

FINAL MINUTES

JOINT MEETING of the STATE REVIEW BOARD and HISTORIC RESOURCES BOARD

10:00 a. m. March 17, 2016

Halsey Lecture Hall, Virginia Historical Society, 428 N. Boulevard, Richmond, VA 23221

**State Review Board Members Present**

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

**Historic Resources Board Members Present**

H. Edward “Chip” Mann, Chair  
Clyde Paul Smith, Vice-Chair  
Ashley Atkins-Spivey  
Eleanor Weston Brown  
Drew Gruber  
Margaret T. Peters

**State Review Board Members Absent**

None

**Historic Resources Board Members Absent**

Terri Hauser

**Department of Historic Resources Staff Present**

Julie Langan, Director  
David Edwards  
Marc Wagner  
Melina Bezirdjian  
Michael Pulice  
Elizabeth Lipford  
Joanna Wilson Green  
Patrice Elliott

Stephanie Williams, Deputy Director  
Aubrey Von Lindern  
Jennifer Pullen  
Lena Sweeten McDonald  
Jen Loux  
Brad McDonald  
Wendy Musumeci  
Bobbie Blakely

**Guests present** (from sign-in sheet) – Ken Stuck, Gordon Lohr, Ben Ford, Susan Ortmann, David Auerbach, Sam Auerbach, Charles Jones, Robert Harris, Nadia Octon

**Guests from State Agencies** – Catherine Ayres and Allison "Allie" A. Kotula (Office of the Attorney General); Ken Stuck (Virginia Department of Transportation); Brian Hogg (University of Virginia)

**State Review Board (SRB)**

Chair Elizabeth Moore called the SRB meeting to order at 10:04 a.m. and explained the role of the SRB and the process of designation, and invited the SRB members to introduce themselves. She asked for a motion to approve the meeting agenda. With a motion from Mr. Lahendro and a second from Dr. Lanier, the SRB voted unanimously to approve the minutes as presented.

She then presented the December 10, 2015, meeting minutes and requested 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 as presented.

Chair Moore presented the January 27, 2016, meeting minutes and requested a motion to approve the minutes. With a motion from Dr. Lanier and a second from Mr. Lahendro, the SRB voted unanimously to approve the minutes as presented.

Chair Moore presented the February 11, 2016, meeting minutes and requested 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 as presented.

Chair Moore announced that the Board would receive a presentation of the proposed bylaws for the State Review Board from OAG staff member Catherine Ayres. Ms. Ayres stated that Article VI Section A (2) and Article VI Section H (1) (iii) have been recommended to be deleted from the bylaws. Ms. Ayres asked if the Board members had any questions about the bylaws. Dr. Bon-Harper asked if there is a reason for deleting the “acting secretary designation” aspect. Ms. Ayres said that staff do not believe that having a staff member’s name on the minutes would be appropriate. Deputy Director Williams added that internally the minutes are drafted by several staff and it would not be appropriate to hold a single individual responsible for the minutes when the minutes compilation is owned by the entire staff. Chair Moore asked for a motion to approve the bylaws with the deletions as proposed. With a motion from Dr. Bon-Harper and a second from Dr. Lanier, the SRB voted unanimously to approve the bylaws with the deletions as proposed.

Chair Moore asked for a motion to nominate a member of the SRB to be elected to the office of Vice-Chair. With a motion from Dr. Bon-Harper and a second from Dr. Lanier, the SRB voted unanimously to elect Mr. Lahendro to the office of Vice-Chair.

**Historic Resources Board (HRB)**

Chair H. Edward “Chip” Mann called the HRB meeting to order and welcomed everyone in attendance. Chair Mann explained the role of the HRB and invited the HRB members to introduce themselves. He asked for a motion to approve the agenda. With a motion from Dr. Atkins Spivey and a second from Ms. Peters, the HRB voted unanimously to approve the agenda as presented.

Chair Mann presented the December 10, 2015, meeting minutes and asked for a motion to approve the minutes. With a motion from Mr. Gruber and a second from Dr. Atkins-Spivey, the HRB voted unanimously to approve the minutes as presented.

Chair Mann presented the January 27, 2016, meeting minutes and requested a motion to approve the minutes. With a motion from Ms. Peter and a second from Ms. Brown, the HRB voted unanimously to approve the minutes as presented.

Chair Mann presented the February 11, 2016, meeting minutes and requested a motion to approve the minutes. With a motion from Vice-Chair Smith and a second from Ms. Brown, the HRB voted unanimously to approve the minutes as presented.

Chair Mann announced that the Board would receive a presentation of the proposed bylaws for the Board of Historic Resources from OAG staff member Catherine Ayres. Ms. Ayres stated that Article VI Section B (2) and Article VI Section H (1) (ii) have been recommended to be deleted from the bylaws. Ms. Ayres asked if the Board members had any questions about the bylaws. The HRB members had no questions. Chair Mann asked for a motion to approve the bylaws with the deletions as proposed. With a motion from Vice-Chair Smith and a second from Dr. Atkins Spivey, the HRB voted unanimously to approve the bylaws with the deletions as proposed.

**Director’s Report (DHR)**

Director Langan reported that the General Assembly’s session has adjourned and that during the budget process, DHR maintained level funding. The agency’s request to add a new easement position was not approved. Director Langan noted several upcoming events on the calendar to which Board members are invited, and noted that Board members are invited to a meeting of the staff evaluation committee on May 4, 2016, to see the committee’s evaluation process. She notified the Board members that the June 2016 joint meeting will not take place in Alexandria as had been planned due to logistics and cost. A meeting location has not yet been determined. She explained that after the joint session adjourns, the Board of Historic Resources will meet in the Bluford Classroom at the Virginia Historical Society, and the State Review Board will meet in the Collections Study Room at the Department of Historic Resources. Director Langan asked for questions from the Board members. Hearing none, she introduced DHR administrative staff members Bobbie Blakely and Patrice Elliott who will offer a presentation about updates to state travel regulations.

**Travel Regulations Update.....presented by Bobbie Blakely**

Ms. Blakely explained the Commonwealth Accounting Policies and Procedures (CAPP) that must be followed by DHR to address travel reimbursement for SRB and HRB members. Chair Moore asked for clarification about treatment of non-state employees versus state employees. Ms. Blakely explained that all Board members are treated by DHR as non-state employees, including those members who are employed at other state agencies. The Board members had no other questions.

**NOMINATIONS**

Vice Chair Lahendro and Dr. Bon-Harper left the room at 10:38 a.m. during the discussion presentation, discussion, and voting for the Foster Site (City of Charlottesville) nomination. After their departure, Chair Moore noted that the SRB retained a quorum to consider the nomination.

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

1. \*\*The Foster Site, City of Charlottesville, #104-5140, Criteria A and D

**Comments made:**

Chair Moore recognized Brian Hogg, senior preservation planner at the University of Virginia, and Dr. Ben Ford, author of the nomination. Mr. Hogg thanked the Boards for hearing the nomination presentation and thanked DHR staff for their assistance. He explained that the site helps to illuminate the University’s early history. He acknowledged Dr. Ford and his colleagues for the quality of their work on the project. Chair Moore thanked Mr. Hogg for bringing the Foster Site to the Boards’ attention.

Chair Moore asked the SRB for questions. None were posed. Chair Moore asked for a motion to approve the nomination as presented. With a motion from Mr. Salmon and a second from Dr. Lee, the SRB voted unanimously to approve the nomination as presented.

Chair Mann asked for a motion to approve the nomination as presented. Ms. Peters made the motion and Dr. Atkins Spivey seconded. Ms. Peters noted that during the entirety of her career in historic preservation, she had never read a nomination more thoroughly researched and prepared and that offered such a powerful argument for an important site. Chair Mann asked for a voice vote from the HRB to approve the nomination as presented. The HRB voted unanimously to approve the nomination.

Vice-Chair Lahendro and Dr. Bon-Harper re-entered the meeting at 10:52 a.m., after the SRB had concluded its discussion and voting.

- 2. \*\*The Tavern at Old Church, Hanover County, #042-0041, Criteria A and C

**Comments made:**

Chair Moore welcomed the property owners, David Auerbach and Susan Ortmann. Ms. Ortmann thanked the SRB members, Director Langan, Mr. Wagner, Lena McDonald, and Gordon Lorre for their assistance with the nomination project. She noted two minor changes in the nomination’s Section 7, page 9, in which the first paragraph states a door opens from a parlor but opens from a hallway; and that on the third floor there is not a third connecting doorway. DHR staff will make these corrections to the nomination.

Mr. Auerbach explained that the brick and frame sections of the tavern were under separate ownership from 1893 until 2015. The individual who owned the frame section had lived there from childhood until the end of her life. She had feared that National Register listing would infringe on her property rights, despite that Register designation is honorary. The Auerbach-Ortmann family now owns the property in its entirety.

Chair Moore asked for a motion to approve the nomination with the corrections as proposed. With a motion from Dr. Lee and a second from Vice-Chair, the SRB voted unanimously to approve the nomination.

Chair Mann asked for a motion to approve the nomination with the corrections as proposed. With a motion from Ms. Brown and a second from Mr. Gruber, the HRB voted unanimously to approve the nomination.

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

- 1. Ashwood School, Bath County, #008-5037, Criterion A

**Comments made:**

Chair Moore asked if anyone in the audience was associated with the property. No one was present.

Chair Moore asked if the SRB members had any questions or concerns that had not been addressed. Vice-Chair Lahendro said that the additional information provided today and that will be included in the nomination answered his questions. Ms. Ayres asked for clarifications about Vice-Chair Lahendro’s concerns. Vice-Chair Lahendro explained that the nomination provided for advance review did not include detailed information about aspects of the property’s setting and interior finishes with regard to materials that had been removed or replaced, but that this information has now been provided and will be incorporated into the final nomination form.

The SRB had no other questions. Dr. Lee said that the emphasis on the disparities represented by the historic segregated school system should be included in the nomination. Vice-Chair Lahendro said that aspect is well-discussed in the nomination.

Chair Moore asked for a motion to approve the nomination with the inclusion of the additional information discussed today. With a motion from Vice-Chair Lahendro and a second from Dr. Lee, the SRB voted unanimously to approve the nomination with the inclusion of the additional information discussed today.

Mr. Hare, Director of DHR’s Survey & Register Division, commended DHR’s Aubrey Von Lindern for her work on the nomination and noted her work, along with her colleagues in the Community Service Divisions, with the public as DHR’s representatives in the field.

Chair Mann asked for a motion to approve the nomination as presented. With a motion from Ms. Peters and a second from Vice-Chair Smith, the HRB voted unanimously to approve both nominations.

Chair Moore explained that the Western Region nominations would be presented and voted on as a group, but that time for discussion of each nomination would be provided. Chair Mann explained that the presentations would be provided in the numerical order shown on the meeting agenda.

**Western Region.....presented by Anne Stuart Beckett**

- 1. \*\*Court House Hill/Downtown Historic District 2016 Boundary Increase, City of Lynchburg, #118-5495, Criteria A and C
- 2. \*\*Roanoke City Health Center, City of Roanoke, #128-0049-1666, Criteria A and C
- 3. Roland E. Cook Elementary School, Town of Vinton, Roanoke County, #149-0052, Criteria A and C

**Comments made:**

Mr. Pulice noted that all three nominations were prepared by Hill Studio’s Katie Coffield and Alison Blanton.

