

# Approved Minutes

## BOARD OF HISTORIC RESOURCES

**9:00 a.m. September 19, 2019**

At Historic Christ Church and Museum, The Bayne Center, 420 Christ Church Road, Weems, VA 22576

### Board of Historic Resources Members Present:

Dr. Colita Nichols Fairfax, Chair  
Dr. Ashley Atkins-Spivey, Chair  
Erin Ashwell  
David Ruth  
Karice Luck-Brimmer

### Board of Historic Resources Members Absent:

Nosuk Pak Kim  
Jeffrey Harris

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

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Jennifer Loux  
Jennifer Pullen  
Jim Hare  
Marc Wagner  
Elizabeth Lipford  
Aubrey Von Lindern  
Mike Pulice  
Wendy Musumeci

### Other State Agency Staff Present:

Catherine Shankles, Office of the Attorney General

**Guests Present (from sign-in sheet):** Jocelyn Adumah (Portsmouth Cradock); Ernest and Willie Anderson (New Kent); Sherry Brown (Alexandria); Julie Chop (Portsmouth Cradock); Morgan Delaney (Alexandria); Mary Ruffin Hanbury (Ellington); Elizabeth McCall (Alexandria); Robert Montague (Alexandria); John T. Richards (Alexandria); Gail Rothrock (Alexandria); Beth Daly Stafford (Palmer Hayden); Addison B. Thompson (Alexandria and Tuckahoe)

Vice-chair Colita Fairfax called the meeting to order at 9:05 am, explained the purpose of the Board of Historic Resources, and asked each member to introduce him/herself. Vice-chair Fairfax requested a motion to approve the Meeting Agenda, which was so moved by Ms. Ashwell, seconded by Mr. Ruth, and so approved unanimously by the assembled members.

The first order of business being the election of new officers for the board due to the expiration of the terms of Chairman Clyde Smith and Vice-chairman Fred Fisher in June, Dr. Fairfax requested a motion for the nomination of a new chair of the Board of Historic Resources. Ms. Ashwell nominated Dr. Fairfax for the chairmanship and was seconded by Dr. Atkins-Spivey. No opposition having been voiced, Dr. Fairfax was unanimously elected. Chairman Fairfax next requested a motion for the nomination of a new vice-chair of the Board of Historic Resources. Mr. Ruth nominated Dr. Atkins-Spivey for the vice-chairmanship and was seconded by Ms. Ashwell. No opposition having been voiced, Dr. Atkins-Spivey was unanimously elected to the position.

## **HIGHWAY MARKERS**

Jennifer Loux, Highway Marker Program Manager, introduced herself and noted that public comment regarding the new markers would be invited at the end of the presentation, which began with the following Diversity Sponsor Markers.

### **Sponsor Markers – Diversity**

#### **1.) Morris Stanley Alexander (1891-1977)**

**Sponsor:** James L. Davidson Jr.  
**Locality:** Lynchburg  
**Proposed Location:** 3409 Rivermont Avenue

**2.) “The Crying Tree”**

**Sponsor:** Town of Marion  
**Locality:** Marion  
**Proposed Location:** 231 West Main Street

**3.) Mount Pleasant Methodist Church**

**Sponsor:** Town of Marion  
**Locality:** Marion  
**Proposed Location:** 320 South Main Street

**4.) Carnegie High School**

**Sponsor:** Town of Marion  
**Locality:** Marion  
**Proposed Location:** 602 South Iron Street

**5.) Palmer Hayden (1890-1973)**

**Sponsor:** Friends of Widewater State Park  
**Locality:** Stafford County  
**Proposed Location:** Inside Widewater State Park

**6.) Robert Mush (ca. 1758-1837)**

**Sponsor:** Mary Elizabeth Conover Foundation, Inc.  
**Locality:** King William County  
**Proposed Location:** TBD

**7.) Pvt. Shadrach Battles (ca. 1746-ca. 1824)**

**Sponsor:** Mary Elizabeth Conover Foundation, Inc.  
**Locality:** Charlottesville or Albemarle County  
**Proposed Location:** TBD

**8.) First Baptist Church**

**Sponsor:** Cameron Foundation  
**Locality:** Petersburg  
**Proposed Location:** 236 Harrison St.

**9.) Samuel Wilson Crump (1919-1995)**

**Sponsor:** New Kent County Board of Supervisors  
**Locality:** New Kent County  
**Proposed Location:** New Kent County Courthouse

## Comment Summary:

Ms. Ashwell asked about whether fundraising was still ongoing for these markers. Dr. Loux responded that funding sources are indicated at the time of application, but the marker payment is not due until it is ready to be manufactured. After Dr. Loux's presentation, Chair Fairfax asked if there was anyone in the audience who wished to speak. Mrs. Anderson, daughter of Samuel Wilson Crump, expressed her appreciation of the marker for Mr. Crump. Mr. Ruth expressed his appreciation of DHR staff efforts to publish The Guidebook to Virginia's African American Historical Markers (copies of which had been distributed to each member of the board that morning), with the encouragement to update the edition as soon as reasonably possible via an app or other means. Following Mrs. Anderson's and Mr. Ruth's remarks, Chair Fairfax called for a motion of approval. A motion was made to approve the markers as presented in a block by Ms. Ashwell and seconded by Mr. Ruth, and the markers were approved unanimously. Dr. Loux then presented the second block of markers, the Sponsor Markers.

