dr. Jen Loux, manager of DHR's historical highway marker program and complimented her for her fine work.

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

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

1. Clifton Forge Commercial Historic District 2017 Boundary Increase, Town of Clifton Forge, Alleghany County, #105-0017, Criteria A and C
2. Dewberry Hill, Halifax County, #041-5064, Criterion C
3. The Highlands, Henry County, #044-5576, Criterion C
4. Riverside, Halifax County, #041-0089, Criterion C
5. St. Luke's Episcopal Church, Amherst County, #005-0016, Criterion C, Criteria Consideration A
6. Walters-Moshier House, Town of Boston, Halifax County, #130-0006-0226, Criterion C

Ms. Peters said that Dan Pezzoni, who authored several of the Western Region's nominations, was a member of DHR's staff. Mr. Pulice confirmed that Mr. Pezzoni was with DHR in 1988-1989.

Chair Moore introduced a representative for St. Luke's Episcopal Church. Ms. Esposito said that a trustee with the church started working on the nomination's documentation during the 1970s and was so happy that it has been completed.

Chair Atkins-Spivey invited other questions or comments from the BHR members and public comment regarding the nominations. None were made.

Chair Atkins-Spivey requested a motion for the BHR to approve nominations one, two, three, four, five, and six as presented. With a motion from Ms. Ashwell and a second from Ms. Peters, the BHR voted unanimously to approve the nominations as presented.

Chair Moore invited other questions or comments from the SRB members public comment regarding the nominations. None were made.

Chair Moore requested a motion for the SRB to approve nominations one, two, three, four, five, and six as presented. With a motion from Dr. Lanier and a second from Dr. Lee, the SRB voted unanimously to approve the nominations as presented.

**The Joint Session of the Boards adjourned at 12:14 p.m.**

**Register Summary of Resources Listed:** Historic Districts: 4  
Buildings: 9

Structures: 0  
Sites: 1  
Objects: 0  
MPDs: 0

### BOARD of HISTORIC RESOURCES

Science Museum of Virginia, Discovery Room, 2500 W. Broad Street, Richmond, VA 23220-2057

#### Board of Historic Resources Members Present:

Dr. Ashley Atkins-Spivey, Chair  
Clyde Paul Smith, Vice-Chair  
Margaret T. Peters  
Erin Ashwell  
Dr. Colita Nichols Fairfax

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

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Jim Hare  
Jennifer Loux  
Brad McDonald  
Megan Melinat  
Wendy Musumeci  
Stephanie Pate  
Jennifer Pullen  
Elizabeth Tune  
Joanna Wilson Green

#### State Review Board Members Absent

Frederick S. Fisher  
Nosuk Pak Kim

#### Other State Agency Staff Present:

Andrew Tarne (Office of the Attorney General))

#### Guests Present:

Adam Gillenwater (Civil War Trust)  
Leo C. Snead (VDOT)  
Cindy Meier (Elmwood Cemetery & West Point Cemetery Highway Markers)  
Helen P. Ross (VDOT)  
Catherine Coffey (VDOT)  
Karl Larsen (VDOT)  
Byrd Holloway (VDOT)  
Julia Simo (VDOT)  
Timothy Reed (Omicron Delta Kappa Highway Marker)  
Robert Ridgell (VDOT)  
Victoria Jessie (City of Norfolk; Calvary Cemetery and West Point Cemetery Highway Markers)

### **EASEMENTS**

Chair Atkins-Spivey called the meeting to order at 1:01 pm, explained the purpose of the Board of Historic Resources, and asked each member to introduce him/herself.

#### Training: Program Overview

Ms. Tune presented an overview of the easement program including easement application review, overall work intake flow chart and the typical timeline for consideration of easement offers. Mr. Hare presented an overview of the legal notification process for register listing, including the various time constraints. Dr. Fairfax inquired if the Department of Historic Resources (“DHR”) had ever discussed posting the various required public meetings on Facebook. Mr. Hare replied that while it has been discussed, DHR adheres to what is legally required.

#### Changes to Agenda:

Ms. Musumeci requested a modification of the published agenda, to include the removal of two agenda items per the recommendation of the Office of the Attorney General (“OAG”). The OAG cited the need for additional time to review available documentation related to the Baird Corner Tract new easement offer and the Benchmark I Tracts easement offer reconsideration. Ms. Peters made a motion to allow for the change in the meeting agenda as requested by staff, with a second from Mr. Smith. The Board voted unanimously to approve the motion.

## **New Easement Offer for Consideration**

The following new easement offer was presented by Ms. Musumeci for the Board's consideration.

### **1. Manson Tract, Mine Run Battlefield, Orange County**

Property Owner: Civil War Trust

Acreage: 5 acres

Located in Orange County, the Manson Tract measures 5 acres and is within the core and study areas of the Mine Run Battlefield. The property is located along Route 603 (Indiantown Road) and is comprised of wooded land. The property is unimproved, and is currently being used for open space purposes. CWT acquired the property in 2012, in part with grant funding from the American Battlefield Protection Program, as well as with funding from within the organization. Conveyance of an easement is a requirement of the grant program. Located within the Journey Through Hallowed Ground National Heritage Area, the preservation of this tract is essential to completing a "critical mass" of protected battlefield land in the Mine Run core battlefield area. Though the property is not individually listed, the Mine Run Campaign is part of a National Register of Historic Places multiple property listing: *The Civil War in Virginia 1861-1865: Historic and Archaeological Resources* (pages 47-59). After conveying an easement on the property, CWT plans to use it for battlefield interpretation purposes.

The Manson Tract is located within in the core and study areas of the Mine Run Battlefield, which has been given a Preservation Priority I.3 Class B rating by the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC defines Priority I battlefield as those that have a critical need for action regarding their preservation. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this instance the Mine Run Campaign from November 27<sup>th</sup> to December 2<sup>nd</sup>, 1863.