Chair Moore asked if the SRB members had any questions. Vice-Chair Lahendro asked if the architect of the Roland E. Cook School is known. Mr. Pulice said that it is included in the nomination but he could not remember the person’s name offhand.

Vice-Chair Smith asked what the current use of the Roanoke City Health Center is. Mr. Pulice said the building is currently vacant and not in use. Vice-Chair Smith asked about use of the Cook School, and Mr. Pulice said it is being rehabilitated for multiple family use.

Mr. Gruber asked about the property owner objection letter that DHR received with regard to the Court House Hill/Downtown Historic District 2016 Boundary Increase and if the objecting owner had provided any information in addition to what was in the objection letter. Ms. McDonald said no. Dr. Bon-Harper asked if any guidance from DHR staff is needed regarding the objection. Mr. Hare said there is no additional information to convey as information beyond that included in the objection letter was never provided. Director Langan stated that a majority of owners within the historic district support the nomination.

Chair Moore asked for a motion to approve the nominations as presented in presentations 1, 2, and 3. With a motion from Dr. Lee and a second from Dr. Lanier, the SRB voted unanimously to approve the nominations as presented.

Chair Mann asked for a motion to approve the nominations as presented in presentations 1, 2, and 3. With a motion from Dr. Atkins Spivey and a second from Vice-Chair Smith, the HRB voted unanimously to approve the nominations as presented.

**The joint meeting adjourned at 11:35 p.m.**

**Register Summary of Resources Listed:** Historic Districts: 1  
Buildings: 4  
Structures: 0  
Sites: 1  
Objects: 0  
MPDs: 0

**HISTORIC RESOURCES BOARD**

Halsey Lecture Hall, Virginia Historical Society, 428 N. Boulevard, Richmond, VA 23221

**Historic Resources Board Members Present:**

H. Edward “Chip” Mann, Chair  
Clyde Paul Smith, Vice-Chair  
Ashley Atkins-Spivey  
Eleanor Weston Brown  
Drew Gruber  
Margaret T. Peters

**Historic Resources Board Members Absent:**

Terri Hauser

**Other State Agency Staff Present:**

Catherine Ayres (Office of the Attorney General)  
Ken Stuck (Virginia Department of Transportation)

**Guests Present:**

Gail P. Hinton-Copeland (Booker T. Washington Alumni Association)  
Julia Bradley (Booker T. Washington Alumni Association)  
Willard Bailey (Booker T. Washington Alumni Association)  
Charlene Christian Andrews (Booker T. Washington Alumni Association)  
Robert E. Harris, Sr. (Prince Hall Grand Lodge of Virginia)  
Charles Jones (Prince Hall Grand Lodge of Virginia)

H. Edward Mann, Chair, reconvened the meeting of the Virginia Board of Historic Resources at 11:41 a.m. and noted there was a quorum present. H. Edward Mann-Chair, C. Smith-Vice Chair, A. Atkins-Spivey, M. Peters, D. Gruber, and E. Weston Brown composed the Historic Resources Board (the “Board” or “HRB”). Board member T. Hauser was absent.

**HIGHWAY MARKERS**

Chair Mann stated that the proposed text of each of the highway markers to be presented had been provided to the Board members in advance of the meeting. Chair Mann stated that Sponsor Markers-Diversity Items #1 through #7 would be considered in a block motion by the Board.

J. Loux, Highway Marker Historian, introduced herself to the Board, and presented the following highway markers for the Board's consideration:

**Sponsor Markers – Diversity**

**1. Prince Hall Masons in Virginia**

**Sponsor:** Most Worshipful Prince Hall Grand Lodge of Virginia

**Locality:** Petersburg

**Proposed Location:** 236 Harrison Street

**2. Mt. Nebo Baptist Church**

**Sponsor:** Philip Bradley

**Locality:** King William County

**Proposed Location:** 1224 Kirby St., West Point

**3. Roberts Memorial United Methodist Church**

**Sponsor:** Roberts Memorial United Methodist Church

**Locality:** Alexandria

**Proposed Location:** 606 A South Washington Street

**4. Mount Calvary Cemetery Complex**

**Sponsor:** VDOT

**Locality:** Portsmouth

**Proposed Location:** corner of Des Moines and South Streets

**5. George W. Carver High School**

**Sponsor:** Carver High School Alumni Association

**Locality:** Newport News

**Proposed Location:** 6158 Jefferson Ave

**6. Freedom for Slaves of Robert Carter III**

**Sponsor:** Northern Neck of Virginia Historical Society

**Locality:** Northumberland County

**Proposed Location:** 72 Monument Place, Old County Courthouse, Heathsville

**7. Booker T. Washington High School**

**Sponsor:** Booker T. Washington High School Alumni Association

**Locality:** Suffolk

**Proposed Location:** 201 Lee Street

**Comments Summary:**

Vice-Chair Smith asked Ms. Loux to repeat her reference to Alexandria for Item #1-Prince Hall Masons in Virginia. Ms. Loux responded it was the location of the first Prince Hall Lodge in Virginia. For Item #7, Vice-Chair Smith inquired if the curriculum was only for grades one through eight, without a provision for education of these students beyond eighth grade at that time. Ms. Loux responded yes, at that period and once they got the high school curriculum it only went through grade eleven for a number of years and finally it was standardized to twelfth grade. Chair Mann asked if there were any members of the public that would like to comment. Mr. Robert E. Harris, Sr. addressed and thanked the Board on behalf of the Prince Hall Grand Lodge of Virginia. Vice-Chair Smith asked Mr. Harris how many current members the organization had. Mr. Harris replied 5,800. Vice-Chair Smith inquired if this was in the Commonwealth of Virginia and if they had many places they met. Mr. Harris replied yes, but Petersburg was the birthplace. Chair Mann thanked Mr. Harris and Mr. Jones for their interest and for coming to the meeting. Ms. Gayle Hinton-Copeland addressed and thanked the Board as President and on behalf of the Booker T. Washington Alumni Association and noted she was a 1968 graduate of the school. She introduced Ms. Julia Bradley, past Vice-President and Historian for the Association. Ms. Bradley addressed the Board and noted she graduated from Booker T. Washington High School in 1956. She thanked the Board and Ms. Loux. Ms. Bradley clarified that after eighth grade students would leave and go to private school to finish their education or out of state with family members to finish high school. She noted the first class graduated in 1937 and they moved to the new school in 1953. Chair Mann asked the marker sponsors to keep Ms. Loux informed about scheduling the marker ceremonies so that Board members could maximize getting the word out to the community, alumni, and members about the marker and that the Board would be as involved as it could possibly be to help facilitate this.

Chair Mann called for a motion to approve the proposed texts and authorize the manufacture of the highway markers presented as Sponsor Markers-Diversity Items #1 through #7. With a motion from Ms. Weston Brown and a second from Mr. Gruber, the Board voted unanimously to approve the motion.

## **TEA-Funded Marker - Diversity**

### **1. *Loving v. Virginia***

**Sponsor:** DHR

**Locality:** Caroline County

**Proposed Location:** tbd

#### **Comments Summary:**

Chair Mann inquired if the Loving's left the state. Ms. Loux responded yes, they temporarily moved to Washington, D.C. Ms. Peters observed that if possible the location for the marker should be near the Caroline County Courthouse since that was where the case was heard. Ms. Peters also stated that the marker text should mention the initial decision was upheld by the Virginia Supreme Court but overturned by the U.S. Supreme Court. Ms. Loux responded that information was in the text. Vice-Chair Smith stated he agreed with Ms. Peters and asked if the Board had input on the location. Ms. Loux stated that this marker was grant funded and did not have a sponsor behind it advocating for a particular location. Ms. Loux stated that she contacted Caroline County officials for their opinion but had not heard back. Chair Mann stated that there was Board consensus for a location in a high traffic area near the courthouse if possible. Vice-Chair Smith stated that a location near the courthouse seemed appropriate. Ms. Ayres stated that statutorily the Director of the DHR had the final say regarding the location. Chair Mann commented that the Board was providing thoughts and advice regarding the location and noted that a historical movie on the topic would soon be released and the marker unveiling could be timed with this. Director Langan stated the Department was working toward timing the marker with release of the movie.

Chair Mann called for a motion to approve the proposed text and authorize the manufacture of the *Loving v. Virginia* highway marker. With a motion from Vice-Chair Smith and a second from Ms. Peters, the Board voted unanimously to approve the motion.

Chair Mann stated that he had a process question related to the previous block of markers and asked if the instigator of the Portsmouth Cemetery marker was the Virginia Department of Transportation ("VDOT"). Ms. Loux responded yes and the marker proposal was initiated five or six years ago as part of a mitigation agreement for the construction of Martin Luther King highway in Portsmouth.

Chair Mann stated that Sponsor Markers--Items #1 through #5 would be considered in a block motion by the Board.

## **Sponsor Markers**

### **1. Stokesville**

**Sponsor:** Sangerville-Towers Ruritan Club

**Locality:** Augusta County

**Proposed Location:** south side of SR 730 (North River Road) just east of its intersection with SR 718 (Stokesville Road)

### **2. Oregon Hill**

**Sponsor:** Oregon Hill Neighborhood Association

**Locality:** Richmond City

**Proposed Location:** 911 Idlewood Ave.

### **3. Bethlehem Baptist Church**

**Sponsor:** Bethlehem Baptist Church

**Locality:** Chesterfield County

**Proposed Location:** 9600 Midlothian Tpke.

### **4. Greenwood-Afton Rural Historic District**

**Sponsor:** Western Albemarle Association

**Locality:** Nelson County

**Proposed Location:** Eastbound Interstate 64 scenic overlook near mile marker 100

### **5. Norge Depot**

**Sponsor:** James City County Historical Commission

**Locality:** James City County

**Proposed Location:** 7364 Richmond Road (U.S. 60)

#### **Comments Summary:**

Chair Mann questioned why the origins of the Oregon Hill name were not included in the text for Item #2-Oregon Hill and if this came up during discussions about the text. Ms. Loux responded not specifically, but there were a number of iterations of the working text between the sponsors, outside experts on Richmond history, and DHR and noted that it was a lot to condense into a 100 word frame. Chair Mann asked if the origin of the Oregon Hill name was a factor. Ms. Loux responded no. Chair Mann asked about Item #4-Greenwood-Afton Rural Historic District and whether the historic district included the historic property Mirador. Ms. Loux replied that she was not sure.

Chair Mann stated that some early markers mention that a specific place is located nearby. Ms. Loux responded that this was the second marker for this historic district and the new marker was to be located on its western edge. Ms. Loux stated that she told the marker sponsor that the text had to be differentiated from the existing marker to justify two markers on this topic and the focus was on the Rockfish gap connection. Ms. Peters observed that Mirador had its own marker. Chair Mann stated that it did, but he was looking at it from a tourism perspective and it might be helpful to cross-reference on marker texts in general. Ms. Loux observed that including Mirador in this case might deviate from the Rockfish Gap story. Vice-Chair Smith asked if there was a 100 word limit for the text. Ms. Loux responded that the limit was 700 characters which usually translated to about 100 words. Vice-Chair Smith asked if there were ever two separate markers that covered one topic. Ms. Loux responded not that she was aware. Chair Mann stated that there were some markers two-sided markers with different text on each side. Ms. Loux stated that the War of 1812 heritage trail markers have a general War of 1812 history on one side and the specific topic described on the other. Ms. Weston Brown observed that this was an area where technology would aid in telling the bigger story through the website and visitors could map their trails to see what was nearby.