### **Sponsor Markers**

#### **1.) Cradock Historic District**

**Sponsor:** City of Portsmouth

**Locality:** Portsmouth

**Proposed Location:** Intersection of Afton Parkway and Prospect Parkway, in median

#### **2.) George Mason at Pohick Church**

**Sponsor:** Mary Elizabeth Conover Foundation, Inc.

**Locality:** Fairfax County

**Proposed Location:** 9301 Richmond Highway, Lorton

#### **3.) Origins of Shenandoah University**

**Sponsor:** Shenandoah University

**Locality:** Rockingham County

**Proposed Location:** US Route 42 North, at intersection of John Wayland Highway and Killdeer Lane, near Dayton town limit

## Comment Summary:

After Dr. Loux's presentation, Chair Fairfax asked if there was anyone in the audience who wished to speak. Hearing none, Chair Fairfax called for a motion of approval. Ms. Ashwell made a motion to approve the markers as presented in a block and was seconded by Mr. Ruth, and the markers were approved unanimously. Dr. Loux then presented the single sponsor-funded Replacement Marker.

### **Sponsor-funded Replacement Marker**

#### **1.) Trenches on Hupp's Hill (Replacement)**

**Sponsor:** Town of Strasburg

**Locality:** Shenandoah County

**Proposed Location:** US Route 11, 0.1 mile south of Signal Knob Drive

After Dr. Loux's presentation, Chair Fairfax asked if there was anyone in the audience who wished to speak. A member of the Strasburg Community expressed her appreciation for the replacement at which point Chair Fairfax called for a motion of approval. Ms. Ashwell made a motion to approve the markers as presented and was

seconded by Mr. Ruth. The marker was then approved unanimously. Dr. Loux then presented the single updated text for an existing marker:

### **Updated Text for Marker Originally Approved in 2011 but Not Yet Manufactured**

#### **1.) Escape to Freedom**

Dr. Loux explained that, after an eight-year hiatus, a sponsor had come forward to support the cost of manufacture and erection. Due to the lengthy passage of time, the text of the marker previously approved was revisited by DHR staff and the Marker Editorial Committee with the recommendation to discuss more fully the lives of the three original contrabands identified in the updated text and rename the marker as indicated above (the original title having focused solely on Union General B. Butler). There being no public comment post Chair Fairfax's invitation, a motion to approve was made by Dr. Atkins-Spivey, seconded by Ms. Ashwell, and unanimously approved. Dr. Loux then presented an independent marker proffered by Fauquier County which, subject to the Code of Virginia, was required to be reviewed for design and topic content – it being of statewide significance – by the board.

### **Independent Marker**

#### **1.) Rosenwald Schools in Fauquier**

There being no public comment following the invitation from Chair Fairfax, a motion to approve was made by Ms. Ashwell, seconded by Dr. Atkins-Spivey, and unanimously approved, thus completing the Highway Markers portion of the agenda at 9:34. Chair Fairfax requested a brief break so that the Joint Meeting of the Board could be called to order.

### **Break, 9:34 a.m. – Board of Historic Resources Meeting**

JOINT MEETING  
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES  
**September 19, 2019**

At Historic Christ Church and Museum, The Bayne Center, 420 Christ Church Road, Weems, VA 22576

**State Review Board Members Present**

Joseph D. Lahendro, Chair  
Dr. Sara Bon-Harper  
Dr. Carl Lounsbury  
Dr. Jody L. Allen  
John Salmon  
Dr. Laurant Lee  
Dr. Brian C. Bates

**Historic Resources Board Members Present**

Dr. Colita Nichols Fairfax, Chair  
Dr. Ashley Atkins-Spivey, Vice-Chair  
Erin B. Ashwell  
David Ruth  
Karice Luck-Brimmer

**State Review Board Members Absent**

None

**Historic Resources Board Members Absent**

Nosuk Pak Kim  
Jeffrey Harris

**Department of Historic Resources Staff Present**

Julie Langan, Director  
David Edwards  
Jim Hare  
Elizabeth Lipford  
Wendy Musumeci

Stephanie Williams, Deputy Director  
Jennifer Pullen  
Michael Pulice  
Aubrey Von Lindern  
Marc Wagner

**Other State Agency Staff Present:**

Honorable Matthew J. Strickler, Secretary of Natural Resources  
Joshua Saks, Deputy Secretary, Deputy Secretary of Natural Resources  
Catherine Shankles, Office of the Attorney General

**Guests present:** Tom Gilmore (Ellington); Kayla Halberg (Hargrave Military Academy); Paige Pollard (Hargrave Military Academy); Ben Wall (Hargrave Military Academy)

HRB Chair Fairfax called the meeting to order at 9:42 a.m.

**Introduction**

HRB Chair Fairfax introduced the Board and its members, followed by a motion for approval of the Minutes of the June 2019 meeting. The motion was offered by Ms. Ashwell, seconded by Mr. David, and approved unanimously without modification.

**State Review Board (SRB)**

Acting Chair Joseph Lahendro explained the role of the SRB and the process of Register designation. He invited the SRB members to introduce themselves, and welcomed everyone in attendance.