After an inconclusive Bristoe Campaign in the fall of 1863, Union Maj. Gen. George G. Meade planned an offensive against Confederate Gen. Robert E. Lee's forces in northern Virginia. In late November, Meade marched southeast from Culpeper Courthouse in an attempt to strike the right flank of the Confederate army. On November 27, Confederate Maj. Gen. Jubal A. Early, in command of Ewell's Corps, marched east along the Orange Turnpike (present day Route 20) to meet Union Maj. Gen. William French's III Corps near Indiantown Road. Divisions under the command of Union brigadier general Henry Prince were situated on either side of Indiantown Road (and near the Manson Tract), and advanced twice on Confederate forces. Forces led by Confederate Maj. Gen. Edward Johnson counter-attacked, but were quickly scattered by heavy fire and broken terrain. The next day, the Union forces closed again on the Confederate position, but a major battle did not materialize. Meade felt that the Confederate line was too strong to continue any further attacks. The result of the battle was inconclusive, with 1,952 total casualties reported.

The property is visible from Route 603, a public right-of-way. Preservation of the property will augment the 3,373 acres of land subject to easements held by the Board in Orange County in addition to other lands protected by the CWT and the Virginia Outdoors Foundation. The Easement Acceptance Committee recommends acceptance of the Manson Tract easement offer as presented.

Comments Summary:

There was no discussion.

Chair Atkins-Spivey called for a motion to approve the easement offer as presented. Ms. Ashwell made a motion and it was seconded by Mr. Smith. The Board voted unanimously to approve the offer as presented.

## **Easement Offers for Reconsideration**

Ms. Wilson Green presented the following items for reconsideration, due to reconsideration of conditions and the expiration of prior Board approval:

### **1. Bly Tract, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 29.557 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefields Preservation Fund

Located in Culpeper County, the Bly Tract contains a single parcel totaling 29.557 acres. The parcel fronts Fleetwood Heights Road (VA Route 685) and U.S. Route 15/29, and is comprised primarily of open fields and meadows. The property is unimproved aside from overhead utility lines and poles. Two underground fuel storage tanks and a prefabricated storage shed were removed in 2016. The Bly Tract falls entirely within the core area of the Brandy Station Battlefield, which has been given a Preservation Priority I.3 Class B rating by the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC classifies Priority I battlefields as those with a critical need for action regarding their preservation, and designates Class B battlefields as those having a direct and decisive influence on their campaign, in this case the Gettysburg Campaign of 1863. The Bly Tract also falls within the study area of the Rappahannock Station I Battlefield (Preservation Priority Rating II.4 Class D) and the Kelly's Ford Battlefield (Preservation Priority Rating III.3 Class C). CWT acquired the property in December 2014, funded in part through grants from American Battlefield Protection Program and Virginia Battlefield Preservation Fund. Conveyance of an easement is a requirement of both grants. The property has historically been used for agricultural purposes; most

recently as a sod farm. CWT's long term plans for the property are to rehabilitate the landscape to its Civil War appearance and provide for public access and interpretation.

The Virginia Board of Historic Resources ("Board") approved the easement offer for the Bly Tract at its September 17, 2015 meeting, subject to the following conditions:

1. Demolition and removal of the existing non-historic shed shall be completed within three (3) years of the date of easement recordation. Any change to the three (3)-year time frame for demolition or removal of the shed as determined by the Board shall be negotiated in advance with DHR.
2. Demolition and removal of existing buildings and structures and restoration or rehabilitation of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.
3. Approval by the Board was also subject to a review of all title work associated with the property.

Updates to these conditions include:

- Non-historic shed was removed in 2016. Conditions #1 and #2 are no longer applicable.
- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Bly Tract easement offer will expire in September 2017. Because the conditions for approval have changed and the Board's prior approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Bly Tract easement offer subject to Condition #3 from the Board's prior approval on September 17, 2015. Conditions #1 and #2 will be removed as they have been satisfied.

Comments Summary:

There was no discussion. Chair Atkins-Spivey 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 Mr. Smith. The Board voted unanimously to approve the reconsideration subject to the recommended condition.

## **2. Sandy Ridge Tract, Kernstown I Battlefield, Frederick County**

Property Owner: Civil War Trust

Acreage: 37.4 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefields Preservation Fund

The 37.4-acre Sandy Ridge Tract is located off Virginia State Highway 37 just west of Winchester in Frederick County. The property is unimproved and primarily wooded, with a linear meadow running north-south through its center. The Sandy Ridge Tract was originally subdivided into seven parcels for residential development, but the CWT has since legally vacated the subdivision. The property falls entirely within the core area of the First Kernstown Battlefield, which has been given a Preservation Priority I.3 Class B rating by the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC classifies Priority I battlefields as those with a critical need for action regarding their preservation, and further defines Class B battlefields as those having a direct and decisive influence on their campaign, in this case Stonewall Jackson's Shenandoah Valley Campaign of 1862. The also property falls within the study area of the Second Winchester Battlefield (Preservation Priority Rating of IV.1 Class B) and the study area of the Second Kernstown Battlefield (Preservation Priority Rating of IV.1 Class B). CWT purchased the property in August 2016, funded in part through grants from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund. Conveyance of an easement is a requirement of both grants. CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield.

The Virginia Board of Historic Resources ("Board") approved the easement offer for the Sandy Ridge Tract at its September 17, 2015 meeting, subject to the following conditions:

1. The 1977 plat of subdivision recorded in the Frederick County Circuit Court Clerk's Office at Deed Book 477, Page 178 must be vacated.
2. Any rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the Civil War Trust and the DHR, and such plan shall be incorporated into the easement either directly or by reference.
3. Approval by the Board was also subject to a review of all title work associated with the property.

Updates to those conditions include:

- Subdivision lines referred to in Condition #1 above were vacated; deed of vacation recorded in November 2016 as Instrument #160011232. Condition #1 and #2 will be removed.
- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Sandy Ridge Tract easement offer will expire in September 2017. Because the conditions for approval have changed and the Board's approval will soon expire, staff is presenting the easement offer to the Board again for its reconsideration



The Easement Acceptance Committee recommends acceptance of the Sandy Ridge Tract easement offer subject to Condition #3 from the Board's prior approval on September 17, 2015. Condition #1 has been satisfied and Condition #2 will be removed as a result.