Chair Mann called for a motion to approve the proposed text and authorize the manufacture of the highway markers presented as Sponsor Markers- Items #1 through #5. With a motion from Ms. Atkins-Spivey and a second from Mr. Gruber, the Board voted unanimously to approve the motion.

### **Replacement Markers (Sponsor-funded)**

#### **1. The Cattle (Beefsteak) Raid UO-5 (erected 1962)**

**Sponsor:** Sussex County

**Locality:** Sussex County

**Proposed Location:** State Route 35, about 250 feet past intersection with State Route 626

#### **Comments Summary:**

Chair Mann called for a motion to approve the proposed text and authorize the manufacture of replacement highway marker for The Cattle (Beefsteak) Raid. With a motion from Ms. Weston Brown and a second from Mr. Gruber, the Board voted unanimously to approve the motion.

#### **Marker Retirement Update**

Ms. Loux provided the Board with a quarterly report on recently retired markers in compliance with the marker retirement policy adopted last year. Ms. Loux noted that there were four markers retired under provision (B) and one under provision (C) of that policy.

#### **Marker Criteria Update**

Ms. Loux requested that the Board amend one provision of the marker criteria document approved in 1993 related to how sites are chosen and approved. Because VDOT no longer erects markers in about 81 independent localities they wanted the language in the guidelines to reflect that more specifically. Ms. Loux provided the Board with a copy of the revised text and noted it was changed to more specifically reflect that VDOT approves the sites and installs the markers within its right-of-way and the localities do that within their jurisdictions.

Chair Mann noted the Board received a copy of the revised text prior to the meeting and called for a motion to approve the revised text as presented. With a motion from Ms. Peters and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

Ms. Peters stated that the damage to the Samuel Parsons House marker was fairly recent and was located in the Oregon Hill area. Ms. Peters observed that the Oregon Hill Neighborhood Association might want to consider sponsoring another marker to be put in a location near the house.

**Chair Mann called the meeting of the HRB into recess at 12:25 p.m. and noted the Board would reconvene in the Bluford Classroom/Learning Center at 1:00 p.m.**

### **HISTORIC RESOURCES BOARD**

Harry M. Bluford Classroom, Virginia Historical Society, 428 N. Boulevard, Richmond, VA 23221

#### **Historic Resources Board Members Present**

H. Edward "Chip" Mann, Chair

Clyde Paul Smith, Vice-Chair

Ashley Atkins-Spivey

Eleanor Weston Brown

Drew Gruber  
Margaret T. Peters

**Historic Resources Board Members Absent**

Terri Hauser

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

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Gillian Bearns  
Joanna Wilson Green  
Brad McDonald  
Megan Melinat  
Wendy Musumeci  
Jennifer Pullen  
Elizabeth Tune  
Stephanie Williams

**Other State Agency Staff present:**

Catherine Ayres (Office of the Attorney General)

**Guests present:** Amy Rogers (Bishops Run Partners, LLC); Steven Wyngarden (Civil War Trust); Adam Gillenwater (Civil War Trust); Tom Gilmore (Civil War Trust); Stuart Connock (Chesterfield County); Jamie Craig (Beechtree Group, LLC); Guy Lewis (Quail Haven, LLC)

H. Edward Mann, Chair, reconvened the meeting of the Virginia Board of Historic Resources (the “Board” or “HRB”) in the Harry Bluford Classroom of the Virginia Historical Society at 1:06 p.m. H. Edward Mann-Chair, C. Smith-Vice Chair, A. Atkins-Spivey, M. Peters, D. Gruber, and E. Weston Brown composed the Board. Board member T. Hauser was absent.

**EASEMENTS**

**Werowocomoco, Gloucester County**

*Vote on date to hold special meeting to discuss Easement Amendment*

**Comments Summary:**

Chair Mann noted that Board members had received an email asking what dates they were available to attend a special meeting to discuss an Amendment to the Werowocomoco Deed of Easement and noted there was not a date when every Board member would be available. C. Ayres stated that negotiations with the National Park Service regarding amendment of the Werowocomoco Conservation Easement were ongoing and noted that there was a May 15<sup>th</sup> deadline for completion of the project. C. Ayres stated she hoped the Board could hold a meeting at the end of April. Chair Mann stated that April 20<sup>th</sup> or April 26<sup>th</sup> were the current options. G. Bearns stated the later date might be better to allow more time for all the details to be worked out. Chair Mann stated the optimal date would be April 26<sup>th</sup> and asked the Board members if that date would work. Ms. Weston Brown said she that the only date she was available was April 20<sup>th</sup> and to move forward. Chair Mann stated they would tentatively go with April 26<sup>th</sup> and staff would provide briefing materials before that date. Chair Mann said that the Department was critical in getting Werowocomoco protected with an easement and issues with the easement and how the National Park Service would be stewards were pretty detailed and needed to be explained in a very specific way, thus the special meeting. Chair Mann stated a time and place had not been decided yet, but the Board would probably meet in Richmond. Director Langan stated that it would likely be held upstairs at the Department’s Richmond office. Ms. Bearns reminded those members who had indicated they were able to attend that there needed to be a quorum. Vice-Chair Smith observed that a start time after 11:00 a.m. would be preferable. Ms. Atkins-Spivey asked about the anticipated duration of the meeting. Ms. Ayres replied that she recommended blocking an afternoon /four hours.

Chair Mann then stated that officially let this be noticed to the Board that there will be a special meeting on April 26<sup>th</sup> in the afternoon in the Department of Historic Resource’s office for the purpose of discussion and approval of an amendment to the easement held by the Board on the Werowocomoco Archaeological site in Gloucester County. Chair Mann thanked the Board for their cooperation.

**Easement Amendments & Assignments for Consideration**

Ms. Tune presented the following proposed Amended Deed of Easement.

- 1. Quail Haven Farm, Culpeper County**  
*Proposed Amended Deed of Easement*

Ms. Tune noted that Mr. Craig and Mr. Guy Lewis, Managing Member, Quail Haven, LLC, were in attendance and that Mr. Craig facilitated the execution of the easement on the property. Ms. Tune then provided a description of the Quail Haven Farm property and outlined the terms and provisions of the easement. Ms. Tune stated that the Quail Haven Farm easement was recorded in 2013 as a partial-gift, partial-sale transaction (“2013 Easement”) with funding provided by the American Battlefield Protection Program (“ABPP”) and Virginia Civil War Site Preservation Fund. A Virginia Land Preservation Tax Credit and federal income tax deduction were also claimed for the remainder of the easement value not covered by the grant funding. The 2013 Easement permitted subdivision of the property into no more than 2 parcels, established and shown on a recorded plat of survey attached as an exhibit to the 2013 Easement and incorporated into the easement in Recital R-1, the legal description on page 13, and Provision 2.2 (Division).

Ms. Tune stated that Parcel 1 was 189.51 acres and Parcel 2 was 29.546 acres. Ms. Tune explained that staff received a request on behalf of the property owner in July 2015 to modify the boundaries of Parcel 1 and Parcel 2 from those established by the recorded plat attached as an exhibit to the 2013 Easement. Ms. Tune said that staff and the Office of the Attorney General (“OAG”) were in agreement that Provision 2.2(b) of the 2013 Easement did not permit a change to the boundary between Parcel 1 and Parcel 2 and showed the Board the applicable language from the easement as follows:

2.2 Division:

- (a) As of the Effective Date, the Property consists of two (2) separate tax parcels (Culpeper County Tax Map/Parcel No(s). 45-28 and 45-28A) as depicted on Exhibit A attached hereto, and described as follows:
  - 1. Parcel 1, identified as Tax Map/Parcel 45-28, currently comprising 189.512 acres, more or less; and
  - 2. Parcel 2, identified as Tax Map/Parcel 45-28A, currently comprising 29.546 acres, more or less.
- (b) The Property shall not be divided, subdivided, or separately conveyed as more than two (2) parcels, as depicted on Exhibit A attached hereto.
- (c) Boundary line adjustments with adjoining parcels of land are permitted and shall not be considered separate conveyances of portions of the Property or divisions or subdivisions of the Property, provided that Grantee approves such adjustments and is made party to any deed creating a boundary line adjustment, and at least one of the following conditions is met:
  - 1. The entire adjacent parcel is subject to a recorded perpetual conservation easement pursuant to the Virginia Open-Space Land Act; or
  - 2. The proposed boundary line adjustment shall have been reviewed and approved in writing in advance by Grantee.

Ms. Tune stated that because the boundaries of Parcel 1 and Parcel 2 were stipulated in the 2013 Easement, an amendment would be necessary to change the boundaries of the two parcels. Ms. Tune explained that an amended easement would also increase the existing 35-foot vegetated riparian buffer to 50 feet and increase the required public access from one (1) day per calendar year to two (2) days per calendar year. Ms. Tune reviewed the provision of the 2013 Easement that addressed amendments. Ms. Tune then explained how the Internal Revenue Service (“IRS”) viewed amendments and outlined staff’s concerns about the risks associated with amending the easement per recent IRS scrutiny and guidelines about easement amendments. Ms. Tune noted the 2013 Easement was still within the IRS look-back period and reviewed applicable case law regarding conservation easements.

**Comments Summary:**

Ms. Ayres stated during Ms. Tune’s presentation that the OAG had not found the language of the 2013 Easement ambiguous and it clearly stated the property could only be divided into those two parcels as shown on the attached exhibit. She noted that this language was not normally found in the Board’s easements and it was her understanding that the property owner and his representatives specifically requested the language be drafted in this manner. Ms. Tune stated that was correct and that it was the understanding of staff in working with the property owner and his representative that the desire was to establish these parcels up front and in perpetuity. Ms. Ayres asked if staff had a copy of the correspondence from the ABPP indicating they did not have any concerns that the proposed modification of the parcel sizes constituted conversion/diversion under Provision 5.3 of the 2013 Easement. Ms. Tune replied yes, in the form of an email. Mr. Craig stated he intended to provide a copy of that email to the Board. Ms. Ayres pointed out that the IRS discussion was related to conservation easements where a federal deduction was taken.

Mr. Craig then introduced himself as the principal of Beechtree Group and addressed the Board on behalf Mr. Lewis, managing member of Quail Haven Farm, LLC. Mr. Craig stated that Beechtree Group had completed six transactions with the Department as well as the Civil War Trust. Mr. Craig explained which parts of the property were within the core and study areas of the battlefield and that the 2013 Easement contained substantial restrictions. Mr. Craig noted that at the time the easement transaction took place, Mr. Lewis was settling his estate and decided on the proposed thirty acre parcel size with the understanding that the boundary line adjustment language of the 2013 Easement would allow for future changes. Mr. Craig noted that neither himself, Mr. Lewis, nor his attorneys at McGuire Woods interpreted the 2013 Easement language in the way that was explained by staff today. Mr. Craig showed the proposed new parcel boundaries and explained that Mr. Lewis had determined that a more realistic perspective for sale of the property was to modify the 30-acre parcel to 86 acres and the 189-acre parcel to 133 acres. Mr. Craig indicated that only Provision 2.2(b) and 2.2(c) of the 2013 Easement were relevant to the discussion, and not Provision 2.2(a). Ms. Ayres responded she did not have a copy of the 2013 Easement in front of her and could not confirm that 2.2(a) was irrelevant to the discussion. Mr. Craig said that neither the owner, himself, or the McGuire Woods attorneys saw the language “as depicted on Exhibit A” as setting the boundary lines in stone or making them permanent. Mr. Craig stated that no one ever viewed the internal or external property lines as perpetual in nature because Provision 2.2(c) stated that boundary line adjustments with adjoining parcels of land were permitted and were not considered separate conveyances, divisions, or

subdivisions. Mr. Craig indicated why the boundary lines needed to be moved in order to sell the property, noting that the 30 acre parcel was unsaleable because it had no agricultural value.

