

# Approved Minutes

## MEETING OF THE BOARD OF HISTORIC RESOURCES

9:30 a.m. April 17, 2019

At the Collections Study Room of the Virginia Department of Historic Resources,  
2801 Kensington Avenue, Richmond, VA 23221

### BHR members present:

Clyde Smith, Chair  
Colita Nichols Fairfax, Vice-Chair  
Erin Ashwell  
Ashley Atkins Spivey  
Frederick Fisher  
Nosuk Pak Kim  
David Ruth

### DHR staff members present:

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Marc Wagner  
Elizabeth Lipford  
Austin Walker  
Lena McDonald  
Jennifer Pullen  
Jennifer Loux  
Wendy Musumeci  
Elizabeth Tune  
Megan Melinat  
Brad McDonald

**Guests from other State agencies:** Catherine Shankles (OAG)

**Guests Present (from sign-in sheet):** Andrew Basham (Manchester Trucking & Commercial Historic District); Jane J. Baskerville (George Washington Carver High School highway marker); Jake Bloom (Manchester Trucking & Commercial HD); Carrie Coyner (GWCHS marker); Anita Downs; Zac Frederick (Manchester Trucking & Commercial HD); Dara Friedburg (Manchester Trucking & Commercial HD); Anne A. Haskins (GWCHS marker); Fred D. Haskins (GWCHS marker); Phyllis Henderson (GWCHS marker); Dorothy Jaeckle (GWCHS marker); Dr. James A. Price (GWCHS marker); Erna G. Robinson (GWCHS marker); Patricia Squire (GWCHS marker and Dorothy Height marker); Margaret A. Thompson (GWCHS marker)

Chair Smith called the BHR meeting to order at 9:37 a.m. He introduced himself and explained the role of the BHR. He invited the BHR members to introduce themselves. Chair Smith requested a motion to approve the meeting agenda. With a motion from Ms. Kim and a second from Vice-Chair Fairfax, the BHR approved the meeting agenda as presented. Chair Smith requested a motion to approve the December 2018 meeting minutes as presented. With a motion from Ms. Ashwell and a second from Ms. Kim, the BHR approved the minutes as presented.

### **Closed Session**

Chair Smith moved that the BHR move into closed session to discuss matters pursuant to Section 2.2-3711(A)(8) of the Code of Virginia pertaining to legal advice regarding properties protected by easements held by the BHR. Vice-Chair Fairfax seconded the motion. The BHR voted unanimously to move into closed session.

### **Break – Board of Historic Resources Meeting**

After a break, the BHR meeting resumed. Chair Smith called the meeting to order again at 10:38 a.m.

Vice-Chair Fairfax made a motion to close the BHR's closed session and reconvene an open session, and to certify that only matters permitted under Section 2.2-3711(A)(8) of the Code of Virginia and pertaining to legal advice regarding properties protected by easements were discussed during the closed session. With a second from Ms. Ashwell, Chair Smith asked each BHR member in favor of the motion to state their name and say "aye." BHR members David Ruth, Erin Ashwell, Colita Nichols Fairfax, Clyde Smith, Ashley Atkins Spivey, Nosuk Pak Kim, and Frederick Fisher stated their respective names and said "aye." The motion passed unanimously.

Chair Smith explained the role of the BHR. He asked each BHR member to introduce themselves.

Chair Smith introduced Director Julie Langan.

### **Director's Report**

Director Langan thanked the BHR members for holding a special meeting to consider items that were still pending due to the unexpected cancellation of the BHR's meeting as originally scheduled in March 2019. She thanked Vice-Chair Fairfax for her participation in the dedication of the Dorothy Height Highway Marker as keynote speaker, and for her participation in Virginia's first highway marker to address the topic of lynching. Director Langan said a new publication to be issued by the University of Virginia Press will focus on state highway markers about Virginia's African American history. Vice-Chair Fairfax will write the foreword to the book. The June joint meeting of the BHR and SRB will take place at Sweet Briar College. All board members are invited to come to the college the afternoon before. Two BHR members' terms expire at the end of June 2019, Chair Smith's and Mr. Fisher's. DHR is in the process of filling two staff positions, for State Archaeologist and Curator of Collections. Director Langan mentioned proposed changes at the federal level for how the NRHP program will be administered, and that she has emailed BHR members a more detailed explanation. The proposed changes will affect how federally-owned properties will be nominated and how property ownership will be calculated to determine objections to proposed nominations. Every national preservation organization, including the NCSHPO, NTHPO, and National Trust, have come out in opposition to the proposed changes. DHR also opposes these changes. She invited the BHR members to submit comments on the proposed changes through an online process established by the Department of Interior. The proposed changes would make historic district nominations more difficult, would impact access to historic tax credits, and would impact the environmental review process. Dr. Atkins Spivey said the proposed changes also would impact a tribe's sovereign right to be able to protect their cultural resources that are not on tribal lands.