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

Acting Chair Lahendro asked for a motion to approve the agenda for the meeting at hand. With a motion from Dr. Bon-Harper and a second from Dr. Lounsbury, the SRB voted unanimously to approve the agenda.

### Special Address

HRB Chair Fairfax introduced the Honorable Matthew J. Strickler, Secretary of Natural Resources, who welcomed the attendees, and acknowledged the contributions of Dir. Langan and DHR Staff. He spoke briefly about his Virginia roots, academic background and role in state government ending with a brief exposition of the Governor's agenda to address issues of equity and race in the Commonwealth. He then introduced Deputy Secretary Joshua Saks.

Deputy Director Saks presented the Conserve Virginia program and took questions from the board and the audience.

DHR Director Julie Langan, proceeded to deliver the Director's Report following the Conserve Virginia presentation.

### **Director's Report:**

BRB Chair Fairfax invited Community Services Division Staff to present the first set of nominations to be considered.

### **NOMINATIONS**

**The following Eastern Region nomination was presented by Ms. Elizabeth Lipford.**

1. \*\*Ellington, Hanover County, DHR No. 042-0400, Criterion A

A motion for HRB members to approve the nomination was made by Ms. Ashwell, seconded by Mr. David and approved unanimously.

A motion for SRB members to approve the nomination was made by Dr. Bon-Harper, seconded by Dr. Lee, and approved unanimously.

**The following Eastern Region nomination were presented by Mr. Marc Wagner**

2. \*\*Holly Springs Apartments Historic District, City of Richmond, DHR No. 127-7205, Criteria A and C

SRB member John Salmon recused himself and left the meeting at 11:12 a.m. after Mr. Wagner's presentation.

A motion for HRB members to approve the nomination was made by Ms. Ashwell, seconded by Dr. Spivey-Atkins and approved unanimously.

A motion for SRB members to approve the nomination was made by Dr. Bon-Harper, seconded by Dr. Lounsbury, and approved unanimously.

SRB member John Salmon returned to the meeting.

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

3. New Kent Ordinary, New Kent County, DHR No. 063-0021, Criteria A and C
4. Periwinkle Cottage, Albemarle County, DHR No. 002-5311, Criterion C

A motion for HRB members to approve the nominations as a block was made by Ms. Ashwell, seconded by Ms. Luck-Brimmer and approved unanimously.

A motion for SRB members to approve the nominations as a block was made by Dr. Lee, seconded by Mr. Salmon, and approved unanimously.

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

1. \*\*Sligo, City of Fredericksburg, DHR No. 111-0097, Criterion C
2. \*\*Willisville Historic District, Loudoun County, DHR No. 053-5116, Criteria A and C

A motion for HRB members to approve the nominations as a block was made by Ms. Ashwell, seconded by Mr. Ruth, and approved unanimously.

A motion for SRB members to approve the nominations as a block was made by Dr. Bon-Harper, seconded by Dr. Lee, and approved unanimously.

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

1. Hargrave Military Academy, Pittsylvania County, DHR No. 187-5004, Criteria A and C
2. St. Albans Hospital, Pulaski County, DHR No. 077-0046, Criteria A and C

A motion for HRB members to approve the nominations as a block was made by Dr. Atkins-Spivey, seconded by Mr. Ruth, and approved unanimously.

A motion for SRB members to approve the nominations as a block was made by Dr. Lounsbury, seconded by Dr. Bates, and approved unanimously.

The Regional Nomination presentations being concluded, a courtesy presentation to explain the update of the existing nomination for Tuckahoe was presented by Ms. Lipford. Because nomination updates do not require board review and approval, Ms. Lipford proceeded by introducing Tuckahoe property owner Mr. Addison Thompson. Mr. Thompson explained his association with the property, his former membership on the board, and expressed his appreciation for the efforts by DHR to bring expand and bring the nomination up to date.

At the conclusion of Mr. Thompson's remarks, HRB Chair Fairfax and Director Langan make a special presentation to recognize the service of former HRB chair, Clyde P. Smith, who was thanked and presented with a personal highway marker facsimile detailing his devotion to the mission of the Agency and the Board.

The Joint Session of the Boards was then adjourned at 12:27 p.m.

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

**BOARD of HISTORIC RESOURCES**

At Historic Christ Church and Museum, The Bayne Center, 420 Christ Church Road, Weems, VA 22576

**Board of Historic Resources Members Present:**

Dr. Colita Nichols Fairfax, Chair  
Dr. Ashley Atkins-Spivey, Vice Chair  
Erin Ashwell  
Karice Luck-Brimmer  
David Ruth

**Board of Historic Resources Members Absent:**

Jeffrey “Free” A. Harris  
Nosuk Pak Kim

**Other State Agency Staff Present:**

Catherine Shankles (Office of the Attorney General)  
Joshua Saks, Deputy Secretary of Natural Resources

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

John T. Richards, Jr.  
Morgan Delaney  
Gail Rothrock  
Robert Montague  
Sherry Browne  
Elizabeth McCall  
Addison B. Thompson  
Brad Smith  
Judy Moore-Hernandez  
Susan Moore  
Anita Downs  
Brenda Reed-Olejasz  
Gary Chittum  
Jamie Craig  
Rusty Olejasz  
Adam Gillenwater  
Kayla Hallberg  
Ben Wall  
Paige Pollard  
Tom Gilmore

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

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Megan Melinat  
Wendy Musumeci  
Elizabeth Tune  
Joanna Wilson Green

These minutes summarize the activities that took place at this meeting. Chair Fairfax called the meeting to order at 1:07 p.m., explained the purpose of the Board of Historic Resources (“Board”), and asked each member to introduce him/herself. Chair Fairfax then read a statement about participation during the public comment period.