Ms. Ayres read Provision 2.2(a) of the 2013 Easement and stated she did not believe it was irrelevant to the discussion. Mr. Craig responded that it was a description of what existed at the time of the 2013 Easement and did not place any limitations. Ms. Ayres stated that was part of the disagreement. Mr. Craig noted he had a private meeting with Director Langan and Ms. Tune to discuss the issue and potential consequences to the state related to any IRS challenges and he considered himself a partner with the state and had a very active record with the Department of Historic Resources, Department of Forestry and the Virginia Outdoors Foundation. Mr. Craig noted that ultimately the Easement Acceptance Committee said it could not recommend approval to the Board for this request because it made a change to what was a perpetual restriction in the 2013 Easement. Mr. Craig said he had a written statement from appraiser Wesley Woods indicating that he did not interpret the 2013 Easement as prohibiting boundary line adjustments either internally or externally and he did not reflect that in the valuation he placed on the property post easement. Mr. Woods further stated in his email that, if the boundary line adjustment were not permissible, then he would need to revise his appraisal because additional value could be claimed by Mr. Lewis. Mr. Craig noted this was not the only easement deed that had this language which was a complicating factor, and the other two easement property owners with this language would also claim additional tax credits and federal deduction. Mr. Craig provided the Board members with a printed decision chart memo he created and gave his contact information should the Board want to talk with him offline. Ms. Ayres stated she did not think it would be appropriate for Board members to talk with Mr. Craig offline. Mr. Craig reviewed the three options on the decision chart and noted Mr. Lewis could only file an amended tax return until April 2017.

Ms. Weston Brown said that she wanted to understand the valuation better and noted that in his email Wesley Woods stated that he did not take into consideration the internal boundary line in his original valuation and he did not consider the boundary line adjustment impactful on the value of the property. Ms. Weston Brown stated that it was obvious that it was impactful on the valuation because the family needed the adjustment to get a meaningful division of the value of the property among the heirs. Ms. Weston Brown asked if it was impactful on the conservation values versus the overall real estate values. Mr. Craig responded it did not impact the conservation values and that was what Wesley Woods was asked to address in his email, but it clearly had an impact to the owners with regard to selling the farm. Ms. Peters stated that since the easement accompanied the land, when the property was resold the easement restrictions would remain in place, and asked if there was any reason to think the IRS would not at some point in the future raise certain questions about the valuation and this particular alteration. Ms. Peters observed that Mr. Craig had previously stated this could be done and the IRS would not have to know anything about it and asked if there would be potential for the IRS to have questions of subsequent owners. Mr. Craig replied he did not state the IRS did not have to know about it. Ms. Peters stated that was what Mr. Craig implied. Mr. Craig stated the IRS was not required to be notified. Ms. Peters replied she understood that. Mr. Craig stated there was no notification provision that he or McGuire Woods was aware of and, given that Provision 2.2(c) of the 2013 Easement clearly stated that boundary line adjustments were permissible, their position was that the "as depicted on Exhibit A" language was not intended to be a perpetual restriction and if the Board permitted a boundary line adjustment under Provision 2.2(c) it was simply an administrative matter.

Ms. Ayres stated that the Department and the OAG had done a thorough reading and concurred that the language was not ambiguous within Provision 2 of the 2013 Easement and the question now in front of the Board was not whether it could be approved under that section, but whether the Board was agreeable to amending the easement. Ms. Ayres stated that the Board had to determine whether to amend the 2013 Easement based on the information presented and the amendment section of the 2013 Easement. Ms. Bearn's stated that the IRS would be notified if an additional deduction was claimed based on the difference in value and Wesley Woods' professional opinion that there was a difference if you read the language one way versus the other and when that additional amended claim for the deduction was filed, that was notice to the IRS. Chair Mann stated that was a trigger. Ms. Bearn's replied it was noticed that something had changed in the easement that was recorded less than three years prior and was the triggering event that could result in an audit. Ms. Bearn's provided additional background information on recent IRS inquiries into conservation easements and the increasing number of audits and tax court cases, and potential consequences for the Board's status as a qualified easement holding organization. Ms. Bearn's further commented that the issue was that the Board was now being asked to change something that was originally itself a change to the Department's template easement. Ms. Bearn's noted the template language normally stated the owner had a subdivision right that could be executed at some point in the future because when the easement was in place, regardless of the underlying parcel boundaries with the County, the easement merged all that land together and the donor reserved the right to subdivide at some point in the future. Ms. Bearn's stated that in this case, that right was exercised before the easement was recorded. Ms. Ayres stated that when an easement contained a right to subdivide a property into two parcels, those could be different from the tax map parcels. Mr. Gruber asked staff to read the language of Provision 2.2(a) again. Ms. Ayres stated that the Easement Acceptance Committee was presenting the information to the Board so that it could make a determination. Ms. Weston Brown asked if these were the identified tax map parcels before the 2013 Easement was recorded. Ms. Bearn's replied that a plat with the two current parcel sizes was recorded with the County just before the 2013 Easement was recorded. Ms. Weston Brown asked for clarification. Ms. Bearn's replied the plat was recorded immediately before the 2013 Easement.

Mr. Craig showed an earlier plat of survey for the property and explained how the parcels were divided. Mr. Craig stated that so long as the conservation values were not negatively impacted, a change in boundary lines should be accepted. Ms. Bearn's clarified that the Department did not accept or deny deductions on the IRS 8283 Form and that on behalf of the Board once the easement was executed and recorded, the Department could decline to sign the form per the easement program appraisal policy. Mr. Craig stated that the donor had to have an appraisal and acknowledgment of the gift from the recipient and if the Department did not sign the 8283 Form the federal deduction would be disallowed. Ms. Bearn's responded that the Department could also send evidence the gift was accepted through a

contemporaneous acknowledgment letter. Chair Mann asked why an amendment process was necessary if an internal boundary was being adjusted. Ms. Ayres responded that Provision 2.2(a) defined the two separate tax parcels that made up the property and 2.2(b) stated the property could not be divided except as depicted on Exhibit A, and 2.2(c) addressed boundary line adjustments with adjoining parcels of land and that the term “property” was capitalized because it encompassed the two separate parcels and did not address internal boundary adjustments. Ms. Bearns stated that attaching the plat of survey with the two specific parcels was an exercise of the subdivision right and the boundaries were to be as shown in perpetuity and it became a perpetual restriction by writing it in the easement this way. Ms. Bearns stated that if the boundaries were to be changed the text of the 2013 Easement would need to be amended to permit this action.

Mr. Craig stated that it was not sensible to have a situation where the external lines were flexible and the internal ones were not, particularly if the same landowner owned both boundary lines. Mr. Gruber acknowledged Mr. Lewis and Mr. Craig as great advocates of the program and stated that he could not recall when the Board had encountered this situation before and was grappling with why. Ms. Bearns replied because the easement language normally included a reserved subdivision right to be executed at some future point and provided the flexibility that Mr. Lewis was now seeking. Ms. Bearns said that the language of the 2013 Easement ratcheted everything down and using the language was a case of unintended consequences. Chair Mann asked if there was any way to change this without going through the amendment. Ms. Bearns replied no, that any deed recorded subsequent to this that addressed this same language would be an amendment because the text of the easement would need to be changed, and that staff spent a lot of time talking about this and trying to accomplish these goals. Ms. Bearns said that the Department tried to build in limited flexibility where possible when drafting easements, but overall the IRS position was that this had essentially been carved in stone. Ms. Bearns said this was a very rigid standard to hold landowners to but that was what a conservation easement did and contributed to lengthier easement negotiations.

Mr. Gruber asked Mr. Craig if there were other easement properties that were similar in nature. Mr. Craig responded yes, two other properties had the same exact language. Mr. Gruber asked if that was at the behest of Mr. Lewis as well. Mr. Craig responded yes. Ms. Bearns stated Mr. Lewis was not the property owner, it was at the request of the property owners working with Mr. Craig and they requested everything be tied down in that manner. Mr. Craig clarified the language was at the request of McGuire Woods. Ms. Atkins-Spivey stated that the other defining factor was the federal deduction and asked for confirmation that was why the IRS was involved. Ms. Bearns responded yes. Ms. Atkins-Spivey stated that when the Board had accepted previous boundary adjustments or amendments a federal deduction was not attached. Ms. Ayres replied yes and the easement had different language. Ms. Bearns stated that most of the amendments the Board had recently seen had been with nonprofit organizations that were not eligible for a federal tax deduction or state tax credits or easements where no federal tax deduction was sought. Ms. Atkins-Spivey agreed this conflict appeared to be an unintended consequence. Ms. Ayres stated if the Board decided to approve the amendment, it did not mean the IRS would come after the Department, but it was a possibility and the Department did not know with certainty how much of a probability there was. Ms. Tune said that was one of the risk factors for the Board’s evaluation. Mr. Craig asked if DHR was required to notify the IRS if the easement was amended. Ms. Bearns replied no, the amended deduction would be the notification. Mr. Craig asked for confirmation that if a boundary line adjustment were approved there was no mandatory notification to the IRS, but if it was denied then the landowner was going to acquire a new appraisal, a revised Form 8283 would be submitted to DHR, and an additional deduction claimed which guaranteed the IRS would be woken up. Ms. Bearns stated that waking up and scrutinizing were two different things and in the second scenario where the landowner filed an amended deduction and the IRS scrutinized that deduction, once they saw that the basis was denial and upholding the perpetual nature of the restrictions, DHR’s position, with the advice of the OAG, was that the Department was in a very good place because it upheld the easement to the very highest standard. Ms. Bearns stated if the easement were amended and somehow the IRS became alerted to that amendment and decided to audit, there would be a different level of scrutiny. Ms. Bearns stated the risk to the Board and the property owner was different in this case. Ms. Tune asked to review the slide with the amendment language and noted this was pertinent to the Board’s decision and evaluation of the proposal. Ms. Bearns explained point #5 on the slide and commented that the IRS statutorily looked to determine whether this was eligible for a deduction, and if they determined it was not eligible for a deduction because the terms were subsequently changed, they would say this was not a qualified conservation contribution. Ms. Bearns explained the second prong of point #5 was whether the Board was a qualified easement holding organization as evaluated by the IRS and commented on how the IRS viewed these situations. Chair Mann asked if the chance of an audit with an amendment was any greater than with an individual taxpayer. Ms. Tune replied that was not known and this deduction was still within the three-year look back period and the concern was if and when the IRS looked at that initial deduction and saw the amendment, would that trigger a review; the actual valuation of the easement was a completely separate issue. Ms. Bearns explained how the IRS audit guidelines were applicable and that the guidelines directed auditors to immediately contact the Department of Justice if they saw an amendment and recently went so far as to suggest that an easement should not contain any amendment language at all. Ms. Tune stated amendments can be useful and positive things.