Chair Smith made a motion that DHR investigate ways that DHR's conservator could potentially assist with the conservation of artifacts damaged this week during the fire at Notre Dame in Paris. Ms. Kim seconded the motion. The motion passed unanimously. Director Langan stated the Department will report back to the BHR on the matter.

Chair Smith introduced Dr. Jennifer Loux to present the highway markers.

## **HIGHWAY MARKERS**

Dr. Loux presented Sponsor Markers – Diversity #1.

### **Sponsor Markers – Diversity**

#### **1.) George Washington Carver High School**

**Sponsor:** George Washington Carver Alumni and Friends Association

**Locality:** Chesterfield County

**Proposed Location:** near 12400 Branders Bridge Road, Chester, VA

Dr. Loux invited public comment on Sponsor Markers – Diversity #1.

Vice-Chair Fairfax introduced Dr. Jane Baskerville, chair of the Alumni and Friends Association that sponsored the marker. Dr. Baskerville spoke about the history of George Washington Carver High School, the school's continuing legacy, and the process by which the marker application was prepared. She recognized two members of the Chesterfield County Board of Supervisors, Dorothy Jaeckle and Carrie Coyner, as well as members of the Alumni and Friends Association, Fred Haskins, Phyllis Henderson, James Price, Erna Robinson, Patricia Squire, and Margaret Thompson, all of whom were important to the application's success. Dr. Baskerville thanked Dr. Loux and the BHR for their consideration of the marker application.

Chair Smith requested a motion to approve Sponsor Markers – Diversity #1 as presented. With a motion from Vice-Chair Fairfax and a second from Ms. Ashwell, the BHR approved the marker as presented.

Ms. Coyner said that the school is still in use and was returned to its original name in 2013, with the original mascot and school colors brought back as well, in an effort to teach students about the school’s history.

Chair Smith thanked everyone for attending the meeting.

Dr. Loux presented the Sponsor Markers – Diversity #2, and #3 to the Board as a block.

## **2.) James River Bateamen**

**Sponsor:** Bateau, LLC

**Locality:** Richmond

**Proposed Location:** 301 Virginia Street

## **3.) Washington Rosenwald School**

**Sponsor:** William Metcalf

**Locality:** Rappahannock County

**Proposed Location:** 267 Piedmont Ave., Washington, VA

Mr. Fisher asked if the canal boatmen served as spies for Union forces during the Civil War. Dr. Loux said bateaux were not in widespread use anymore and no evidence was found of this event; watermen in the Tidewater region where Union forces were located did serve with them.

Chair Smith requested a motion to approve the Sponsor Markers – Diversity #2 and #3 as presented. With a motion from Ms. Kim and a second from Dr. Atkins Spivey, the BHR approved the markers as presented.

## **Sponsor Markers**

Dr. Loux presented Sponsor Markers #1, #2, #3, #4, and #5, to the Board as a block.

### **1.) Lee County Code Breakers**

**Sponsor:** Lovelady Chapter, Daughters of the American Revolution

**Locality:** Lee County

**Proposed Location:** US 58 W. near intersection with Route 684

### **2.) Long Hunters**

**Sponsor:** Lovelady Chapter, Daughters of the American Revolution

**Locality:** Lee County

**Proposed Location:** US 58 W about three miles from Lee/Scott county line

### **3.) New Dublin Presbyterian Church**

**Sponsor:** Sestercentennial Committee

**Locality:** Pulaski County

**Proposed Location:** 5331 New Dublin Road

### **4.) The Apprentice School**

**Sponsor:** The Apprentice School Foundation and The Apprentice Alumni Association

**Locality:** Newport News

**Proposed Location:** 3101 Washington Ave.

## **5.) Land Conservation in Virginia**

**Sponsor:** Ellen Pons

**Locality:** Goochland County

**Proposed Location:** 2094 Sheppard Town Road, Crozier

Chair Smith requested a motion to approve the Sponsor Markers #1, #2, #3, #4, and #5 as presented. With a motion from Ms. Ashwell and a second from Dr. Atkins Spivey, the BHR approved the markers as presented.