Comments Summary:

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

**Easement Offers for Reconsideration – Consent Agenda**

Ms. Wilson Green and Ms. Musumeci presented the following items for reconsideration, due to the expiration of prior Board approval:

**1. Mitchell Tract, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 10.49 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefields Preservation Fund

Located at the northeast corner of Fleetwood Heights Road (VA Route 685) and Stuart Lane near Brandy Station, the Mitchell Tract contains approximately 10.49 acres of land. Although the majority of the property is comprised of a combination of wooded and open-space agricultural lands, it is also improved for residential use with a single-family dwelling, garage, and associated utilities. The dwelling is currently unoccupied. The Mitchell Tract falls within the core area of the Brandy Station Battlefield, which has been a Preservation Priority I.3 Class B rating by the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC classifies Priority I battlefields as those with a critical need for action regarding their preservation, and further defines Class B battlefields as those having a direct and decisive influence on their campaign, in this case the Gettysburg Campaign of 1863. The Mitchell Tract also falls within the study area of the Rappahannock Station I Battlefield (Preservation Priority rating II.4 Class D). CWT acquired the property in June 2016, funded in part through grants from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund. Conveyance of an easement is a requirement of both grants. CWT intends to demolish and remove the non-historic improvements, and would like to reserve the right to construct amenities such as walking trails, parking facilities, and signs for interpretation of the property as a Civil War battlefield.

The Virginia Board of Historic Resources ("Board") approved the easement offer for the Mitchell Tract at its September 17, 2015 meeting, subject to the following conditions:

1. Demolition and removal of existing non-historic buildings and structures shall be completed within three (3) years of the date of easement recordation.
2. 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 with DHR.
3. DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure any rights conveyed via the lease do not conflict with the easement
4. Any lease in effect at the time of recordation will need to be subordinated to the easement;
5. Demolition and removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.
6. Approval by the Board was also subject to a review of all title work associated with the property.

Update to the Board Approval:

- Draft easement and title work are currently being reviewed by the Office of the Attorney General.
- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Mitchell Tract easement offer will expire in September 2017. The general terms of the easement application and conditions on the Mitchell Tract remain unchanged. However, since the Board's approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Mitchell Tract easement offer subject to the same conditions requested by the Board in its prior approval on September 17, 2015.

**2. Benchmark II Tract, Fredericksburg I and II Battlefields, Spotsylvania County**

Property Owner: Civil War Trust

Acreage: 4.31 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

Located south of the City of Fredericksburg, the 4.3-acre parcel identified by Tax Map Number 37A-4-17, is discontinuous from the Benchmark I parcels. The property fronts Benchmark Road (VA Route 608) and is improved for residential use. The property contains a single-family dwelling built circa 1940, one garage, one frame shed, and residential utilities and infrastructure. The northwestern two-

thirds of the property are comprised of open-space fields, with the residential structures concentrated in the southeastern portion. This parcel falls entirely within the core area of the Fredericksburg I Battlefield, which has been given a Preservation Priority IV.1 Class A rating by the Civil War Sites Advisory Commission (“CWSAC”). The CWSAC defines Priority IV battlefields as those that are fragmented and have lost integrity, and designates Class A as those battles that had a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Fredericksburg Campaign from November to December 1862. This parcel also falls entirely within the study area of the Fredericksburg II Battlefield (Preservation Priority Rating of IV.1 Class B). CWT acquired the tract in September 2016, funded in part through grants from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund. Conveyance of an easement is a requirement of both grants. CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield.

The Virginia Board of Historic Resources (“Board”) approved the easement offer for the Benchmark II Tract at its September 17, 2015 meeting, subject to the following conditions:

1. As this parcel is discontinuous, the property will be placed under easement separate from the remaining four Benchmark parcels.
2. The existing residential lease is extended no more than one (1) calendar year following recordation of the easement. Any leases in effect at the time of easement recordation must be subordinated to the easement.
3. Demolition and removal of existing non-historic buildings and structures on the property shall be completed within three (3) years of recordation of the easement. Any change to the time frame for demolition and removal of existing buildings and structures as determined by the Board shall be negotiated in advance with the DHR.
4. Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.
5. Approval by the Board was also subject to a review of all title work associated with the property.

Updates to the Board conditions:

- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Benchmark II Tract easement offer will expire in September 2017. The general terms of the easement application and general conditions on the Benchmark II Tract remain unchanged. However, since the Board’s approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Benchmark II Tract easement offer subject to the same conditions requested by the Board in its prior approval on September 17, 2015.

### **3. Levein Tract, McDowell Battlefield, Highland County**

Property Owner: Under Contract to Shenandoah Valley Battlefields Foundation

Acreage: 22.87

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

Located just east of the Town of McDowell, the Levein property contains three parcels totaling 22.87 acres of land and is improved for residential use. The property is split by Highland Turnpike (U.S. Route 250), a designated State Scenic Road. The portion of the property located to the north of Highland Turnpike is entirely wooded and slopes severely upward. The southern portion of the property also has a generally steep topography that slopes onto a wooded ridge. All of the improvements are located in the southern portion along its frontage on Highland Turnpike. The property falls entirely within the core area of the McDowell Battlefield, which has been given a Preservation Priority III.3 Class C rating from the Civil War Sites Advisory Commission (“CWSAC”). The CWSAC defines Priority III battlefields as those needing some additional protection, and further defines Class C battlefields as those having an observable influence on the outcome of a campaign, in this case Jackson’s Shenandoah Valley Campaign of 1862. In addition to its historic significance, the property also contains an unnamed perennial stream measuring 2,950 feet. SVBF executed a purchase contract with the current owner that includes a provision for a life estate. They intend to use American Battlefield Protection Program and Virginia Battlefield Preservation Fund grants to assist with acquisition of the property. Conveyance of an easement is a requirement of both grants. Following expiration of the life estate, SVBF would like to potentially lease the residential dwelling for an additional period of time before removing non-historic buildings and structures from the property.

The Virginia Board of Historic Resources (“Board”) approved the easement offer for the Levein Tract at its September 17, 2015 meeting, subject to the following conditions:

1. Demolition and removal of the existing buildings on the property shall be completed within five (5) years of expiration of the life estate. Any change to the time frame for demolition and removal of existing buildings and structures as determined by the Virginia Board of Historic Resources (“Board”) shall be negotiated in advance with the DHR.
2. DHR reviews the terms of any future residential lease agreements prior to their execution to ensure that any rights conveyed via the lease do not conflict with the easement. Any lease in effect at the time of recordation must be subordinated to the easement.
3. Demolition or removal of existing buildings and structures and rehabilitation and restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the SVBF and the DHR, and such plan shall be incorporated into the easement either directly or by reference.
4. Approval by the Board was also subject to a review of all title work associated with the property.