Ms. Atkins-Spivey asked if the look-back period was a specific, stipulated time period. Ms. Bearns replied it was three years from the date the deduction was filed, but if an amended deduction were filed it would restart the clock. Ms. Atkins-Spivey asked after the three year period expired and if no more deductions were filed, would that make the whole problem null and void. Mr. Craig addressed a question Chair Mann previously raised and stated that from 2008 Beechtree Group did not have a single transaction challenged by the IRS or the Virginia Tax Department. He stated that they carefully selected easement holders and appraisers, used McGuire Woods, and state and federal grant funding and, from a valuation perspective, the transaction was sound and chance of audit nil. Mr. Craig stated if they filed a revised valuation that would wake up all the tax authorities, but there was no need to notify them of an amendment. Ms. Atkins-Spivey asked if the IRS had the ability to look back and audit after the three year period. Ms. Ayres replied three years was the general look-back period unless the deduction was carried forward. Chair Mann asked when that expired. Ms. Bearns said the Department did not have that information; a signed 8283 Form did not mean the owner actually pursued or filed a federal deduction. Mr. Craig stated it was filed for the 2013 tax year, so the three-year look-back period ended April 2017, and he did not know if the deduction had been carried forward. Mr.

Gruber asked if the Board upheld the existing easement and the owner pursued a revised appraisal, would this satisfy Mr. Lewis and his family as to what they were looking to get out of the property. Mr. Craig it would satisfy Mr. Lewis to some extent but he had two other owners with the same language in their easements that would be impacted by that ruling and they were talking about a farm that was 1,000 acres with a half a million dollar change in valuation. Ms. Williams asked if Ms. Atkins-Spivey was asking if the owner could come back after the three-year look back period expired. Mr. Craig said they would not do that. Ms. Atkins-Spivey asked why not wait. Ms. Weston Brown said she did not think it was relevant because any amendment would trigger it again. Mr. Craig stated that Mr. Lewis needed to separate his business entity from his brother's family due to declining health. Mr. Craig clarified he was working pro bono on this matter.

Ms. Weston Brown stated that the amendment provision said the Board could amend the easement to enhance the property's preservation and conservation values or to add to the property and asked staff to review the proposed enhancement. Ms. Tune replied the enhancement was an additional day of public access from one to two days of public access and an increase of the existing riparian buffer along the river from thirty-five feet to fifty feet. Ms. Weston Brown stated notwithstanding the perpetuity question for the two parcels, she had not heard staff's opinion about the enhancement of the conservation values. Ms. Weston Brown asked if this was viewed by staff as an enhancement. Mr. Gruber and Ms. Weston Brown said two days of public access was consistent with the Board's current policy. Ms. Tune stated that was correct. Mr. Craig stated fifty feet was the current policy for buffers. Ms. Bearn said the Board did not actually have a policy on buffers. Mr. Craig said the Virginia Outdoors Foundation had a standard. Ms. Bearn said the Department did not have a standard. Ms. Weston Brown asked for confirmation that in the industry, fifty feet was considered best practice. Ms. Bearn said a thirty-five-foot minimum was recommended under the Chesapeake Bay Act. Ms. Peters stated it would be expanded from thirty-five feet to fifty feet. Chair Mann stated that was an enhancement. Ms. Weston Brown said yes, that was what the Board must decide. Ms. Weston Brown summarized that staff's concern was whether the recordation and the existing easement of the two platted parcels would be challenged by the IRS as a violation of the perpetuity requirement and there was no concern about this action impacting the conservation values. Ms. Tune replied that was correct. Chair Mann said the concern was the perpetuity clause. Ms. Weston Brown replied yes and the IRS taking a very black and white stance and that she understood the risk. Chair Mann asked Ms. Weston Brown to elaborate on that. Ms. Weston Brown replied this was one of the very difficult situations where a balancing was required and noted in this case there was a very charitable taxpayer who cared about the conservation values of the property. Ms. Weston Brown stated there was also an error in judgment at the time of recordation and there was a conservation community where there were, and would probably continue to be, abuses in valuation which were addressed and that this was not one of them. Ms. Weston Brown noted the IRS had taken a very hard line because of abuses and as Ms. Bearn had stated, it was very hard to argue the facts. Ms. Weston Brown stated that if the IRS denied the perpetuity of the restriction the Board might lose, in the sense the IRS might challenge the Board as a qualified holder and this was a risk she was willing to take, and that the taxpayer took the biggest risk because their deduction could be denied. Vice-Chair Smith asked what the chances of that were. Ms. Weston Brown replied that she did not know and did not want to make the IRS the judge. Ms. Peters stated that they were a determining factor in the Board's decision. Ms. Weston Brown said the Board had to decide, on balance, whether an amendment met the provision of the 2013 Easement that stated an amendment must enhance the preservation values. Vice-Chair Smith asked if the Board could say that the increase in buffer width from thirty-five to fifty feet would do that. Ms. Weston Brown said it seemed to her as if that was a significant increase but she was relying on staff to indicate whether that was an enhancement. Mr. Gruber noted the enhancement itself was within the study area of the battlefield and not the core area and that had already been addressed through the ABPP correspondence. Ms. Weston Brown stated that when very draconian rules were employed it quelled the public's interest in doing these kinds of transactions and she did not want to put the whole easement program at risk and she appreciated being advised of that, but it was the Board's job to exercise judgment. Ms. Atkins-Spivey asked if the Board were to approve the amendment and the look-back period expired in April, was there still a risk. Ms. Bearn and Ms. Weston Brown stated the amendment would restart the look-back period. Ms. Tune stated it would restart even if the owner did not claim an additional deduction. Mr. Gruber asked to see the language of Provision 2.2(a), (b), and (c) again. Vice-Chair Smith asked Mr. Craig if they planned to change their federal deduction. Mr. Craig replied that was why he provided the Board with the chart and stated if the boundary line adjustment was approved there would be no change in valuation per the appraiser's email and the line would simply be revised with the enhanced conservation values.

Vice-Chair Smith indicated he wanted to make a motion. Ms. Bearn stated that she wanted to clarify that the Board would be voting on an amendment and not a boundary line adjustment because the text of the document would be changed. Vice-Chair Smith made a motion to approve the proposed amendment to the Quail Haven Farm Deed of Easement. Mr. Gruber seconded the motion. Ms. Atkins-Spivey stated she was not comfortable voting yet and she wanted a definitive answer of whether the owner could wait until April after the look back period expired. Mr. Craig stated it was April 2017. Ms. Weston Brown stated the owner was asking for an amendment and once the amendment was recorded that would open up a new statute of limitations. Ms. Bearn asked for a revised motion to include the enhancements proposed by Mr. Lewis and Mr. Craig. Chair Mann stated that Ms. Atkins-Spivey's point had been addressed. Vice-Chair Smith withdrew his original motion and made a new motion to approve the proposed amendment to the Quail Haven Farm Deed of Easement to include increasing the existing riparian buffer from thirty-five to fifty feet and to update the public access requirement from one day per year to two days per year. Chair Mann called for a second. Mr. Craig stated the motion should also state "and to allow the boundary line adjustment as requested." Ms. Ayres stated no, to amend the language regarding boundary line adjustments so that it addressed the issue. Vice-Chair Smith stated that was the amendment itself. Chair Mann asked Vice-Chair Smith to restate the motion again. Vice-Chair Smith stated the motion was to approve the proposed amendment to the Quail Haven Farm Deed of Easement, and that amendment to include increasing the existing riparian buffer from thirty-five to fifty feet and to update the public access requirement from one day per year to two days per year and to amend Section 2.2 of the Easement and the plat shown as Exhibit A. Mr. Gruber seconded the motion. The Board voted unanimously to approve the motion.

Chair Mann called for a four minute recess. Ms. Atkins-Spivey noted for the record that her hesitancy was because she thought the look back period expired in April 2016.

### **Chair Mann reconvened the meeting at 2:38 p.m.**

Ms. Bearns presented the following proposed Assignment of Easement.

#### **2. Slaughter Pen Farm, Spotsylvania County**

##### *Proposed Assignment of Easement*

The 208.056-acre Slaughter Pen Farm property, located just east of the City of Fredericksburg, consists of open grass and agricultural fields, with some small pockets of wooded cover. A collection of residential and agricultural buildings is located on the property, with a circa 1878 vernacular frame dwelling. The property is owned by the Civil War Trust (“CWT”) and is used primarily for agricultural purposes and battlefield interpretation. It is regularly open to the public. An easement was conveyed to the Virginia Department of Historic Resources over the property on December 8, 2006. Ms. Bearns stated that she was requesting the Board’s approval for an Assignment of the 2006 Deed of Easement to address the following:

- a) Original conveyance of easement was to the Virginia Department of Historic Resources as Grantee rather than the Virginia Board of Historic Resources.
- b) Error was likely due to the fact this easement was one of the first conveyed under the Civil War Site Preservation Fund (Va. Code § 10.1-2202.4). Prior to 2015, Section 10.1-2202.4 required that an easement be conveyed to the “Department of Historic Resources.” That was corrected by legislative amendment in 2015 along with other changes.

Ms. Bearns stated that the CWT had been informed about this error and agreed to the assignment. Ms. Bearns also noted that the easement had gone through the regular approval process and was reviewed by the Easement Committee and the Board. Ms. Bearns stated she was asking for the Board’s approval to assign the easement from the Department of Historic Resources to the Board of Historic Resources and that the restrictions of the easement would not change.

#### **Comments Summary:**

Chair Mann called for a motion to approve or disapprove the proposed assignment of the Slaughter Pen Farm Deed of Easement. Vice-Chair Smith seconded the motion. Ms. Ayres stated the motion had to be either to approve or disapprove. Vice-Chair Smith withdrew his original motion. Mr. Gruber made a motion to approve assignment of the Slaughter Pen Farm Deed of Easement from the Department of Historic Resources to the Board of Historic Resources. Vice-Chair Smith seconded the motion. The Board voted unanimously to approve the motion.

Ms. Weston Brown noted that SunTrust Bank had a credit line Deed of Trust and they would need to be notified. Mr. Gilmore stated the Civil War Trust would notify the bank per the loan documents.

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

Ms. Musumeci presented the following new easement offers to the Board:

##### **1. James River Conservation Area, Drewry’s Bluff & Proctor’s Creek Battlefields, Chesterfield County**

Property Owner: Under contract to Chesterfield County

Acreage: 1.72 acres

Located between Interstate 95 and the James River in eastern Chesterfield County, the James River Conservation Area contains 109 acres of land. Of this, two separate parcels totaling 1.72 acres of land are proposed to be placed under easement with the Board. Each of the parcels contains an intact Civil War battery position and earthworks and will require a separate deed of easement. The 0.34 acre parcel falls primarily within the study area of the Drewry’s Bluff Battlefield, which has been given a Preservation Priority III.2 Class B rating from the Civil War Sites Advisory Commission (“CWSAC”). The CWSAC defines Priority III battlefields as those needing “additional protection,” and designates Class B as those that had a direct and decisive influence on their campaign. Confederate fortifications at Drewry’s Bluff (including on the property) were the anchor point for the main line of defenses protecting Richmond in 1862. Eight cannon were posted in the works, including a battery and five naval guns. Both the 0.34 and 1.38 acre parcels also fall within the study area of the Proctor’s Creek Battlefield, which has been given a Preservation Priority IV.1 Class B rating from the CWSAC. The CWSAC defines Priority IV battles as those that are “fragmented,” and designates Class B as those that had a direct and decisive influence on their campaign. This battle was part of the Bermuda Hundred Campaign from May to June 1864.