### **Sponsor-Funded Replacement Markers**

Dr. Loux presented Sponsor-Funded Replacement Markers #1, #2, and #3 as a block.

#### **1.) Harry F. Byrd Sr. (1887-1966) T-14**

**Sponsor:** VDOT (insurance claim for marker damaged in vehicle accident)

**Locality:** Clarke County

#### **2.) Mine Run Campaign JJ-10**

**Sponsor:** Civil War Study Group

**Locality:** Orange County

#### **3.) Alfred D. "A. D." Price (ca. 1860-1921)**

**Sponsor:** Descendants of A. D. Price

**Locality:** Richmond City

Chair Smith requested a motion to approve the Sponsor-Funded Replacements #1, #2, and #3 as presented. With a motion from Ms. Ashwell and a second from Ms. Kim, the BHR approved the markers as presented.

Dr. Loux presented consideration of the "Dr. Dorothy Irene Height, 1912-2010" marker created by Delta Sigma Theta Sorority, Inc., for placement in the City of Richmond. It is not a state highway marker nor part of a local marker program, but will be placed in public right of way in Richmond. The Code of Virginia requires the BHR to approve designs of such markers. Dr. Loux said that a factual error in the text has been found. She recommended that the BHR approve the marker on the condition that the error be correct.

Chair Smith invited representatives of the Delta Sigma Theta Sorority to speak about the marker. Ms. Doris Bey offered to answer any questions from the BHR. She reported that the City of Richmond has accepted ownership of the marker. The sorority will assure that the correction is made to the marker text before it is erected. Chair Smith asked where the new marker will be placed. Ms. Bey said the City of Richmond will install the marker near the state highway marker about Dorothy Height in the Blackwell neighborhood of Richmond. Patricia Squire introduced herself as an alumna of George Washington Carver High School and a member of the Delta Sigma Theta Sorority. Ms. Haskins introduced herself.

Chair Smith requested a motion to approve the Height Marker with the condition that the error will be corrected. With a motion from Mr. Fisher and a second from Vice-Chair Fairfax, the BHR approved the marker with the condition that the error will be corrected.

## **NOMINATIONS**

### **Eastern Region**

Elizabeth Lipford presented Eastern Region nominations 1 and 2 as a block:

1. Abigarlos, City of Portsmouth, DHR #124-0052, Criterion C
2. Deep Run Hunt Club, City of Richmond, DHR #127-6721, Criteria A and C

Chair Smith opened the floor for comments. Vice-Chair Fairfax asked how many fireplaces are in the Deep Run Hunt Club. Ms. Phipps, the property owner, said every room has a fireplace. Ms. Phipps said her husband did most of the work on the rehabilitation project.

Chair Smith requested a motion to approve nominations 1 and 2 as presented. With a motion from Vice-Chair Fairfax and a second from Dr. Atkins Spivey, the BHR unanimously approved nominations 1 and 2 as presented.

### **Eastern Region**

Marc Wagner presented Eastern Region nominations 1 and 2 as a block:

1. Manchester Trucking and Commercial Historic District, City of Richmond, DHR #127-6519, Criterion A
2. Whittles Mill Dam, Mecklenburg County, DHR #058-5199, Criteria A and C

Chair Smith opened the floor for comments. Andrew Basham, sponsor for the Manchester Trucking & Commercial HD, said the district's association with an important transition period in Richmond's history is important to preserve. It is both close to downtown Richmond and in close proximity to the interstates. One building in the district currently is proposed for rehabilitation. Vice-Chair Fairfax mentioned that the Overnite company in the district was one of the first to hire African American blue-collar working men during the mid-twentieth century. The district's association with Manchester's working class is an important part of its significance.

Chair Smith requested a motion to approve nominations 1 and 2 as presented. With a motion from Ms. Kim and a second from Mr. Fisher, the BHR unanimously approved nominations 1 and 2 as presented.

### **Northern Region**

Marc Wagner presented Northern Region nominations 1 and 2 as a block:

1. Silver Lake Historic District, Rockingham County, DHR #082-5665, Criteria A and C
2. Swann-Daingerfield House, City of Alexandria, DHR #100-0121-1529, Criteria A and C

Chair Smith opened the floor for comments. None were made.