Updates to the Board conditions include:

- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Levein Tract easement offer will expire in September 2017. The general terms of the easement application and general conditions on the Levein Tract remain unchanged. However, since the Board's approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Levein Tracts easement offer subject to the same conditions requested by the Board in its prior approval on September 17, 2015.

#### **4. Garnett Tract, Sailor's Creek Battlefield, Prince Edward and Amelia Counties**

Property Owner: Lockett W. Garnett

Acreage: 113.08 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

Located at the northeastern intersection of Jamestown Road (VA Route 619) and Lockett Road (VA Route 618), the Garnett Tract contains 113 acres of gently rolling open-space land. The property is split by the border of Prince Edward County and Amelia County. The property contains a Quonset hut, a circa 1950s hay barn, and a log-pin tobacco drying barn circa late 19<sup>th</sup>-early 20<sup>th</sup> century. Approximately 70% of the property is open and tillable land, a portion of which is in active agricultural crop production (including pastureland) while the remainder is in a mixture of planted loblolly pines and hardwood. The property falls partially within the core area and entirely within the study area of the Sailor's Creek Battlefield, which has been given a Preservation Priority II.2 Class B rating from the Civil War Site Advisory Commission ("CWSAC"). The CWSAC defines Priority II battlefields as those with opportunities for comprehensive preservation, and the designation of Class B is reserved for those battlefields having a direct and decisive influence on their campaign, in this instance the Appomattox Campaign from March to April 1865. In addition to its historic significance, a small unnamed perennial stream, which is a tributary of Dawson's Creek (itself a tributary of the Rappahannock River), flows through the eastern portion of the property. To assist with purchase of an easement over the property, the Civil War Trust ("CWT") has applied for grant funding from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund. Conveyance of an easement is a requirement of both grants. The property will remain in private ownership and use, and CWT has executed an Agreement for Purchase of Conservation Easement with the owner, to be completed once negotiations on easement terms have matured.

The Virginia Board of Historic Resources ("Board") approved the easement offer for the Garnett Tract at its September 17, 2015 meeting, subject to the following conditions:

1. Continued negotiation of specific details regarding the proposed 10-acre building envelope, including its location and/or siting, size, and permitted new construction within the building envelope.
2. Continued negotiation of the size (e.g. square footage allotment) of the proposed new residential dwelling and any accessory residential buildings and structures.
3. Approval by the Board was also subject to a review of all title work associated with the property.

Updates to the Board conditions include:

- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Garnett Tract easement offer will expire in September 2017. The general terms of the easement application and conditions on the Garnett Tract remain unchanged. However, since the Board's approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Garnett Tract easement offer subject to the same conditions requested by the Board in its prior approval on September 17, 2015.

#### **5. Courtland Realty Tracts, Appomattox Court House Battlefield, Appomattox County**

Property Owner: Civil War Trust

Acreage: 200± acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

Located along River Ridge Road (also known as State Route 627) northeast of the Town of Appomattox, the Courtland Realty Tracts contain two parcels totaling roughly 200 acres. Comprised almost entirely of wooded cover, the tracts are unimproved. Portions of property were commercially timbered in 1980. The current cover consists mostly of Virginia Pine and mixed hardwood timber, and is a naturally generating timber stand. The Courtland Realty Tracts fall partially within the core and partially within the study areas of the Appomattox Court House Battlefield, which has been given a Preservation Priority rating of III.1 Class A by the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC defines Priority III battlefields as those needing some additional protection, and designates Class A as those battles having a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Appomattox Campaign from March to April 1865. In addition to its historic battlefield significance, the property also contains the ruins and site of the

Morton House, which was present at the time of the battle. CWT acquired the property in March 2017, funded in part through grants from the American Battlefield Protection Program and Virginia Battlefield Preservation Fund. CWT would like to reserve the right to construct amenities such as walking trails, footpaths, signs, and parking facilities, for interpretation of the property as a Civil War battlefield.

The Virginia Board of Historic Resources (“Board”) approved the easement offer for the Courtland Realty Tracts at its September 17, 2015, subject to a review of all title work associated with the property.

Updates to the Board approval include:

- All title work associated with the property was reviewed by the Office of the Attorney General.
- Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Courtland Realty Tract easement offer will expire in September 2017. The general terms of the easement application and general conditions on the Courtland Realty Tract remain unchanged. However, since the Board’s approval will soon expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Courtland Realty Tracts easement offer subject to the same conditions requested by the Board in its September 17, 2015 meeting.

#### **6. Gheen Tract, Tom’s Brook Battlefield, Shenandoah County**

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 24.28 acres

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

Located off Back Road just south of the village of Mount Olive, the Gheen property consists of an irregularly-shaped parcel of land with a moderately rolling topography that slopes downward to the east toward a small creek. The land then rises upward from the creek toward a private right-of-way known as Big Oak Lane and is primarily comprised of fallow open field and meadow overgrown with scrub cedar trees. There are no improvements (other than fencing) on the property, which most recently has been used for agricultural purposes, including pasturing livestock. The property contains approximately 24.28 acres of land that lie within the core area of the Tom’s Brook Battlefield, which has given a Preservation Priority II.3 Class C rating from the Civil War Sites Advisory Commission (“CWSAC”). The CWSAC defines Priority II battlefields as those with opportunities for comprehensive preservation, and designates Class C as those battles that had an observable influence on the outcome of a campaign, in this instance Union Maj. Gen. Phillip Sheridan’s Shenandoah Valley Campaign from August to December 1864. SVBF acquired the property in January 2016, funded in part through grants from the American Battlefield Protection Program and the Virginia Battlefield Preservation Fund. SVBF would like to preserve the right to construct amenities such as walking trails, footpaths, signs, and parking facilities, for interpretation of the property as a Civil War battlefield.