**GENERAL PUBLIC COMMENT CONCERNING THE BOARD OF HISTORIC RESOURCES**

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

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

1. John T. Richards, Jr. (Vowell Snowden Black House, Alexandria)
2. Morgan Delaney (Vowell Snowden Black House, Alexandria)



3. Gail Rothrock (Vowell Snowden Black House, Alexandria)
4. Robert Montague (Vowell Snowden Black House, Alexandria)
5. Sherry Browne (Vowell Snowden Black House, Alexandria)
6. Elizabeth McCall (Vowell Snowden Black House, Alexandria)
7. Addison Thompson (Vowell Snowden Black House, Alexandria)
8. Brad Smith (Weblin House, City of Virginia Beach)
9. Judy Moore Hernandez (Weblin House, City of Virginia Beach)
10. Susan Moore (Weblin House, City of Virginia Beach)
11. Anita Downs (Weblin House, City of Virginia Beach)
12. Brenda Ree-Olejasz (Weblin House, City of Virginia Beach)
13. Gary Chittum (Weblin House, City of Virginia Beach)
14. Rusty Olejasz (Weblin House, City of Virginia Beach)
15. Jamie Craig (proposed legislation that may impact future easement donations)

Chair Fairfax called for a five-minute break at 2:01 p.m.

## **EASEMENTS**

Chair Fairfax reconvened the meeting at 2:16 p.m.

Chair Fairfax requested the inclusion of a closed session at the next Board Meeting.

## **New Easement Offers**

Ms. Musumeci presented the following easement offer:

### **1. Hanover County Tract on Cold Harbor Road, Cold Harbor Battlefield, Hanover County**

Property Owner: Hanover County, currently under contract to American Battlefield Trust

Acreage: 50.035 acres

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

The Hanover County Tract at Cold Harbor Road is composed of two tax parcels measuring approximately 55.635 acres. Of this, a 50.035-acre portion (the “Property”) is proposed to be placed under historic preservation and open-space easement with the Board of Historic Resources (“Board”). Located on Cold Harbor Road (Route 156) in southeastern Hanover County, the Property is currently used for agricultural and open space purposes. In 2018, Hanover County proposed to develop the Property with a sports complex including five playing fields, playgrounds and parking. County residents protested this plan, and the American Battlefield Trust (the “Trust”) successfully negotiated the sale of the Property and its preservation as a battlefield site. The Trust is scheduled to close on the Property in December 2019. A communications tower and 5.6 acres surrounding it will be retained by Hanover County and not subject to the historic preservation and open-space easement. The County has also reserved a 40’ wide access and utility easement that cuts across the Property from Cold Harbor Road to the communications tower. Additional resources include two recorded archaeological sites, twenty acres of wooded cover, frontage on Elder Swamp Stream and a small area of wetlands. The Trust is applying for an American Battlefield Protection Program (“ABPP”) grant, and a Virginia Battlefield Preservation Fund (“VBPF”) grant to assist with the fee-simple purchase of the property. After conveying an easement on the Property, the Trust plans to use it for open space, agricultural and battlefield interpretation purposes.

The Property is located entirely within the core and study areas of the Cold Harbor Battlefield, which has been given a Preservation Priority Rating of I.1 Class A by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of I.1 are those with a critical need for action. Battlefield sites rated Class A are those that had a decisive influence on their campaign (in this case Grant’s Overland Campaign from May to June 1864) and a direct impact on the course of the war. The Property is also located entirely within the study area of the Gaines’ Mill Battlefield, which has a Preservation Priority Rating of I.1 Class A by the CWSAC. The Property contains 8.9 acres

within the study area of the Savage's Station Battlefield, which has a Preservation Priority Rating of VI.1 Class C from the CWSAC. The property falls entirely within the Cultural and Preservation layer of Conserve Virginia.

The Easement Acceptance Committee recommended acceptance of the easement offer on the Hanover County Tract subject to the following condition:

1. Final review of all title work by the Office of the Attorney General.

Comments Summary:

Mr. Ruth acknowledged the efforts of the American Battlefield Trust in acquiring this property and expressed appreciation of their efforts to negotiate a purchase agreement. Mr. Ruth then made a motion to approve the easement offer as presented. Ms. Ashwell seconded the motion and it was unanimously approved by the Board.

Ms. Wilson Green presented the following easement offer:

## **2. Engh Farm, Rappahannock Station I Battlefield, Culpeper County**

Property Owners: Gerard and Patricia Engh

Acreage: 211.88 acres

Grant Funding: American Battlefield Protection Program

Located in eastern Culpeper County just northwest of the town of Remington, the Engh Farm is comprised of three tax parcels totaling 732.45 acres. The owners, Gerard and Patricia Engh, are proposing to donate an easement to the Board over 211.88 acres of the larger property. The Engh Farm is currently used for residential, agricultural (cattle) and commercial hunting purposes. It is also used by the Enghs in their commercial hunting business. The proposed easement area appears to have been used for agricultural or open-space purposes from the Civil War to the present day. There are no buildings or documented archaeological resources in the proposed easement area. The Engh Farm is visible from Clover Hill Road (Route 710), Wynwood Lane and Big Horn Road. The proposed easement area includes frontage along the Rappahannock River, a Virginia Scenic River, as well as two streams. All river and stream frontage has been properly buffered and fenced to improve water quality. The Trust has applied for ABPP grant funding on behalf of the owners. Grant funding will cover approximately half of the value of the easement, and the owners plan to take advantage of the Virginia Land Preservation Tax Credit as well as a Federal income tax deduction for the remaining value.