### **Western Region**

Elizabeth Lipford presented the Western Region nomination:

1. Duff Mansion House, Lee County, DHR #052-5122, Criterion C

Chair Smith opened the floor for comments. Ms. Ashwell asked if the property is still an active farm. She noted that a nomination from Lee County is a rare but welcome event.

Chair Smith requested a motion to approve the Northern Region's nominations 1 and 2 and the Western Region's nomination 1 as presented. With a motion from Ms. Kim and a second from Dr. Atkins Spivey, the BHR unanimously approved the Northern Region's nominations 1 and 2 and the Western Region's nomination 1 as presented.

**Register Summary of Resources Listed:**

Historic Districts:	2
Buildings:	4
Structures:	1
Sites:	0
Objects:	0
MPDs:	0

**Break:** The Board of Historic Resources broke for lunch at 12:16 p.m.

## BOARD of HISTORIC RESOURCES

At the Department of Historic Resources, Collections Study Room, 2801 Kensington Avenue Richmond, VA 23221

### Board of Historic Resources Members Present:

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

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

Julie Langan, Director  
Brad McDonald  
Megan Melinat  
Wendy Musumeci  
Elizabeth Tune  
Joanna Wilson Green

### Other State Agency Staff Present:

Catherine Shankles (Office of the Attorney General)

### Guests Present (from sign-in sheet):

Bob Patterson (Weblin Farm)  
Anita Downs (Weblin Farm)  
Brenda Reed-Olejasz (Weblin Farm)  
Patty Dunton (Weblin Farm)  
John Quarlestein (Weblin Farm)

## **EASEMENTS**

Chair Smith called the meeting to order at 12:25 p.m., introduced the Board and asked the members to introduce themselves individually.

### NPS Transfer Update

Director Langan updated the Board on the negotiations related to the transfer of battlefield properties protected by easements held by the Board to the National Park Service (“NPS”). The federal government will not accept land that is encumbered by an historic preservation/open-space easement. Negotiations are concluding and the Director requested a motion ratifying the negotiations made to date with NPS by the Office of the Attorney General (“OAG”). Director Langan also requested that the Board consider a motion to authorize the execution of the Memorandum of Understanding (“MOU”) on behalf of the Board, under Director Langan’s signature.

Chair Smith confirmed that the Board could combine the requested motions into a single motion.

Mr. Fisher asked what would happen under the agreement if a Director of the National Park Service is appointed who is not a proponent of land conservation. Ms. Shankles responded that the MOU includes reversion language that would be applicable to the situation. Director Langan clarified that the MOU agreement is a compromise. DHR was surprised that the General Assembly did not object to the concept of transferring properties subject to easements held by the Board despite the involvement of state funding, but instead expressed a desire for a resolution. Director Langan further explained that a new mechanism for land likely to be transferred to NPS will be necessary; something short of a perpetual easement. Mr. Fisher clarified the funding requirements that result in an easement held by the Board. Chair Smith inquired if this was a problem for other states. Ms. Shankles responded that the transfer issue is new for the Secretary of the Interior. Ms. Ashwell asked which regions of the state are most involved. Director Langan commented that the areas around the National Military Parks are most affected: Richmond, Petersburg, and Fredericksburg. Ms. Ashwell expressed concern that the NPS may cease to exist and that the agreement will be impacted by development pressure anticipated in Northern Virginia. Director Langan stated that many of the easement offers presented to the Board are not within the authorized boundaries of a National Battlefield Park. Mr. Ruth confirmed this and noted the NPS intent for public access, clarifying that the NPS cannot commit federal funding toward property it does not own. Ms. Kim stated that the mission of the Board is clear: to preserve significant historic easements. Ms. Ashwell expressed concern that if this MOU was not established, the issue would be determined by the General Assembly. Director Langan stated her concern that if DHR does not accept this arrangement, easement extinguishment will be mandated. Dr. Fairfax stated that it was important for the Board to support this arrangement, even though it was not perfect, particularly given her experiences trying to educate various politicians on preservation. Ms. Ashwell commended the inclusion of reversion language.

Mr. Fisher made a motion that the Director must review the MOU with the Board Chair; Ms. Ashwell seconded the motion. Dr. Atkins-Spivey inquired if the whole Board could review the MOU, so that all members were aware of the terms of that agreement. Mr. Fisher then suggested the Director could explain what has occurred to date. Director Langan stated that she did not have draft documents to share with the Board at this meeting. Ms. Shankles stated that she also did not have documents available but summarized the key points.