The Virginia Board of Historic Resources (“Board”) approved the easement offer for the Gheen Property at its September 17, 2015, subject to a review of all title work associated with the property.

Updates to the Board conditions include:

- All title work associated with the property was reviewed by the Office of the Attorney General.
- Additionally, Per *Easement Program Policy #2: Criteria for Acceptance of Easements*, standard approvals given by the Board are valid for two calendar years from the date of written approval by Easement Program staff.
- Board approval for the Gheen property easement offer will expire in September 2017. The general terms of the easement application and conditions on the Gheen property remain unchanged. Since the Board’s approval will expire, staff is presenting the easement offer again to the Board for its reconsideration.

The Easement Acceptance Committee recommends acceptance of the Gheen property easement subject to the same conditions requested by the Board in its September 17, 2015 meeting.

Comments Summary:

There was no discussion of the consent agenda. The motion from Ms. Ashwell to approve the reconsideration of these offers as presented was seconded by Mr. Smith and unanimously approved by the Board.

#### **Easement Project Review**

Ms. Wilson Green presented the following project review proposal to the Board:

##### **1. Old Stone Warehouse, City of Fredericksburg**

*Review of VDOT request for temporary construction easement related to expansion of Chatham Bridge*

As part of the proposed Chatham Bridge Rehabilitation project, the Virginia Department of Transportation (VDOT) has requested the placement of a temporary construction easement within the rear yard area of the Old Stone Warehouse property as part of the planned expansion and rehabilitation of the existing bridge deck. To facilitate the construction project, VDOT would like to stage construction equipment and supplies within the Old Stone Warehouse parcel. Tree removal in the staging location will be necessary, and VDOT completed a tree survey indicating approximately half of the existing trees are healthy. The tree removal will be done at grade, allowing for the tree roots to remain to help with erosion control. VDOT has also offered to install vibration sensors on the Old Stone Warehouse during and after construction and to have a structural engineer and historical architect assess the Old Stone Warehouse to assess the potential for construction to affect the building. The City of Fredericksburg, who owns the Old Stone Warehouse, has approved the proposal. VDOT staff attended the meeting and were available to answer questions of the Board.

#### Comments Summary:

Ms. Peters asked if a provision was included for the work to stop if the Old Stone Warehouse showed resulting effects. Wilson Green explained that no agreement had yet been drafted. Ms. Ashwell asked for clarification between a Right of Way easement and a Construction easement; and whether the Right of Way easement would extend with the expansion of the road. Ms. Coffey (VDOT) clarified that this project will stay within the existing right of way, but will require a temporary construction easement for access during the project. Ms. Coffey explained that a Right of Way is usually wider than the entity itself; a temporary easement is for the duration of the construction project. Ms. Coffey added that the bridge will be widened to both side to help address the structural deficiencies of the bridge; automotive traffic will be grouped on the side opposite the Old Stone Warehouse property. VDOT has not yet determined if the project will be staged or necessitate full bridge closure. Ms. Ashwell asked if the Right of Way is fixed. Ms. Coffey stated that the Right of Way does not extend without a separate action. Ms. Ashwell inquired if this was the sole staging area for the project. Ms. Coffey responded that it was not; that most of the staging would be done underneath the bridge, on the opposite side. Mr. Smith inquired if the staging area was for equipment involved with the project. Robert Ridgell (VDOT Structural Engineer) replied that will depend on whether the project was a full closure or staged construction, but likely smaller equipment related to abutment repairs and construction supplies; mats will protect the ground and lower contact pressure with the ground. Mr. Smith asked if the parcel just south of the Old Stone Warehouse is a similar lot, and if VDOT could instead use that to avoid the easement property entirely. Mr. Ridgell pointed out the adjacent lot was not accessible without access to the Old Stone Warehouse property. Mr. Ridgell further clarified that most of the access to the Old Stone Warehouse lot is from underneath the bridge; the abutment work will be adjacent to the Old Stone Warehouse. Ms. Ashwell inquired if the landowner had a position on the request. Wilson Green responded that the property owner (City of Fredericksburg) has approved the request. Ms. Ashwell expressed a desire for a written request to which to review and respond. Mr. Smith asked for clarification as what request was made of the Board, and the time line for the project. Helen Ross (VDOT Architectural Historian) replied that the project is within the planning phase, to be followed by a Right of Way phase and Construction phase; the Construction phase should begin in 2020. Ms. Ross clarified that it is possible VDOT will not need to use the entire area requested, but the specifics have not yet been determined. Ms. Ross stated that VDOT did not require an answer at this meeting, but wanted to present a worse-case scenario to the Board. VDOT has offered those considerations presented, and more will be offered through the Section 106 review process as the effect determination is negotiated, as federal funds will be used on this project. Ms. Ross offered to include the activity on the Old Stone Warehouse property as a Programmatic Agreement (“PA”), so that the request and process is formalized for all involved in a legally binding document. Mr. Smith stated his desire to cooperate with VDOT, but requested to review a proposal in writing, that outlines the project and includes reclamation activity and property protection during the project. Chair Atkins-Spivey clarified the City of Fredericksburg, VDOT and DHR would be the parties involved with the PA. Ms. Ashwell inquired if DHR had a separate decision-making process. Director Langan clarified that there were two separate processes in this instance: easement and Section 106 finding of effect. Ms. Ashwell asked if the Board could be informed of the Section 106 determination before acting. DHR and VDOT staff agreed that this determination would likely be made in advance of the Board’s December 2017 meeting. Wilson Green offered to comprehensively present the project again at the December Board meeting, to include the Section 106 determination. Ms. Peters confirmed that this is her preference. The Board agreed and action on this item was deferred, pending receipt of additional information at the December 2017 Board meeting.

#### **Easement Violations**

The following easement violation updates were presented by Mr. McDonald for the Board’s information.

##### **1. Paxton, Powhatan County**

Property Owner: Mr. Kevin Conner

*Notification of major violation per Easement Program Policy #7: Easement Violations*

Located in rural southeast Powhatan County along the Appomattox River, Paxton is a well-preserved rural domestic complex constructed at the intersection of Genito and Rocky Ford Road. Constructed 1819-1820 by Ennion W. Skelton, a physician and mill owner, the main dwelling is a brick I-house with an original one-and-one-half story wing. The yard is largely open with a few mature shade trees and shrubs; open fields surround the curtilage on all sides.