Chesterfield County received a 2015 Virginia Land Conservation Foundation (“VLCF”) grant in the amount of \$302,000 for the fee-simple acquisition of the larger 109 acre property. The Conservation Area will be developed as a public park for boating and fishing access along the river, with interpretative and picnic areas, and walking trails. As required by the grant, the County will convey a perpetual easement to the Board over those portions of the property that contain historically significant resources, and place deed restrictions on the development and use of the larger conserved parcel. The County has indicated their intent to build a pedestrian pathway and observation deck on each of the eased parcels. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as presented and noted that Mr. Connock with Chesterfield County was in attendance at the meeting.

**Comments Summary:**

Chair Mann asked if there would be a conservation easement on the entire 109-acre park. Ms. Musumeci responded that there would be deed restrictions placed on the larger property but not necessarily a deed of conservation easement. Chair Mann confirmed that there would be deed restrictions. Ms. Musumeci replied yes, as required per the VLCF grant but the conservation easement part of the transaction was required because funding came through the historic resources category of the grant. Chair Mann asked Mr. Connock if the County was looking at this park existing in perpetuity. Mr. Connock replied yes. Vice-Chair Smith asked if Mr. Connock would like to say anything. Mr. Connock stated that he hoped for the Board's unanimous approval of their request and that this was a very special project to the County. Mr. Connock noted that the County had been trying to acquire the land for over 25 years and if it were not for the recession the County would not be able to own it as it was previously owned by a developer. Vice-Chair Smith asked if they acquired 109 acres for \$300,000. Mr. Connock responded no, it was \$700,000 but the grant was \$300,000 and noted they partnered with the Trust for Public Land and they were the interim owner. Mr. Gruber stated the Civil War community was extremely excited about the project. Mr. Connock noted the County would also be partnering with the nearby Drewry's Bluff unit of the National Park Service's Richmond National Battlefield Park and that the County's goal was to get visitors onto the property within six months. Ms. Musumeci reminded the Board a motion and vote was still needed.

Chair Mann called for a motion to approve the proposed easement for the James River Conservation Area on the Drewry's Bluff Battlefield. With a motion from Ms. Peters and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

Chair Mann left the room at 2:55 p.m. and returned at 2:56 p.m.

**2. Cool Spring Farm, Cool Spring Battlefield, Clarke County**

Property Owner: Cool Spring Farm, LLC

Acreage: 106 acres

Located just south of the West Virginia state border and one-half mile west of the Shenandoah River in northeastern Clarke County, the Cool Spring Farm contains 106 acres of open-space land. Comprised of a mix of pastures and re-emergent wooded cover, the property is improved for residential and agricultural use. The property falls within the study area of the Cool Spring Battlefield (July 17, 1864), which has a Preservation Priority Rating of II.3 Class C from the CWSAC. The CWSAC defines Priority II battlefields as those with opportunities for comprehensive preservation and designates Class C battles as those having an observable influence on the outcome of a campaign. The Battle of Cool Spring was part of Early's Raid and Operations against the B & O railroad from June to August 1864. The property is located just north of the core battlefield area and was traversed by Confederate Major General Rodes' Infantry Division.

The property is a working cattle farm and is also used for vegetable and fruit cultivation. A small vineyard is located adjacent to the domestic/agricultural buildings, as is a manmade pond. Both the residential and agricultural improvements are generally clustered in the northwestern corner of the parcel. Existing buildings and structures on the property include a circa early 20th century dwelling with alterations, an early 20th century frame building, a circa late 19th century frame shed/corn crib, circa late 19th century frame barn, as well as a modern dwelling, detached garage, pavilion, two modern sheds, and a greenhouse.

The Clarke County Easement Authority was recently awarded a VABPF grant and has applied for an ABPP grant to facilitate purchase of a conservation easement over the property. The easement will be a partial sale partial gift transaction and the property will remain in private ownership. Ms. Musumeci summarized the proposed easement terms, which included retention of the existing dwellings as residences, no division/subdivision, repair and retention of the existing barns, construction of new buildings accessory to residential use, buildings as needed for agricultural uses of the property, and amenities for interpretation of the property as a battlefield. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as presented.

**Comments Summary:**

Chair Mann called for a motion to approve the proposed easement over Cool Spring Farm on the Cool Spring Battlefield. Vice-Chair Smith made a motion to approve the proposed easement over Cool Spring Farm on the Cool Spring Battlefield. Ms. Peters seconded the motion.

Ms. Weston Brown asked if the walking trails and amenities provision was the standard easement language requiring the property be open to the public for two days. Ms. Musumeci stated that the public access provision was separate from the amenities that might be constructed and if the owner were never to install amenities like walking trails on the property they would still need to open it for two days per year at a minimum. Ms. Weston Brown asked if the permitted trails would only be available two days. Ms. Beams replied no, the owner could open the property as much as they would like. Ms. Weston Brown asked for confirmation that the Board was only requiring that they make these trails available two days. Ms. Beams replied the property generally, not necessarily just the trails, and the owner could allow visitors onto another portion of the property for a different kind of event but they are required a minimum of two days per year.

The Board voted unanimously to approve the motion.

Mr. Gruber recused himself from the Board at 3:02 p.m. and sat in the audience.

### **3. Smith Investment LLC Tract, Williamsburg Battlefield, York County**

Property Owner: Under contract to Civil War Trust

Acreage: 3.27 acres

Located at the intersections of Government Road (State Route 677), Oak Drive (State Route 642), and Penniman Road (State Route 641) southeast of the City of Williamsburg, the Smith Tract contains approximately 3.27 acres of land. Comprised of two tax parcels, the unimproved property is covered in a combination wooded cover and grass lawn. The property falls within the core area of the Williamsburg Battlefield as determined by the CWSAC, which has given the battlefield a Preservation Priority III.2 Class B rating. This battle was part of the Peninsula Campaign from March to September 1862. During the May 5, 1862 battle, the property's location at the historic and strategic intersection of the York and Hampton Roads was of vital importance. The southeast corner of the lot is roughly where Union Major General Charles Wainwright positioned artillery batteries to support the initial Union assault.

The Civil War Trust ("CWT") recently signed a contract for purchase of the property and acquisition is expected to occur on or before June 1, 2016. To assist with acquisition costs, the CWT and the Williamsburg Battlefield Association have partnered to apply for ABPP and VABPF grants. The CWT 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. Ms. Musumeci explained that a parcel of land owned by CSX railroad bisects the property from east to west, creating two parcels and the need for two separate conservation easement deeds. Ms. Musumeci also stated that the York County Comprehensive Plan future land use designation for the property was High Density Residential and staff advised the CWT to contact York County as soon as possible regarding the future land use designation for the property and its consistency with the current comprehensive plan. Ms. Musumeci noted the proposed easement terms aligned with the standard battlefield template.

Ms. Musumeci stated the Easement Acceptance Committee recommended acceptance of the easement with the following conditions: (i) a current plat of survey was commissioned for the property; (ii) because the northern and southern halves of the property were bisected by land owned by CSX railroad, two separate Deeds of Conservation Easement would be required; (iii) written documentation from York County that conservation of the property was consistent with the County's current Comprehensive Plan.

#### **Comments Summary:**

C. Ayres stated that for the record Mr. Gruber had recused himself from the Board. Chair Mann stated that Mr. Gruber had recused himself from the discussion and voting on this specific item. Ms. Peters asked about the requirement for written documentation from York County that the easement was consistent with their comprehensive plan because if the property was zoned for high density residential what was the conflict between the zoning designation and the comprehensive plan. Ms. Musumeci responded that the future land use designation was different than zoning and that for this property both the zoning and future land use designation were high density residential. Ms. Musumeci stated that every County worked differently, but in similar situations, the applicant needed to submit a comprehensive plan amendment request to get the designation changed, and the Board of Supervisors would likely consider it at a meeting. Ms. Peters asked for confirmation that the Board would not be accepting the easement until this had been cleared up. Ms. Musumeci replied yes, that staff needed either a resolution from the Board of Supervisors or written documentation stating that conservation of these parcels was consistent with their current comprehensive plan. Ms. Peters asked if that would require an amendment to their zoning. Ms. Musumeci replied it would require an amendment to their comprehensive plan. Ms. Peters observed that sometimes zoning and the comprehensive plan were not always the same. Ms. Musumeci responded that in this instance they were and many counties would favorably recommend a change in that designation but that process would have to be followed.

Vice-Chair Smith asked if they had that discussion yet. Mr. Gilmore responded on behalf of CWT that they had not yet contacted the County. Vice-Chair Smith stated this would be a condition of the Board's approval. Ms. Musumeci replied yes because, under the Virginia Code (Open-Space Land Act), the Board could not hold an easement that was inconsistent with the comprehensive plan so staff had to make sure the issue was addressed.

Mr. Gruber left the room.

Chair Mann called for a motion to approve the proposed easement over the Smith Investment LLC Tract on the Williamsburg Battlefield subject to the conditions recommended by the Easement Acceptance Committee. With a motion from Ms. Weston Brown and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

Mr. Gruber returned to the room and rejoined the Board at 3:11 p.m.

### **4. Goodale II Tract, Second Deep Bottom Battlefield, Henrico County**

Property Owner: Richmond Battlefields Association ("RBA")

Acreage: 5.7 acres

Located at the intersection of Yahley Mill Road and Darbytown Road in eastern Henrico County, the 5.7 acre Goodale II Tract is currently improved for residential purposes. The residential buildings and structures are clustered in the central portion of the property while the northern half of the property is cultivated for agricultural crop production. The property falls entirely within the core area of the Second Deep Bottom Battlefield, which has a Preservation Priority Rating of I.3 Class B from the CWSAC. This battle was part of the

Richmond Petersburg Campaign from June 1864 to March 1865. On August 16, 1864, the heaviest fighting of the Second Deep Bottom campaign occurred across this property as four brigades of Union troops under Brigadier General Alfred H. Terry assaulted the Confederate defensive line. The property also falls within the study area of the First Deep Bottom Battlefield which has been given a Preservation Priority Rating of II.3 Class C by the CWSAC. The Battle of First Deep Bottom took place on July 27-29, 1864 and resulted from a Union advance north of the James River, crossing the watercourse at a point known to locals as Deep Bottom.

The RBA acquired the property in December 2015 and expect to use both ABPP and VABPF grants to assist with acquisition costs. The RBA would like to reserve the right in the easement to construct amenities for interpretation of the property as a Civil War battlefield. Existing buildings and structures include a one and one-half story circa 1937 residential dwelling, one detached brick garage, one brick shed, two frame sheds, wells, a drainfield and wood fencing. The RBA also intends to lease the residential dwelling for a period of time that coincides with a life estate granted to the previous owner. Ms. Musumeci stated that the Henrico County future land use designation for the property appeared to be consistent with conservation. Ms. Musumeci noted that staff still advised the RBA to contact the Henrico County Planning Department as soon as possible to obtain written documentation that conservation of the property was consistent with the Henrico County Comprehensive Plan, particularly the Major Thoroughfare Plan.

Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions: (i) the existing dwelling on the Goodale II Tract may be subject to a life estate granted to the previous owner, plus one year to allow for settlement of his estate; (ii) any lease in effect at the time of recordation of the easement must be subordinated to the easement; (iii) demolition and removal of any existing non-historic buildings and structures on the property shall be completed within three (3) years of expiration of the life tenancy. For purposes of this requirement, such lease period shall not include the one year allowance provided above; (iv) any change to the time frame for demolition and removal of existing non-historic buildings and structures as determined by the Board shall be negotiated in advance with the DHR; (v) demolition or removal of existing non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the RBA and the DHR, and such plan shall be incorporated into the easement either directly or by reference; (vi) written documentation from Henrico County that conservation of the property is consistent with the County's current Comprehensive Plan.

#### **Comments Summary:**

Chair Mann called for a motion to approve the proposed easement over the Goodale II Tract on the Second Deep Bottom Battlefield subject to the conditions recommended by the Easement Acceptance Committee. With a motion from Ms. Atkins-Spivey and a second from Ms. Peters the Board unanimously approved the motion.

#### **5. Talbot Hall, City of Norfolk**

Property Owner: TH-HL, LLC

Acreage: 0.42 acres

Located on a roughly half-acre parcel north of downtown Norfolk, this property is distinguished by a large historic dwelling that faces the Lafayette River. The surrounding landscape consists primarily of grass lawn with several large, mature trees. The property, which is improved for residential purposes, is currently vacant and will be marketed for sale in the near future. Talbot Hall was individually listed on the Virginia Landmarks Register and National Register of Historic Places in 2015 under Criterion C in the area of Architecture. It embodies "the distinctive characteristics of a type, period or method of construction" as a Federal-style house with late Georgian influence that retains a high degree of architectural integrity (including notable interior detailing), and for the rarity of this resource type within the City of Norfolk.

Constructed by Samuel Butt Talbot circa 1799-1802 for his son Thomas as a summer retreat from the City of Norfolk, the five-bay dwelling was originally a two-and-one-half-story, central hall, brick house with two rooms on each floor and a hipped roof. A rear ell addition was added circa 1830 at which time the roofline was changed to a cross hip. Exterior stucco was likely applied in the mid-nineteenth century, when the original brick exterior began to deteriorate and also served to unify the older and newer sections of the house. The clapboard addition above the rear porch and the attachment of the kitchen to the main house were installed circa 1921. The primary elevation features fluted Doric columns and a full width one-story covered porch beneath which the historic brick foundation is visible. Notable interior features retain strong integrity and include: a circa 1802 plaster relief seal of the United States over the parlor mantel, a circa 1921-1925 plaster relief of the seal of the Commonwealth of Virginia, original wood mantels with fine detailing, trim work, six-panel wood doors, unusual round arched transoms above interior doors, and an open string staircase with scrolled ends.

The dwelling is in need of general repairs and rehabilitation, including new interior/exterior paint, replacement of limited non-historic vinyl features, repair of damaged exterior wood trim and interior plaster and flooring, and updates to HVAC, electrical, and plumbing systems. Depending on the buyer, a future scope of work may also incorporate renovation of the kitchen and bathrooms, improvements to the attic space, installation of a rear door and patio on the river side of the dwelling, removal of an existing exterior basement access, and installation of a fence. Ms. Musumeci noted that the applicant requested to reserve the right in the easement to construct a two car detached garage. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as presented.

#### **Comments Summary:**

Ms. Atkins-Spivey asked if the property was vacant when the nomination was presented for listing on the Virginia Landmarks Register and she recalled that someone was actively restoring the property. Director Langan responded it was vacant. Ms. Atkins-Spivey asked if

the person who owned it now was just putting it under easement and would then sell it. Ms. Musumeci responded that was correct. Ms. Atkins-Spivey asked if the 0.42 acres was all of the land to be included. Ms. Musumeci responded yes, it was the land immediately around the building and the parcel did not actually contain frontage on the water. Ms. Atkins-Spivey asked if the person who owned the house and 0.42 acres also owned all the land around it. Ms. Tune responded no. Ms. Musumeci stated the land around it would likely be developed. Director Langan stated the lots had been sold. Ms. Melinat stated that the land from the front porch directly to the river would not be developed to protect the viewshed. Ms. Tune stated she thought the protected area aligned with the width of the house. Ms. Peters asked if the Board would require that the rehabilitation be done in accordance with the Standards and there was no ambiguity in the easement language. Ms. Musumeci responded yes, and the owners were evaluating a potential rehabilitation tax credit project and that was why Ms. Melinat and Ms. Tune had visited the property. Ms. Peters asked if construction of the garage would also be done in accordance with the Standards. Ms. Musumeci replied that it would need to be consistent with the Secretary of the Interior's Standards. Chair Mann asked if there were any conditions recommended for the approval. Ms. Musumeci replied the reserved right requested was a two car detached garage but the Easement Acceptance Committee did not recommend any conditions for approving the easement. Ms. Weston Brown asked whether the Board was requiring rehabilitation of the house as a condition of approval. Director Langan responded that was required by a separate legal document that the Department was not party to, but the LLC that acquired the house and was developing the adjacent property entered into an agreement with Preservation Virginia that certain preservation measures would be undertaken including: listing the property, donating an easement on the property, and selling the property with the condition that it had to be rehabilitated according to the Standards. Since those conditions were in place, the Department expected that whoever wanted to buy it would want to take the tax credits. Ms. Weston Brown said it appeared as if the developer would get the tax credits for conveying the easement. Ms. Bearns stated the current owner might be eligible for the land preservation tax credits but not for the rehabilitation tax credits. Ms. Tune clarified that having been to the property with Ms. Melinat last week, she could confirm no observed active deterioration, that the roof was sound, and there were no concerns about structural stability. Staff did not feel it warranted imposition of a rehabilitation mandate. Director Langan stated the building was sound. Ms. Peters stated she was concerned about its proximity to the water as well. Director Langan noted it was set pretty far back and Ms. Melinat added that the topography was fairly high.

Chair Mann called for a motion to approve the proposed easement over Talbot Hall. With a motion from Ms. Atkins-Spivey and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

### **Easements for Reconsideration**

Ms. Musumeci presented the following easement for reconsideration.

#### **1. Bishop's Run, Buckland Mills Battlefield, Fauquier County**

Property Owner: Bishops Run Partners, LLC

Acreage: 53.9 acres

Located on both sides of Riley Road (State Route 602) just south of U.S. Route 29 near the Town of Buckland, the Bishops Run Tract contains two parcels of land totaling approximately 54 acres. Comprised of a combination of open fields and wooded cover, the property is unimproved. It also contains existing wetlands, buffers, and a stream known as Bishops Run. The property falls entirely within the core area of the Buckland Mills Battlefield, which has been given a preservation priority ranking of II.4 Class D by the CWSAC. The Battle of Buckland Mills took place on October 19, 1863. The Board approved an easement offer for the Bishops Run Tract on March 15, 2012. Since that time, easement staff were notified of several changes to the scope of the transaction, which generally include the following: a) reduction in the amount of acreage to be placed under easement from roughly 59 to 54 acres; b) change of entity conveying the easement; c) approval by Fauquier County of a Proffer Amendment intended to facilitate the potential easement, which incorporates dedication of a 50' right-of-way for construction of a future road through a portion of the property. Bishops Run Partners, LLC acquired the property in 2015 and intend to place a perpetual conservation easement on the property and use an ABPP grant as part of the transaction. They would like to reserve the right in the easement to construct amenities such as walking trails, parking facilities, and signs for interpretation of the property as a Civil War battlefield. When the applicant acquired the property, they inherited proffer obligations and pre-existing conditions associated with prior plans for residential and commercial development of the property. Although a Concept Development Plan and plat of subdivision were previously drawn, they were never recorded and no preliminary development has occurred on the property. The outstanding proffer obligations needed to be resolved.

On February 10, 2016, the Fauquier County Board of Supervisors approved a Proffer Amendment, partially intended to facilitate a conservation easement on the 54-acre portion of the property previously zoned for residential development. The Proffer Amendment notes that in the event the property is placed in perpetual conservation easement, the following shall occur: a) the Concept Development Plan/Site Plan for the residential portion of the property shall be deemed void and all proffers deemed withdrawn and shall be null and void; b) the applicant/owner shall convey to Fauquier County the adjacent 5.35-acre lot located to the south (on property outside of the proposed easement area); and c) a 50' wide public roadway right-of-way area shall be reserved to the common property line of the adjacent parcel to the west, in the area depicted as Tower Lane on a 2006 plat of subdivision prepared by Bowman Consulting. However, the Proffer Amendment notes that if the proposed road right-of-way interferes with the ability to place the property in conservation easement, as determined by the National Park Service and/or the conservation easement holder, this requirement shall not apply. The Easement Acceptance Committee recommended that the Board deny the request for construction of a road through the property. This would significantly impair the historic integrity of the property as a battlefield landscape as well as impact potential archaeological sites and deposits through related ground disturbance associated with road construction.

Ms. Musumeci asked the Board if there were any questions about the history of the transaction, the proffer amendment, or the road.

**Comments Summary:**

Ms. Atkins-Spivey inquired why the road was necessary. Ms. Musumeci replied that the road was initially planned when the property was to be developed and was written into the revised Proffer Amendment by the applicant; the County agreed that if either the easement holder or grant funder said the road wouldn't make sense with the easement, they would agree to move it to another location and not have it cut through the property. Ms. Peters stated it looked as if there was an option for at least one other parallel roadway. Ms. Musumeci stated she believed the remaining text of the Proffer Amendment indicated the road could be located somewhere else and could be installed by another party, but the language was intended to clear up what was part of the initial proffers when the property was to be developed. Ms. Musumeci stated denial of the road would be a separate condition of the Board's approval. Ms. Weston Brown asked Ms. Musumeci to explain the exclusion of the 5-acre parcel again. Ms. Musumeci responded that it was part of the resolution of the outstanding proffer obligations and the applicant agreed to give the County the 5.35-acre parcel. Ms. Musumeci noted the 2012 easement application for the property included this 5-acre parcel but this was not part of the deal with the County to resolve the outstanding proffer obligations. Ms. Musumeci stated the 5-acre parcel was proposed for a treatment facility. Ms. Rogers, with Bishops Run Partners, LLC, explained the 5 acres was also adjacent to a fire station that was part of the proffer obligations when the bank took over the property and the County wanted to co-locate their transfer station with the fire station. Ms. Rogers stated the 5 acres would be used for that, plus possibly other municipal uses and because the 5 acres was zoned commercial, and was an existing lot of record, the County wanted the entire parcel as part of the negotiation.