Ms. Ashwell inquired if the “in writing” notification requirement of a reversion by NPS could be specified to state that the written document must be directed to the Board, and not just stated somewhere in a publicly distributed document. Ms. Shankles accepted the suggestion and will try to incorporate it into the final agreement. Mr. Fisher agreed, and expressed a concern about a lack of integrity without that modification. Dr. Atkins-Spivey reiterated a desire to see the document upon which the Board is expected to vote. Chair Smith asked if providing the document to the Board affected DHR’s timeline. Director Langan replied that the final document is not imminent. Ms. Kim made a motion that Director Langan can negotiate on behalf of the Board, and to ratify the work accomplished to date. The motion was seconded by Mr. Fisher. Dr. Atkins-Spivey amended the motion to include a requirement for Board review of the MOU prior to authorizing signature. The amended motion was seconded by Dr. Fairfax and passed unanimously.

### **Easement Offers for Consideration (Consent Agenda)**

Ms. Musumeci presented the following easement offers:

#### **1. Bullard Farm, Fisher’s Hill Battlefield, Shenandoah County**

Property Owner: Blake and Tamara Bullard

Acreage: 179.4 acres

Located in northern Shenandoah County just south of Strasburg, the Bullard Farm is comprised of eight parcels of rolling terrain totaling 198.6 acres. The property is bounded by Route 11, a Virginia Scenic Byway, on the northwest, residential and open space parcels to the north, east and southwest, and Mulberry Run, a tributary of the North Fork of the Shenandoah River, on the south. An unnamed perennial stream bisects the northern half of the property and also feeds into the North Fork of the Shenandoah River. The Bullard Farm includes approximately 154 acres of land under forested cover that has been subject to a forest management plan since 2017. Historically, the property has been used for agricultural and residential purposes from the early nineteenth century to the present day. The current owners, Blake and Tamara Bullard, reside in a ca. 1910 two-story frame dwelling located near Route 11. A frame bank barn (circa 1910) and two cinder block sheds (circa 1950) complete this twentieth century building site. An early nineteenth century archaeological site is located in the interior of the property near a perennial spring and includes the stone foundations of three structures: one springhouse or wash house foundation (circa 1820), one small springhouse foundation or open well (circa 1820), and a dry-laid stone wall and ramp system (circa 1820). Further beyond this site is a contemporaneous section of dry-laid stone wall that may delineate a historic property line or field boundary. Blake and Tamara Bullard plan to open a “you-pick-it” fruit and vegetable operation on the property. Threats to the property include increasing development along the Route 11 corridor. A previous owner recently subdivided the property into nine building sites but the current owners are actively trying to preserve the property. The Bullard’s propose to put approximately 178 acres under easement, excluding approximately 20 acres in order to pass unencumbered land to their children. The Potomac Conservancy is applying for ABPP and VBPF grant funding on behalf of the owners.

Bullard Farm is partially within the core area (approximately 30 acres) and partially within study area (approximately 100 acres) of the Fisher’s Hill Battlefield, which has been given a Preservation Priority Rating of I Class B by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of I are those battlefields with a critical need for action. Battlefield sites rated Class B are those that had “a direct and decisive influence on their campaign,” in this instance Sheridan’s Shenandoah Valley Campaign from August to December of 1864.

The property is also partially (approximately 18 acres) within the study area of the Cedar Creek Battlefield, which has been given a Preservation Priority Rating of I Class A from the CWSAC. Battlefields with a priority rating of I are those that are in critical need of action, while those rated Class A had a decisive influence on a campaign (in this instance Sheridan’s Shenandoah Valley Campaign from August to December of 1864) and a direct impact on the course of the war.

The property is within the Shenandoah Valley Battlefields National Historic District, an eight county region in the Shenandoah Valley of Virginia designated by Congress in the 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333). The purpose of the District is to preserve, conserve, and interpret the region’s significant Civil War battlefields and related historic sites.

Ms. Musumeci reviewed the proposed easement terms and indicated where they differed from the standard easement template. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement offer as presented, subject to the final review of all title work by the Office of the Attorney General.