The main house is centered on the property, and the associated outbuildings including a smokehouse, icehouse, and barn are positioned on two axes: one axis is a row located behind the main house, the other a perpendicular row located east of the main house. The house is accessed via a driveway off of Genito Road. It is currently used as a private residence.

On August 25, 2017, DHR conducted a monitoring visit of the property following the receipt of information that the property was currently for sale and under contract to new owners. During the visit, staff observed several violations of the 1989 deed of easement. These violations included changes to the manor house as well as alterations to one of the property's dependencies. With respect to the manor house, staff observed modifications to the ground level kitchen and the laundry/bath areas that were not reviewed and approved. In addition, staff documented a major alteration to the west dependency which included the installation of inappropriate siding, trim, and modern replacement windows as well as the removal of the existing front porch and the installation of a new wood patio in its place. Each of these alterations occurred without DHR's review or approval. In addition to these alterations, the owner did not inform DHR of the impending sale of the property 30 days prior to the proposed date of transfer as stated in Provision 18 of the 1989 easement. On August 28, 2017, following consultation with the Director of Preservation Incentives, DHR issued a formal letter informing the property owner that these incidents conformed to the definition of "major violation" as provided in Easement Program Policy #7.

For the Major Violation of the unauthorized alterations to the manor house as well as the west dependency, DHR has asked for the following information in order to determine an appropriate path for remediation:

- Documentation of the modifications made to the ground level kitchen and laundry/bath areas of the manor house. This documentation should include an explanation of the work conducted and the dates of installation.
- The unauthorized work on the west dependency is not consistent with the historic character of the property and the *Secretary of the Interior's Standards for Rehabilitation* and will require remediation. The owner shall provide a scope of work for such remediation which includes: reconstruction of the front porch to replicate its historic design and configuration; removal of the inappropriate replacement windows and installation of wood windows to match the historic design, configuration, and dimensions; and removal of inappropriate siding and trim and installation of weatherboard siding and trim to match the historic condition.

DHR is currently working with the property owner to complete remediation by the end of the month.

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

Property Owner: Fauquier County

*Update to prior notification of minor and willful violation*

McDonald updated the situation of this on-going violation for the Board. McDonald confirmed that the silt pond has been filled in, to the satisfaction of DHR, but the outfalls structure was constructed prior to the owner meeting a series of considerations requested by DHR. DHR did receive edits to the draft deed required for that work and is working to address the County's comments. McDonald notified the Board that the County was now communicating with DHR staff, which is an improvement on the situation reported at the June meeting.

Comments summary:

There was no discussion and no action was necessary by the Board as the Violation notice was presented for information only.

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

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

### **1. Hobson Tract, Gaines Mill and Cold Harbor Battlefields, Hanover County**

Property Owner: Civil War Trust

Acreage: 2.114 acres

Date Recorded: June 21<sup>st</sup>, 2017

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

### **2. Scott Tract, Glendale Battlefield, Henrico County**

Property Owner: Civil War Trust

Acreage: 1.685 acres

Date Recorded: August 4<sup>th</sup>, 2017

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

### **3. Mack Tract, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 5.886 acres

Date Recorded: August 8<sup>th</sup>, 2017

Grant Funding: American Battlefield Protection Program and Virginia Battlefield Preservation Fund

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 EASEMENT VIOLATIONS

Ms. Peters made a motion to convene the Board in closed session; it was seconded by Ms. Ashwell. Director Langan excused all members of the public at 2:21 p.m.

The Board returned to open session at 2:41 p.m. with a motion from Ms. Peters which was seconded by Ms. Ashwell. Each board member individually attested that only matters pertaining to legal advice regarding easement violations were discussed.

## **HIGHWAY MARKERS**

Jen 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. Virginia State Federation of Colored Women’s Clubs**

**Sponsor:** Hampton Convention & Visitor Bureau

**Locality:** Hampton

**Proposed Location:** 123 Pembroke Ave.

Dr. Fairfax recused herself from voting on this marker, as she assisted in its text, and left the meeting.

With a motion from Mr. Smith and second from Ms. Peters, the Board voted to approve the highway marker as presented. Dr. Fairfax rejoined the meeting.

#### **2. Israel Charles Norcom High School**

**Sponsor:** African American Historical Society of Portsmouth

**Locality:** Portsmouth

**Proposed Location:** 1801 London Blvd.

#### **3. West Point Cemetery**

**Sponsor:** Norfolk Society for Cemetery Conservation

**Locality:** Norfolk

**Proposed Location:** 238 E. Princess Anne Road

#### **4. Queena Stovall (1887-1980)**

**Sponsor:** Daura Gallery, Lynchburg College

**Locality:** Amherst County

**Proposed Location:** near 2149 Elon Road, Madison Heights

#### **5. Richard and Mildred Loving**

**Sponsor:** Caroline County Board of Supervisors

**Locality:** Caroline County

**Proposed Location:** U.S. 301 at the intersection with State Route 721 (Sparta Road)

With a motion from Mr. Smith and a second from Ms. Peters, the Board voted unanimously to approve diversity markers 2-5 as presented.