The Engh Farm is partially within the core area (approximately 80.94 acres) and partially within study area (approximately 134.79 acres) of the Rappahannock Station I Battlefield (Freeman's Ford), which has been given a Preservation Priority Rating of II.4 Class D by the CWSAC. Sites with a priority rating of II are those that are in relatively good condition with opportunities for "comprehensive preservation". Battlefield sites rated Class D are those "having a limited influence on the outcome of their campaign or operation but achieving or affecting important local objectives", in this instance, the Northern Virginia Campaign from June to September 1862.

Easement Acceptance Committee recommended acceptance of the easement offer on the Engh Farm Tract subject to the following conditions:

1. Final review of title work and easement draft by the Office of the Attorney General.

Comments Summary:

No discussion.

Vice Chair Spivey made a motion to approve the easement offer as presented; it was seconded by Ms. Ashwell and was unanimously approved by the Board.

## **Easement Offers for Reconsideration**

Ms. Wilson Green presented the following easement offers for reconsideration. The items were presented as a Consent Agenda due to expiration of prior Board approval, with only minor changes to the proposed easement offers, per Easement Program Policy #2: *Criteria for Acceptance of Easements*.

**1. Stevens Tract, Fredericksburg I and II Battlefields, Spotsylvania County**

Property Owner: American Battlefield Trust (the “Trust”)

Acreage: 0.269 acres

Grant Funding: American Battlefield Protection Program

Located south of the City of Fredericksburg, the Stevens Tract contains three tax parcels totaling just over one-quarter acre. The property is improved for residential use by a frame dwelling. On March 16, 2017 the Board recommended acceptance of the easement, subject to the following conditions:

1. Demolition and removal of existing non-historic buildings and structures within five (5) years of the date of easement recordation.
2. Any change to this timeline must be negotiated with DHR in advance of recordation of the easement.
3. Rehabilitation of the battlefield landscape shall be conducted according to a written management plan negotiated between the Trust and DHR and incorporated into the easement directly or by reference.
4. Any lease in effect at the time of recordation must be subordinated to the easement, and the following must occur:
  - a) DHR is provided with a copy of any lease agreement related to the property within thirty (30) days of execution.
  - b) DHR is provided with written documentation that any tenants occupying/using the property have agreed to sign the deed and subordinate their interest to the easement.

Board approval expired in March 2019 and the following are updates to the previously approved easement offer:

- The Trust intends to terminate residential use of the property on December 31, 2019 due to an ongoing drainage issue.
- Staff made a site visit to the property in July 2019.
- All title work associated with the property was reviewed by the Office of the Attorney General (“OAG”), and minor revisions to the title commitment are expected.

Staff recommended acceptance of the original easement terms, with the caveat that any residential tenants occupying the property at the time of recordation will not be required to sign the deed.

**2. Wilson and Mays Tract, Trevilian Station Battlefield, Louisa County**

Property Owner: American Battlefield Trust

Acreage: 22.69 acres

Grant Funding: American Battlefield Protection Program

Located along State Route 33 in Louisa County, the Wilson and Mays Tracts are comprised of two contiguous parcels measuring approximately 22.69 acres within the core and study areas of the Trevilian Station Battlefield. The property fronts Route 33 (also known as Louisa Road) and is almost entirely wooded.

The Board convened on June 15, 2017 and approved the *Mays Tract* easement offer as presented.

The Board approved the *Wilson Tract* easement offer at its March 15, 2018 meeting with the following conditions:

1. Combine the Mays and Wilson Tracts into a single property and ease them together.

2. Acquisition of a current boundary survey locating all pertinent utility easements and rights-of-way.
3. Demolition of all non-historic buildings and structures and rehabilitation of the landscape according to a written management plan negotiated between the Trust and DHR and incorporated into the easement directly or by reference.
4. The Trust to provide written correspondence from Louisa County Planning Department confirming consistency of easement with local land-use planning.
5. Review of all title work by the OAG.

The following updates are applicable to this easement offer:

- The Trust has provided an updated boundary survey, complete title documentation, and confirmation of Comprehensive Plan consistency from the Louisa County Planning Department.
- All title work associated with the property was reviewed by the OAG, and minor revisions to the title commitment are expected.
- The terms of the easement and associated management plan have been negotiated and both documents have been reviewed by the OAG.

Board approval for the Mays Tract easement offer expired in March 2019. Because the Board's approval expired and the conditions for approval have changed to include incorporation with the adjacent Wilson Tract, staff is presenting the easement offer again to the Board for its reconsideration.

Staff recommends acceptance of the easement over the combined Mays and Wilson Tracts, pending final review by the OAG of all title work.

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

**Property Owner:** American Battlefield Trust

**Acreage:** 37.4 acres

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

The 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 use, but was never developed.