#### **Comments Summary:**

Ms. Ashwell clarified the definition of a buffer. Ms. Shankles suggested a buffer around the non-eased portion of the parcel. Ms. Musumeci responded that a setback might be possible. Mr. Fisher confirmed the reserved parcel was currently unimproved. Mr. Ruth asked if there were any agricultural plans for the property beyond the you-pick farming operation. Staff responded that there are none. Ms. Ashwell complimented the applicant for planning for future family use of the property.

## **2. River Road Tract, New Market Battlefield, Town of New Market**

Property Owner: Shenandoah Valley Battlefields Foundation (“SVBF”)

Acreage: ± 13.396 acres

Located one block west of the intersection of Breckinridge Lane and North Congress Street (Route 11) in the town of New Market, SVBF’s two River Road parcels comprise 13.397 acres. The southern parcel (103 A 065) contains 4.66 acres with a two-story frame house, two sheds, and a small cinder block pump house. The northern parcel (103 A 062A) contains 8.7367 acres under forested cover. The two parcels are separated by an abandoned section of Breckinridge Lane. The property is visible from Breckinridge Lane, and from I-81 which runs along the western boundary of the property. Historically, the River Road Tract has been used for agricultural and residential purposes. The two-story frame house and associated structures were constructed after 1937. SVBF plans to mothball the buildings and eventually demolish and remove them from the property. SVBF will install above-grade pedestrian trails and two interpretative signs. The property will also serve as a link in SVBF’s proposed greenway connecting the Virginia Museum of the Civil War with the Town of New Market. SVBF acquired the property in October 2018. SVBF has received an American Battlefield Protection Program (“ABPP”) grant and a Virginia Battlefield Preservation Fund (“VBPF”) grant for the fee-simple acquisition of the property.

The property lies within the core and study areas of the New Market Battlefield, which has a Preservation Priority Rating of IV.1, Class B from the Civil War Sites Advisory Commission (“CWSAC”). The CWSAC defines Priority IV battlefields as those that are fragmented with poor integrity, and further defines Class B battlefields as those “that had a direct and decisive influence on their campaign,” in this case the Lynchburg Campaign from May to June 1864.

The property is also within the Shenandoah Valley Battlefields National Historic District, an eight county region in the Shenandoah Valley of Virginia designated by Congress in the 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333). The eastern halves of both parcels (not including the buildings on parcel 103-A-065) lie within the New Market Historic District, which was listed on the Virginia Landmarks Register and National Register of Historic Places in 1972.

Easement Staff identified the following complexities:

1. Ownership of the abandoned Breckinridge Lane between the parcels remains unresolved; this area was not included as within the property boundaries on 2018 ALTA survey of the property, and a recent title commitment does not insure this area of the road; therefore a separate easement may need to be recorded for each parcel.
2. The ALTA survey depicts three undocumented overhead electrical lines; DHR staff has requested that SVBF contact Dominion and/or other utilities to determine if easements (recorded or unrecorded) exist for these utility lines.
3. Current plans indicate that widening of Interstate-81 along the western boundary of the property will not necessitate the acquisition of additional right-of-way by the Virginia Department of Transportation (“VDOT”). However, standard language will be included in the easement deed that acknowledges planned improvements to and/or expansion of I-81 and permits use of the property for such purposes provided certain conditions are met.

Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement offer as presented, subject to the following conditions:

1. Given the unresolved ownership status of Breckinridge Lane, if necessary, a separate easement may need to be recorded on each parcel.
2. SVBF to contact utility companies to determine if any recorded or unrecorded easements exist for the three undocumented electrical lines.
3. Final review of all title work by the Office of the Attorney General (OAG).

Comments Summary:

Chair Smith asked if the Board’s easements had certain protections from eminent domain procedures. Staff replied that the Board does not. Ms. Shankles noted that VDOT historically works with easement holders under conversion/diversion. Mr. Fisher noted that federal road improvements can be made, but under state law. Ms. Musumeci confirmed that any future road improvements to I-81 are covered within the easement template language.