### **Sponsor Markers**

#### **1. Alexandria, Mt. Vernon, and Accotink Turnpike**

**Sponsor:** Federal Highway Administration

**Locality:** Fairfax County

**Proposed Location:** U.S. Route 1, within Fort Belvoir

## **2. Big Lick Presbyterian Church**

**Sponsor:** First Evangelical Presbyterian Church

**Locality:** Roanoke

**Proposed Location:** 2101 S. Jefferson St.

## **3. Brig. Gen. William R. Terry (1827-1897)**

**Sponsor:** United Daughters of the Confederacy, General William R. Terry Chapter

**Locality:** Bedford County

**Proposed Location:** 1230 Oakwood Street, Bedford

## **4. Confederate Cemetery**

**Sponsor:** Town of Farmville

**Locality:** Farmville

**Proposed Location:** southeast corner of North Main St. and Early St.

## **5. Doncastle's Ordinary**

**Sponsor:** James City County Historical Commission

**Locality:** James City County

**Proposed Location:** 9686 Old Stage Road, Toano

## **6. Elijah Baker (1742-1798)**

**Sponsor:** The Bridge Network of Churches

**Locality:** Northampton County

**Proposed Location:** U.S. 13 near intersection with Holly Dale Drive

## **7. Elmwood Cemetery**

**Sponsor:** Norfolk Society for Cemetery Conservation

**Locality:** Norfolk

**Proposed Location:** 238 E. Princess Anne Road

## **8. Madison-Barbour Rural Historic District**

**Sponsor:** Orange County Historical Society

**Locality:** Orange County

**Proposed Location:** 11350 Constitution Highway (Route 20)

## **9. Madison-Barbour Rural Historic District**

**Sponsor:** Orange County Historical Society

**Locality:** Orange County

**Proposed Location:** Route 33 (1.9 miles west of Gordonsville circle)

## **10. Omicron Delta Kappa**

**Sponsor:** Omicron Delta Kappa

**Locality:** Lexington

**Proposed Location:** 224 McLaughlin St.

## **11. DeJarnette's Tavern**



**Sponsor:** Mark Hubina  
**Locality:** Halifax County  
**Proposed Location:** 4080 Stagecoach Road, Nathalie

With a motion from Mr. Smith and a second from Ms. Peters, the Board voted unanimously to approve the Sponsor Markers as presented.

### **Replacement Marker (sponsored)**

#### **1. Battle of Savage's Station**

**Sponsor:** Henrico County  
**Locality:** Henrico County  
**Proposed Location:** Meadow Road

Comments summary:

Mr. Smith asked who pays for the replacement markers. Ms. Loux replied that in this case, Henrico County was funding the replacement. With a motion from Ms. Ashwell and a second from Dr. Fairfax, the Board voted unanimously to approve the replacement highway marker as presented.

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

- |   |                    |
|---|--------------------|
| 1. Knights of the Golden Horseshoe JE-2     | Madison Co.        |
| 2. Battle of Cedar Mountain F-20            | Culpeper Co.       |
| 3. Union Occupation of Charlottesville Q-22 | Albemarle Co.      |
| 4. Corotoman J-85                           | Lancaster Co.      |
| 5. Gloucester Point NA-9                    | Gloucester Co.     |
| 6. Battle of Chancellorsville J-40          | Spotsylvania Co.   |
| 7. Cleydael EP-9                            | King George Co.    |
| 8. Hazelwood N-14                           | Caroline Co.       |
| 9. Vineyard Tract W-46                      | York Co.           |
| 10. Old Telegraph Line E-2                  | Fairfax Co.        |
| 11. Leesylvania State Park JQ-1             | Prince William Co. |
| 12. Malvern Hill V-4                        | Henrico Co.        |
| 13. Campaign of 1781 S-62                   | Dinwiddie Co.      |
| 14. Buchanan A-58                           | Botetourt Co.      |
| 15. Poplar Forest K-138                     | Bedford Co.        |
| 16. Abraham Lincoln's Father A-18           | Rockingham Co.     |
| 17. Virginia Military Institute I-1         | Rockbridge Co.     |
| 18. White House C-30                        | Page Co.           |

The condition of these eighteen 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. Ms. Ashwell made a motion to approve the replacement markers as presented. Mr. Smith seconded the motion and the Board voted unanimously to approve the replacement marker texts as presented.

Chair Atkins-Spivey asked if any members of the public wished to speak on behalf of any of the markers. None did, thus Ms. Ashwell made a motion to adjourn the meeting, which was seconded by Dr. Fairfax.

**Chair Atkins-Spivey adjourned the Board of Historic Resources meeting at 3:12 p.m.**

### **STATE REVIEW BOARD**

At the Science Museum of Virginia, Executive Conference Room, 2500 W. Broad Street, Richmond, VA 23220-2057

#### **State Review Board Members Present**

Elizabeth Moore, Chair  
Joseph D. Lahendro, Vice-Chair  
Dr. Sara Bon-Harper  
Dr. Gabrielle Lanier  
Dr. Laurant Lee  
Dr. Carl Lounsbury

John Salmon

**State Review Board Members Absent**

None.

**Department of Historic Resources Staff Present**

Jim Hare  
Elizabeth Lipford  
Blake McDonald  
Lena McDonald  
Mike Pulice  
Aubrey Von Lindern  
Marc Wagner

**Guests (from sign-in sheet):** Brenda Andrews (Calvary Cemetery); Dave Brown (Rapidan River and Clark Mountain RHD; Mathews County African American Education MPD); Lee Frederick (Oliver Chilled Plow Works Warehouse); Dara Friedburg (Manchester Residential & Commercial HD 2017 Boundary Increase); Bryan Green (St. Luke Building 2017 Boundary Increase); Mary Ruffin Hanbury (Mill Hill); Ernest Lowery (Calvary Cemetery)

Chair Moore called the meeting to order at 1:00 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. Concord Primitive Baptist Church, Patrick County, #070-0116, Criterion C and Criteria Consideration A  
Vice-Chair Lahendro asked if the interior plan of a Primitive Baptist church historically would have differed from a Mission Baptist church. Dr. Lounsbury said Mission Baptist churches are more oriented toward outreach to the larger community than Primitive Baptist churches, but he wasn’t aware of variations in church plans based on that practice. Mr. Pulice said written records are rarely kept by the Primitive Baptist denomination because it is emphatically non-hierarchical in organization.
2. General Imboden House, Town of Big Stone Gap, Wise County, #101-0070, Criteria B and C  
The State Review Board endorsed the PIF without additional comment.
3. Mill Hill, Nelson County, #062-0045, Criterion C  
The State Review Board endorsed the PIF without additional comment.
4. Moore Lime Company Lime Kilns, Botetourt County, #011-0091, Criteria A and C  
Dr. Lanier asked if the area around the kilns was deforested to provide fuel for the kilns during the 19<sup>th</sup> century. Mr. Pulice said this occurred prior to conversion to coal-fired kilns; the area has since reforested to some extent.
5. Taylor-Kinnear House, Rockbridge County, #081-0324, Criterion C  
Vice-Chair Lahendro said the PIF provided enough documentation of the property’s architectural significance but a more robust statement of significance would be necessary for a successful nomination.
6. \*\*Villa Heights, City of Roanoke, #128-0012, Criteria B and C  
The State Review Board endorsed the PIF without additional comment