The Virginia Board of Historic Resources ("Board") convened on September 17, 2015, and recommended acceptance of the unimproved Sandy Ridge Tract easement offer, reiterating its approval at its September 21, 2017 meeting, both with 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 Trust and the DHR, and such plan shall be incorporated into the easement either directly or by reference.
3. Approval by the Board is also subject to a review of all title work associated with the property.

The following updates are applicable to this easement offer:

- 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.
- All title work is currently in review by the OAG.

Board approval for the Sandy Ridge Tract easement offer expires in September 2019. Because the conditions for approval have changed and the Board's approval will soon expire, staff presented the easement offer to the Board again for its reconsideration.

Staff recommended acceptance of the easement under the revised terms, pending final review of all title work by the OAG.

#### **4. Downing Tract, Kernstown I Battlefield, Frederick County**

Property Owner: American Battlefield Trust

Acreage: 35.95

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

Located off Apple Valley Road (State Route 652) just southwest of Winchester, the Downing Tract contains 35.95 acres of land. Comprised primarily of forested cover (primarily mixed hardwoods), the property is unimproved.

The Virginia Board of Historic Resources (“Board”) convened on December 11, 2014, and recommended acceptance of the unimproved Downing Tract easement, reiterating its approval at its September 15, 2016 meeting, both with the following conditions:

1. Any previously recorded plats of subdivision and internal lot lines that affect the property are vacated prior to recordation of the easement.
2. Because the property contains more than 20 acres of forested cover, timber stands on the property will be subject to a forest management provision in the easement.
3. Any rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by ABT and DHR, and such plan shall be incorporated into the easement either directly or by reference.

The terms of the easement and associated management plan have not changed. Board approval for the Downing Tract easement offer expired in September 2018. Because the Board’s approval has expired, staff presented the easement offer again to the Board for its reconsideration.

Staff recommended acceptance of the easement as originally proposed, pending final review of all title work by the OAG.

Comment Summary:

There was no discussion.

Ms. Ashwell then made a motion to approve the consent agenda as presented. The motion was seconded by Ms. Luck-Brimmer and approved unanimously by the Board.

#### **Easement Violations**

Ms. Wilson Green updated the Board on the following notice of violation that occurred on an existing easement property, originally reported at the June 2019 Board meeting:

##### **1. Kirby Tract, Third Winchester (Opequon) Battlefield, Frederick County**

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

Violation Classification: Major and Willful

At the June 2019 Board meeting, the Board was notified of Easement Program staff’s receipt of a series of photographs of the Kirby Tract taken by a concerned citizen; this information was received at DHR on April 1, 2019. These photographs documented significant mechanical ground disturbance between the existing dwelling and barn and the adjacent Redbud Road (VA Route 661). Upon review of files associated with this property, staff confirmed that this ground disturbance took place without prior review or approval by DHR. Director Langan

specifically requested that all ground disturbance cease until the review process was complete, however attempts to contact and work with the SVBF were unsuccessful. SVBF was notified of the violation by letter dated April 10, 2019 and sent by certified mail, and the Board was notified at its June 20, 2019 meeting.

Following the formal notification, SVBF contacted DHR Easement Program staff by telephone twice, leaving voice mail messages requesting a phone conversation. Both messages were returned with no subsequent response. SVBF contacted Director Langan by electronic mail on June 25, indicating that the organization planned to proceed with the construction project “in the absence of the benefit of DHR staff support”. Director Langan reiterated that all work on the property must cease until the review process was completed. On July 17, staff received an email requesting a date for a telephone conference. Staff responded on July 22 with potential dates, but received no subsequent response.

On August 19, staff visited the Kirby Tract and confirmed that the construction project was nearing completion. DHR has notified SVBF and the Office of the Attorney General that a willful and major violation of the easement had occurred, as required by program policy. DHR Easement Program staff also notified the American Battlefield Protection Program, which provided grant assistance for the purchase of the property.

One of the primary conservation values of the Kirby Tract as identified in the easement is its role as a representative portion of the Third Winchester Battlefield. Battlefield properties are considered significant for their cultural and emotional place in American history. They are also enormously significant as archaeological resources, and are likely to contain sites that both pre- and post-date the Civil War. These resources are often the only surviving physical evidence of both battle actions and other human activity. By proceeding with ground disturbance in the absence of review, any opportunity to assess the archaeological significance of this portion of the Kirby Tract was lost.

Staff recommends that the Board require that SVBF hire a professional archaeological firm to complete a Phase I archaeological survey of the remainder of the Kirby Tract. This firm should also complete a damage assessment for the portion of the property affected by the unauthorized ground disturbance and construction. The survey and assessment should be completed, and technical reports reviewed and approved by DHR, no later than December 1, 2019 so that staff may provide the Board with an update at its next meeting.