## **3. Jefferson Court Apartments, City of Danville**

Property Owner: Under contract to Preservation Virginia

Acreage: ± 0.31 acres

The Jefferson Court Apartment Building currently occupies a 0.31-acre parcel in the Danville Historic District in the City of Danville. The property consists of a vacant Spanish Revival-style apartment building and a small open area (approximately 3,000 square feet) at the rear of the building. An urban residential site in the 19<sup>th</sup> century, the property at the corner of Patton Street and Jefferson Avenue was purchased by developer T. T. Adams in 1914. The City of Danville issued a building permit for a four-unit apartment building in 1930. In the mid-twentieth century, the building was converted to twenty-five smaller units. The building changed hands several times in the late 20<sup>th</sup> century and early 2000’s before it was declared unfit for human occupancy by the City of Danville in 2014. In 2017, the property was placed in receivership pursuant to Virginia Code §15.2-907.2, and the City of Danville was appointed as the Receiver. During the receivership period, the City commissioned a Historic Structures Report and a Structural Engineering Report to identify the building’s



rehabilitation issues. These issues include extensive water infiltration throughout the building that led to termite and mold damage as well as the deterioration of the balconies and basement joists and subflooring. Recognizing the property's value as a potential catalyst for rehabilitation in this area of Danville, Preservation Virginia worked with the Danville Neighborhood Development Corporation ("DNDC") to formulate a preservation plan for the building. Accordingly, the property was released from receivership status on January 8, 2019. Preservation Virginia intends to purchase the property using the Revolving Fund program, with closing expected within the next few months. Per the requirements of the Revolving Fund program, Preservation Virginia must convey an easement to the Virginia Board of Historic Resources ("Board") before transferring ownership to the DNDC and a Rehabilitation Management Plan must be incorporated by reference in the easement. In turn, the DNDC will stabilize the exterior of the building using grants from the Virginia Housing Development Authority and the City of Danville. Following stabilization, the DNDC intends to sell the property with the goal of rehabilitating the entire building using state and federal rehabilitation tax credits.

The property is a contributing resource to the Danville Historic District, a district that was added to the Virginia Landmarks Register on November 8, 1972 and the National Register of Historic Places on April 11, 1973 (2015 Boundary Increase Nomination specifically lists the Jefferson Court Apartment Building as a contributing resource to the district). The property is located within the City of Danville's Old West End Historic District.

Easement Staff identified the following complexities:

DHR is assessing the current condition of the building to ensure appropriate safety measures are in place prior to a staff site visit. The Revolving Fund program administered by Preservation Virginia requires that a Rehabilitation Plan for the building be executed by DHR and Preservation Virginia and incorporated into the easement by reference. Ms. Musumeci also noted that a title commitment was just submitted to DHR that morning.

Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement on the Jefferson Court Apartment Building as presented, subject to the following conditions:

1. Receipt and review of title commitment insuring the VBHR.
2. Preservation Virginia and DHR agree to a Rehabilitation Management Plan (with DNDC's review and comments).
3. Final review of all title work by the Office of the Attorney General.

Comments Summary:

Mr. Fisher inquired about the original construction material. Staff replied that the building had a wood frame structure. Ms. Ashwell confirmed that the future buyer of the property was undetermined.

Ms. Kim made a motion to accept the three easement offers as presented by staff. Dr. Atkins-Spivey seconded the motion and it passed unanimously.

### **Easement Amendment for Consideration**

Ms. Musumeci presented the following easement amendment:

**1. Erin, Warren County**

Property Owner: Trenary LLC

Acreage: 325 acres

Erin is a 325-acre parcel of land situated on a small hill off U.S. Route 340/522 five miles north of Front Royal in Warren County. The property is distinguished by an historic Greek Revival-style manor house (built in 1848) as well as collection of historic domestic and agricultural outbuildings and structures. Access is via two entrances off US 340/522, each marked with two stone gateposts. The U-shaped gravel drive comes in front of the manor house and branches to the north near the barn. The grassy level yard around the manor house is marked by mature trees, shrubs, and gardens. The manor house faces west and is clearly visible from the road. The land to the east drops off fairly steeply down to a stream, which is an unnamed tributary of Crooked Run that bisects the property in a north-south direction. A section of wooded cover is located in the northern third of the property. The surrounding acreage consists of rolling topography and is utilized for crop production and pasture for beef cattle. A spring-fed pond is located in northern area of property near the section of wooded cover. Although currently off-market, the property has been listed for sale for the past three years. The owners still intend to sell the property and its buildings, which are currently vacant.

Trenary LLC has submitted an application requesting to amend paragraph 3(A) of the Original Easement conveyed over the property in 1997. The Original Easement is co-held by the Board and the Virginia Outdoors Foundation ("VOF"). The owner is seeking an amendment that would allow for reconfiguration of the size of one of the permitted parcels (the Historic House Parcel) should the subdivision right in the easement be exercised.