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

1. \*\*Fredericksburg City and Confederate Cemeteries, City of Fredericksburg, #111-5265, Criteria A and C and Criteria Consideration D  
At the request of the property owners, the State Review Board discussed whether the conjoined Fredericksburg City Cemetery and Fredericksburg Confederate Cemetery could be evaluated separately. The SRB decided that the history of each is too deeply intertwined and that the Confederate section grew organically from the earlier City cemetery. The members requested that a nomination explain how both cemeteries are related to burial practices from the 1840s onward, especially relocation of earlier burials from an older, overcrowded cemetery, and how residents approached disposition of Union and Confederate dead during and after the Civil War. The nomination could compare/contrast the approach to burials for Confederate dead, which were left to family members,

state and local governments, and memorial associations, versus for Union dead, which were the responsibility of the U.S. War Department and resulted in establishment of the Fredericksburg National Cemetery.

2. Rapidan River Clark Mountain Rural Historic District, Culpeper, Madison, and Orange Counties, #068-5033, Criteria A and C  
Vice-Chair Lahendro asked about African American heritage being included in the nomination. Consultant David Brown said that remnants of freedmen's villages within the district boundaries warrant more intensive study, as well as cemeteries and potentially other resources at former plantations. Dr. Bon-Harper said interracial interactions in community and civic life during the Jim Crow era also should be examined in a holistic way, not based only on extant built resources.

3. \*\*Saint George's Episcopal Church, City of Fredericksburg, #111-0089, Criterion C and Criteria Consideration A  
Chair Moore suggested that the history of the pipe organ in the church also be researched, due to the organ's size and the overall historical significance of such instruments in religious services.

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

1. Calvary Cemetery, City of Norfolk, #122-0106, Criteria A and C, Criteria Consideration D  
Ms. Brenda Andrews, owner of the *New Journal and Guide*, explained that she became aware of Calvary Cemetery through her publication's archives; the *New Journal and Guide* has been an African American publication since the late 19<sup>th</sup> century. She and other associated with the cemetery primarily are interested in its historic and architectural significance. Local officials also have gone on record with their support for nominating the cemetery for listing in the registers. SRB Vice-Chair Lahendro note that importance of the Excelsior Band's participation in funeral ceremonies and similar cultural practices that have been identified. Ms. Lipford noted that the *New Journal and Guide* staff have helped to collect the archival materials that now are posted online at Norfolk's historic cemeteries website. Dr. Lee said the intersection of history and cultural that the cemetery represents is similar to that seen with churches and schools.

2. Courtland Historic District, Town of Courtland, Southampton County, #201-5001, Criteria A and C  
The State Review Board endorsed the PIF without additional comment.

3. Dromgoole House, Brunswick County, #012-0004, Criteria A and C  
The State Review Board endorsed the PIF without additional comment.

4. \*\*Evergreen Cemetery, City of Richmond, #127-0821-1073, Criteria A and C and Criteria Consideration D  
The State Review Board endorsed the PIF without additional comment.

5. Manchester Residential and Commercial 2017 Boundary Increase, City of Richmond, #127-5817, Criteria A and C  
Dr. Bon-Harper asked about how the original historic district's boundaries were defined. Mr. Wagner said the district originally was conceived with Hull Street as the spine; Hull Street is a largely commercial corridor, and the boundaries were then drawn to capture the higher style residential architecture west of Hull Street. He noted that the boundary increase area includes more working-class and vernacular resources as well as bringing in more African American history associated with the area.

6. Mathews Baptist Church, Mathews County, #057-0029, Criteria A and C and Criteria Consideration A  
The State Review Board endorsed the PIF without additional comment.

7. §Mathews County African American Education MPD, Mathews County, # 057-5568, Criteria A and C  
The State Review Board endorsed the PIF without additional comment.

8. New Kent Ordinary, New Kent County, #063-0021, Criterion C  
Mr. Wagner noted that the property's period of significance should start with ca. 1800 (the building's construction date) and end in 1965.

9. \*\*Oliver Chilled Plow Works Warehouse, City of Richmond, #127-6914, Criteria A and C  
Vice-Chair Lahendro noted that each floor of the 1919 building has a different fenestration and asked if that indicated different uses internally. Mr. Salmon, who co-authored the PIF, said the sales room and segregated restroom were on the first floor, but usage of the upper floors had not yet been discerned.

10. Sabot Hill Barn, Goochland County, #037-5226, Criteria A and C  
Mr. Wagner noted the property's period of significance should be 1850-ca. 1935, beginning with the building's construction and ending with a remodeling campaign.

11. \*\*Saint Luke Building 2017 Boundary Increase, City of Richmond, #127-0352, Criterion A  
The State Review Board endorsed the PIF without additional comment.

12. \*\*\*Starr Hill Historic District, City of Charlottesville, #104-5273, Criteria A and C

Dr. Bon-Harper asked why this district is being nominated separately instead of as a boundary increase to the West Main Street Historic District. Mr. Wagner said Starr Hill is a primarily residential neighborhood while West Main Street is a commercial corridor. Although it isn't required to define historic boundaries based on predominant usage, it is an acceptable approach that still conforms to Register guidelines. He added that Charlottesville CLG staff have been closely involved with identifying the various historic districts that have recently been nominated. Vice-Chair Lahendro said that differentiating between historic districts could overlook the interconnected relationships between the West Main, Fifeville, and other parts of Charlottesville where African Americans lived and worked. Mr. Wagner said the statement of significance for each district includes at least a brief explanation of these relationships. Dr. Bon-Harper questioned keeping historic districts separately defined based on race. Mr. Wagner said historic districts are identified in part based on how neighborhood residents see themselves as a unit distinct from other areas, whether those areas are commercial, or historically segregated, or other means. Mr. Wagner added that he would check with Charlottesville's CLG staff about interest in expanding the West Main Street Historic District boundaries and adding Starr Hill to the district's name. The SRB agreed that a nomination for the district as currently proposed also could proceed, based on feedback from City staff and property owners.

Chair Moore adjourned the State Review Board meeting at 5:10 p.m.

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