#### Comments Summary:

Ms. Ashwell expressed horror at the failure of the property owner to stop work and considered it a serious breach of the partnership between SVBF and DHR. Ms. Ashwell encouraged DHR to consider filing an injunction in such instances in the future. Director Langan clarified that, as an ex officio member of SVBF’s Board of Directors, she was aware of the proposal, but not aware that the work continued without approval, and was clear in her communications that all work must cease until approval could be provided. Ms. Ashwell expressed concern that the explanatory letter (dated September 17, 2019) submitted to the Board by the property owner asserted no damage to the property occurred, and stated that the Board should decline future easement offers from SVBF until this violation was resolved and the complete lack of communication addressed. Ms. Ashwell reiterated that this situation illustrates a complete breakdown in the partnership of the two agencies, and if SVBF is not going to abide by the terms of the agreement, no other agreements will be considered. Vice Chair Atkins-Spivey clarified that the concern extended beyond the lack of communication, as the violation was acknowledged and work still proceeded. Chair Fairfax inquired what the penalty for such action has been in the past. Director Langan replied that staff does not believe there has been an analogous situation in the history of the program; other violations have occurred, but mitigation followed immediately with the cooperation of the property owner. Vice Chair Atkins-Spivey commented on the fact that assertions were made in SVBF’s letter to the Board that could not be accurately assessed without evaluation of existing conditions by a professional archaeologist. Vice Chair Atkins-Spivey stated that as an archaeologist, she could clearly ascertain that the archaeological record was completely destroyed, and noted that the architectural resources also appear impacted by the unapproved work. Ms. Musumeci clarified that the house was not contemporaneous to the battle, and that the easement requires approval for work on the exterior of the house. Vice Chair Atkins-Spivey asked if DHR staff recommendations were shared with SVBF. Director Langan replied that SVBF agreed to the damage assessment portion of the staff recommended mitigation. Further

direct conversation was planned between DHR and SVBF, but no follow-up occurred. Vice Chair Atkins-Spivey agreed with Ms. Ashwell that the owner must be held accountable and supported a hold on future easement offers with SVBF. Chair Fairfax commented that a financial penalty should also be pursued. Director Langan clarified that DHR does not have that authority. Ms. Ashwell expressed dismay that the Board of Historic Resources actively participated in property acquisition and then were directly disregarded. Vice Chair Atkins-Spivey asked if SVBF is aware they violated federal law because federal dollars were also involved in SVBF's purchase of the property. Staff replied that the American Battlefield Protection Program was notified of the violation and is awaiting Board comments prior to taking action under their own deliberation. Ms. Shankles noted that pending easement offers would likely be affected by grant expiration dates. Ms. Musumeci noted that there may be additional easement program fees associated with the conversion/diversion evaluation process. Vice Chair Atkins-Spivey reiterated that withholding consideration for other easement offers from SVBF is necessary. Mr. Ruth clarified that SVBF agreed to the damage assessment and not yet to the Phase I request. Mr. Ruth stated that the egregiousness of the violation must be made abundantly clear and the requirements of the staff enacted. Mr. Ruth stated that some of the points outlined by SVBF in their letter warrant consideration, but others were inappropriate. Ms. Ashwell stated her unwillingness to establish a precedent of asking forgiveness instead of permission, and noted that SVBF representation at the Board meeting was warranted. Ms. Musumeci noted that it would be helpful to have clarification and direction from the Board regarding the existing and pending easement offers from SVBF. Vice Chair Spivey supported placing all SVBF easement offers on hold until the situation was appropriately resolved. Ms. Shankles noted that pending applications could be held but offers with pending approval may need to be re-presented to the Board. Ms. Ashwell agreed that no further applications should be considered, and suggested that if no significant progress was made regarding the required mitigation, all easements in process must be re-presented to the Board in December. Ms. Shankles agreed to complete additional legal research on the matter. Ms. Ashwell observed that the DHR-SVBF relationship functioned well previously and questioned the sudden change. Director Langan replied that SVBF suffered from capacity issues beyond their normal circumstances. Chair Fairfax indicated that a lack of capacity should not impact their moral imperative, and emphasized her righteous discontent with the actions of SVBF and hoped that a stiffer penalty for non-compliance could be considered. Director Langan stated her belief that they will accept whatever actions the Board requires and noted that the deadlines within the staff recommendations are key. Vice Chair Atkins-Spivey agreed that training for SVBF was necessary, and observed that SVBF's responsibilities under Section 106 were likely impacted and encouraged DHR to review that aspect fully. Ms. Tune clarified that the requested damage assessment is separate of the requested Phase I investigation.

Ms. Ashwell summarized the Board's requirements for resolution of the major and willful violation of the Kirby Tract easement by SVBF, and stated:

1. Until resolution of the violation, the Board will not consider any easement offers from SVBF;
2. Easement staff will update the Board at the December 2019 meeting of all offers that previously received Board approval but are not yet recorded;
3. SVBF must complete the damage assessment and Phase I investigation, to be conducted by a DHR-approved qualified professional, and submit the report to DHR by December 1, 2019 as recommended by staff;
4. DHR will conduct training with SVBF staff;
5. Upon receipt and review of the required reports, DHR will review the work conducted to determine whether it violated the provisions of the Open Space Land Act, specifically Section 1704, Conversion-Diversion; and
6. SVBF must respond to all communications from DHR within forty-eight (48) business hours.

Vice Chair Atkins-Spivey made a motion to implement Ms. Ashwell's requirements of SVBF. Mr. Ruth seconded and the Board voted unanimously to approve the motion.

### **Administrative Item**

Ms. Tune presented an update to Easement Policy #7: Violations. The revision of the existing policy clarifies the language and notification process and includes a requirement that notifications are sent electronically as a pdf document, with copies to the Office of the Attorney General and the Chairperson of the Board of Historic Resources, as well as hardcopy via trackable mail service.