Considerations for the Board:

1. Trenary, LLC requested to amend paragraph 3(A) of the Original Easement conveyed over the property. The owner is seeking an amendment that would allow for reconfiguration of the size of one of the permitted parcels (the Historic House Parcel) should the subdivision right in the Original Easement be exercised.

- A. Specifically, a section of the language in paragraph 3(A) of the Original Easement, which permits division of the Property into no more than three parcels, states: “The remaining two (2) parcels shall contain not less than one hundred (100) acres and shall be known as the Historic House Parcel (containing the existing historic home and buildings) and the Farm Parcel. The shape and exact location of the Historic House Parcel and the Farm Parcel shall be in the discretion of the Grantors, their heirs, assigns, or successors.”
- B. As proposed, the modified language would permit: one 10 or more acre parcel containing the manor house and outbuildings (the Historic House Parcel).

The proposed amendment must be consistent with *Easement Policy #6: Easement Amendments*. Both VOF and DHR met with the owner on December 17, 2018 to tour the property and discuss some potential options for strengthening the restrictions of the Original Easement should an amendment be approved. The parties agreed to the establishment of a Restricted Build Area (RBA) on the western half of the property to protect and buffer the manor house and outbuildings and protect the view from U.S. Route 340/522 .

- (i). Within the RBA no new residential dwellings will be permitted. The guest house currently permitted in paragraph 4(A)(vi) of the Easement will still be permitted within the RBA.
  - (ii). Farm buildings and structures will still be permitted within the RBA.
2. Ms. Musumeci explained that the RBA would force the permitted Small Lot Parcel to be located in the southeastern corner of the property (rather than along US Route 340/522) and that VOF had also recommended removing the requirement that the Farm Parcel be a minimum of 100 acres. The Property has been for sale for over three years, during which time the manor house and outbuildings have remained vacant. The amendment request is being made to facilitate continued preservation of the manor house and outbuildings, as well as the sale of the property and its long-term viability.

Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the proposed amendment to the Original Easement as presented, subject to the following condition:

1. The amended easement includes a Restricted Build Area (“RBA”), as shown on the draft map prepared by VOF. Within the RBA:
  - a. No new residential dwellings will be permitted.
  - b. The guest house described in paragraph 4(A)(vi) of the Easement will still be permitted.
  - c. Farm buildings and structures will still be permitted.

#### Comments Summary:

Mr. Fisher clarified the location of the smaller lot. After confirming that the entire parcel would remain protected by the easement, Chair Smith commented that the requested amendment sounds like the only way to save the property. Mr. Fisher explained that the goal of the amendment was to provide more options for a farm sale.

With a motion by Ms. Ashwell, and a second from Ms. Kim, the amendment was unanimously approved as presented.

#### Administrative Item

Ms. Tune provided guidance regarding Easement Policy #12: Administrative Fees, and proposed a revision to the established fee schedule. Staff requested the addition of a \$2,000 fee for amendments when the amendment is initiated by the property owner. Ms. Tune noted the Director had the ability to reduce the fee, and that the fee amount was consistent with other easement holding agencies.

#### Comment Summary:

Ms. Shankles suggested modifying the wording to “amendments not initiated by DHR”. Chair Smith stated that the fee amount seemed low. Ms. Kim observed that the fee is a sizable amount for an individual property owner. Ms. Tune repeated that the fee amount was in line with other easement holders.

Ms. Kim made a motion to authorize the assessment of an administrative fee for an amendment not initiated by the Board or DHR. It was seconded by Dr. Fairfax and passed unanimously.

#### New Easements Recorded Since the December 2018 HRB Meeting

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

##### **1. Battlefield Bluffs & Huntsfield Tracts, York County**

Easement Donor: American Battlefield Trust

Acreage: 48.7554 acres

Date Recorded: March 25, 2019

Grant Funding: American Battlefield Protection Program, Virginia Land Conservation Foundation, and Virginia Battlefield Preservation Fund

### **General Public Comment**

Chair Smith read a statement about public participation at Virginia Board of Historic Resources meetings.

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

1. Bob Patterson
2. Anita Downs
3. Brenda Reed Oleash
4. Patty Dunton
5. John Quarstein

**Chair Smith adjourned the Board of Historic Resources meeting at 2:07 p.m.**