With a motion from Ms. Ashwell and a second from Vice Chair Atkins-Spivey, the policy update was unanimously approved by the Board.

### **New Easements Recorded Since the June 2019 HRB Meeting**

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

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

Property Owner: American Battlefield Trust

Acreage: 20.703 acres

Date Recorded: 08/19/19

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

**2. Christ Episcopal Church, Lucketts, Loudoun County**

Property Owner: Trustees, Christ Episcopal Church, Lucketts

Acreage: 0.9440 acre

Date Recorded: 08/20/19

Grant Funding: none

### **Board Training**

Ms. Ashwell made a motion to postpone the scheduled Board Training to a later date. The motion was seconded by Vice Chair Atkins-Spivey and passed unanimously.

Vice Chair Atkins-Spivey made a motion to conclude the September 2019 meeting of the Board of Historic Resources. Mr. Ruth seconded the motion, and all present voted in favor of the motion.

**Chair Fairfax adjourned the Board of Historic Resources meeting at 3:18 p.m.**

### **STATE REVIEW BOARD**

At Historic Christ Church and Museum, The Bayne Center (Annex), 420 Christ Church Road, Weems, VA 22576

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

Joseph D. Lahendro, Chair

Dr. Sara Bon-Harper, Vice-Chair

Dr. Laurant Lee

Dr. Carl Lounsbury

Dr. Jody L. Allen

John Salmon

Dr. Brian Bates

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

Jim Hare

Marc Wagner



Elizabeth Lipford  
Mike Pulice  
Aubrey Von Lindern  
David Edwards

**Guests (from sign-in sheet):** None.

Chair Lahendro called the meeting to order at 12:45 p.m. for discussion and consideration of the Preliminary Information Forms (informal guidance session).

Preliminary Information Forms

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

**Western**

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

1. Carver Price School, Appomattox County, DHR No. 165-5003, Criterion A  
*The reasoning for limiting the criteria to A, rather than also including C, was discussed. Mr. Hare explained recent feedback from the NPS review in this regard. Mr. Pulice explained the otherwise unremarkable character of the architecture and various expansions, while stressing the importance of Criterion A – Ethnic Heritage: African American, and the ability to analyze the architectural changes and additions within in the context of African American education in the mid-20<sup>th</sup> Century without having to meet the Criterion C. Reference was also made to the admonition from the NPS to guard against Criteria Creep, which is often an obstacle to efficient and cost-effective nominations preparation.*
2. Coffey General Store and House, Bedford County, DHR No. 009-5092, Criteria A and C
3. Danville Doctors Building, City of Danville, DHR No. 108-0056-0161, Criteria A and C  
*Comment was made regarding the retention of the important character defining features of the horizontal windows.*
4. Fleetwood School, Nelson County, DHR No. 062-5237, Criteria A and C
5. Graham-Watson Farm, Wythe County, DHR No.098-5350, Criteria A and C
6. Jackson Barn, Rockbridge County, DHR No. 081-7171, Criterion C
7. Martinsville Historic District Boundary Increase, City of Martinsville, DHR No. 120-5098, Criteria A and C  
*Chair Lahendro noted interest in connecting, when possible, the various styles of the building in the district expansion with their function.*
8. Southside High School, Pittsylvania County, DHR No. 071-5820, Criteria A and C
9. Summers, Lewis Preston, Law Office, Town of Abingdon, Washington County, DHR No. 140-0029, Criteria A, B, and C. *Board members asked if Summers wrote his history books in the office and if his home is still standing as questions to be addressed in a nomination.*

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

1. Belleview Historic District, Town of Orange, Orange County, DHR No. 275-5005, Criteria A and C
2. Knightsbridge Apartments, City of Alexandria, DHR No. 000-9731, Criteria A and C
3. Richardson, Amon, House, Rappahannock County, DHR No. 078-5197, Criterion A
4. Sperryville Historic District Update and Boundary Increase, Rappahannock County, DHR No. 078-5196, Criteria A and C
5. T. C. Walker School, Bath County, DHR No. 008-5076, Criteria A and C

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

1. Cape Charles Rosenwald School, Town of Cape Charles, Northampton County, DHR No. 182-0003, Criteria A and C
2. Dupont “A” Village, City of Hopewell, DHR No. 116-5150, Criteria A and C  
*Some discussion about the chronology of the disastrous fire that occurred in 1916 (?) and how it related to the erection of the kit houses.*
3. Eyreville, Northampton County, DHR No. 065-5126, Criteria A, B, C, and D
4. Kecoughtan Court Apartments, City of Hampton, DHR No. 114-5823, Criteria A and C
5. Port Royal Historic District Update and Boundary Increase, Town of Port Royal, Caroline County, DHR No. 284-0007, Criteria A, C, and D.  
*Dr. Lounsbury commented on the existence of invaluable historical drawings (photographs) of the town that exist in a certain collection (to be named) made prior to the expansion of Rt. 3 through Port Royal.*
6. St. John’s United Holy Church of America, City of Richmond, DHR No. 127-7209, Criterion A and Criteria Consideration A
7. Woodbourne, Westmoreland County, DHR No. 096-5066, Criteria B and C

**Mr. Lahendro adjourned the session at 3:30**

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