Ms. Weston Brown questioned wasn't it important to the Board that the use of the 5-acre parcel not be incompatible with the conservation values. Ms. Weston Brown asked about the uses of the parcel as permitted by the Proffer Amendment. Ms. Ayres read the provision to the Board. Ms. Weston Brown confirmed that it could not be used for the auto repair shop or other items on the list and asked if this had been thought through and was a good list of the things that would be prohibited. Ms. Bearns stated the 5 acres was off the easement property. Ms. Weston Brown replied she knew that, but the Board did not have to agree. Ms. Bearns stated if the Board accepted the easement they would not have any control over the 5 acres. Ms. Weston Brown said the Board did right now in the sense that the Board could not accept the offer. Ms. Ayres stated she thought the parcel had already been given to the County. Ms. Rogers replied it had not, but it would take another Proffer Amendment to get it back. Ms. Musumeci noted in the intervening time, the property went into bankruptcy or foreclosure which was why the development did not happen. Ms. Rogers replied yes, it was a property that went into default by the developer and the bank pursued the development plans to increase the value of the land so they could sell it and recapture their money. Ms. Rogers stated it took Bishops Run Partners two years to get the bank to agree to sell the property at a lower amount, and that the bank finally agreed to because no one else would buy it. Ms. Rogers said they had been working in partnership with Fauquier County since 2012, and the ABPP, to continue to try and preserve this property because it was at the gateway to the battlefield, the New Baltimore Service District, and rural agricultural lands. Ms. Rogers explained their plans to possibly install trails, a gazebo, or markers on the property to allow public access. Ms. Peters stated that of all the counties in the state, Fauquier probably had one of the most restrictive comprehensive plans that addressed issues of open space and historic preservation of historic lands and buildings. Ms. Peters observed she could not imagine the County owning this and doing something that would have a negative impact. Ms. Rogers stated the County could restrict the uses of the property further than it was now and they had gone through an accelerated process with the County's assistance and did not want to change the terms of the proffers too much because of this.

Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the revised easement offer with the following conditions: (i) because the property likely contains more than 20 acres of forested cover, timber stands on the property will be subject to a forest management provision in the easement, which requires a forest management plan, and a pre-harvest plan prior to any timber harvests for thinning purposes or to maintain the health of the forested cover; (ii) because Riley Road (State Route 602) bisects the two tax parcels that comprise the property, two separate easements will need to be recorded for this project. Ms. Musumeci stated that the Committee voted to recommend denial of the request for a 50' right-of-way dedication for construction of a new road that favors an adjacent parcel to the west. The Committee determined that such a dedication and road construction would negatively impact the conservation values of the property as an historic battlefield landscape.

Ms. Weston Brown inquired about the forest management plan provision and asked if this plan was being imposed because it was currently a forest. Ms. Musumeci responded if the property had more than 20 acres of forested cover it would need to be managed with a forest management plan. Ms. Weston Brown asked if staff knew if the forest would be removed to restore the battlefield landscape. Ms. Bearns stated that was the purpose of the forest management language, and that it helped to protect archaeological resources that may be in place on the battlefield landscape in the event anyone wanted to conduct a timber harvest or a battlefield restoration plan. Ms. Bearns stated it allowed for the identification of any potential sites and allowed those to be constrained as non-disturbance areas so that the conservation values as historic resources were not destroyed in the managing of the forestal resources. Ms. Weston Brown asked if it was a typical forest management plan or was it something more complex than that. Ms. Bearns replied it was, and the language tried to strike a balance between the cultural resources and the forestry resources.

Chair Mann called for a motion to approve the proposed easement over Bishops Run subject to the conditions and recommendations of the Easement Acceptance Committee. With a motion from Ms. Weston Brown and a second from Ms. Atkins-Spivey, the Board unanimously voted to approve the motion.

Ms. Musumeci stated that Items #2 through #4 on the agenda would be presented as a block for reconsideration of prior Board approval and that the terms of the easement applications and general conditions on the property remained unchanged. Ms. Musumeci noted that since three or more years had passed since the Board's approval, staff was presenting these easement offers again to the Board for its reconsideration subject to any conditions previously recommended by the Board.

**2. Dear Tract, Peebles Farm Battlefield, Dinwiddie County**

Property Owner: Civil War Trust

Acreage: 19 acres

The Board approved the easement offer for the Dear Tract at its September 20, 2012 meeting with no conditions. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as approved by the Board in 2012.

**3. Wotring Tract, Second Manassas Battlefield, Prince William County**

Property Owner: Civil War Trust

Acreage: 2.99 acres

The Board approved the easement offer for the Wotring Tract at its March 21, 2013 meeting, subject to the following:

1. The life tenant(s) shall be included as a party to the easement.
2. The required demolition of extant non-historic buildings and structures and rehabilitation of the landscape shall be completed within one (1) calendar year following expiration of the life tenancy or vacancy of the property, whichever comes first.
3. The demolition and rehabilitation shall be conducted according to a written management plan that shall be negotiated jointly by the Civil War Trust and DHR, and such plan shall be incorporated into the easement, either directly or by reference.

The terms of the easement application and general conditions on the property remain unchanged. However, one of the life tenants passed away in October 2015. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the same conditions set by the Board in its 2013 approval.

**4. Gibson Tract, Second Manassas Battlefield, Prince William County**

Property Owner: Civil War Trust

Acreage: 3.16 acres

The Board approved the easement offer for the Gibson Tract at its March 21, 2013 meeting, subject to the following:

1. The relocation and/or removal of the modern house and garage on the property and rehabilitation of the landscape shall be completed within three (3) calendar years following the date of recordation of the easement.
2. Demolition or removal of existing non-historic buildings and structures and rehabilitation of the landscape shall be conducted according to a written management plan that shall be negotiated jointly by the Civil War Trust and DHR, and such plan shall be incorporated into the easement, either directly or by reference.

The terms of the easement application and general conditions on the property remain unchanged. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the same conditions set by the Board in its 2013 approval.

**Comments Summary:**

Ms. Musumeci stated that staff was asking for the Board's approval for Item #2: Dear Tract, Item #3: Wotring Tract and Item #4 Gibson Tract under Items for Reconsideration subject to the conditions as presented by staff. Chair Mann called for a motion to approve the proposed easements presented in Items #2, #3, and #4. With a motion from Ms. Peters and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

Ms. Musumeci stated that Items #5 through #7 on the agenda would be presented as a block for reconsideration of prior Board approval and that the terms of the easement applications and general conditions on the property remained unchanged. Ms. Musumeci noted that as of September 19, 2013 and per *Easement Program Policy #2: Easement Acceptance*, standard approvals given by the Board were valid for two calendar years from the date of written approval by Easement Program staff. Ms. Musumeci noted the following three projects formally fell under the revised acceptance policy and the Board's approval had expired.

**5. Godsey Tract, Appomattox Court House Battlefield, Appomattox County**

Property Owner: Civil War Trust

Acreage: 3.67 acres

The Board approved the easement offer for the Godsey Tract at its September 19, 2013 meeting, subject to the following:

1. Demolition and removal of any existing non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan and within a specified time frame that shall be negotiated jointly by the Civil War Trust and DHR, and such plan shall be incorporated into the easement, either directly or by reference.

The terms of the Godsey Tract easement application and general conditions on the property remain unchanged. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the same conditions set by the Board in its 2013 approval.

**6. Howard Tract, Appomattox Court House Battlefield, Appomattox County**

Property Owner: Civil War Trust

Acreage: 2.81 acres

The Board approved the easement offer for the Howard Tract at its March 20, 2014 meeting, subject to the following:

1. Approval of a life estate granted to previous property owners.
2. Demolition or removal of existing buildings and structures shall occur within three (3) to five (5) years of expiration of the life estate, and 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. Any change to the time frame for demolition or removal of existing buildings and structures shall be negotiated in advance with DHR.

The terms of the Howard Tract easement application and general conditions on the property remain unchanged. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the same conditions set by the Board in its 2014 approval.

**7. Mack Tract, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 5.88 acres

The Board approved the easement offer for the Mack Tract at its March 20, 2014 meeting with no conditions. The terms of the Mack Tract easement application and general conditions on the property remain unchanged. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as approved by the Board in 2014.

**Comments Summary:**

Ms. Musumeci stated that staff was asking for the Board's approval for Item #5: Godsey Tract, Item #6: Howard Tract and Item #7 Mack Tract under Items for Reconsideration subject to the conditions as presented by staff. Ms. Bearns stated that with regard to Ms. Weston Brown's earlier question about forest, staff was trying to incorporate standards that were already established in Virginia so the easement template tied the different tiers of forest management required to what the state forester considered eligible as forest land. Ms. Bearns said that for battlefield landscapes the easement incorporated language that required in the event of a land conversion that the historic documentation regarding the battlefield landscape be taken into consideration and archaeological resources considered and protected.

Chair Mann called for a motion to approve the proposed easements presented in Items #5, #6, and #7 subject to the conditions as presented. With a motion from Mr. Gruber and a second from Ms. Atkins-Spivey, the Board voted unanimously to approve the motion.

**Easement Program Policies**

Ms. Bearns presented a request to extend the following interim policy for the Board's consideration.

1. **Interim Digital Photo Policy-Portion of Future Amendment of Policy #8: Easement Program Recordkeeping**  
*Interim policy to address parameters for use and storage of digital photos within the Easement Program*

Ms. Bearns noted staff was requesting an extension of the interim digital photo policy because staff was still working through the technological aspects of how to create a safe and secure storage location for digital photography. Ms. Bearns noted staff was working with the Department's IT Manager to develop another storage location that had some redundancy and backup protections and needed more time to test options and ensure consistency with legal requirements. Ms. Bearns asked for an extension of the policy until the September 15<sup>th</sup> 2016 Board meeting.

**Comments Summary:**

Ms. Peters asked if staff had contacted the National Park Service regarding the methods they used and noted the permanent record was important. Ms. Bearns responded yes, staff had consulted with the national register program particularly regarding use of TIFF images for archival storage of photos. Ms. Bearns noted that staff was currently investigating a potential off-site storage location due to server capacity and explained the potential risks associated with disaster recovery. Ms. Bearns noted staff would bring any revisions back to the Board. Chair Mann stated that a copy of the interim digital photo policy had been provided to all Board members prior to the meeting. Vice-Chair Smith called for a motion to approve an extension of the *Interim Digital Photo Policy-Portion of Future Amendment of Policy #8: Easement Program Recordkeeping* through September 15, 2016. Vice-Chair Smith asked staff if this would be sufficient time and suggested an extension through April 2017. Ms. Peters asked that staff provide an update with regard to how it was progressing. Vice-Chair Smith stated the motion was revised to extend the policy through the March 2017 Board meeting.

With a motion from Ms. Peters and a second from Vice-Chair Smith, the Board voted unanimously to approve the motion.

## **New Easements Recorded since the December 2015 HRB Meeting**

Ms. Musumeci presented the following easements recorded since the December 2015 Board meeting.

1. **Holway Property, Waterford Historic District, Loudoun County**  
Date Recorded: 12/30/15  
Donor: Sarah F. Holway  
Acreage: 2.13 acres
  
2. **Fairfield Foundation Lot, Gloucester County**  
Date Recorded: 02/03/16  
Donor: Fairfield Foundation  
Acreage: 0.83 acres
  
3. **Dr. J.H. Mellert (Crew) House, Malvern Hill Battlefield, Henrico County**  
Date Recorded: 03/01/16  
Donor: Civil War Trust  
Acreage: 1.0 acre

Ms. Musumeci then introduced the three staff members from the Civil War Trust seated in the audience. Mr. Gilmore thanked the Board for their approvals today and all their work.

**Chair Mann called the Board meeting into recess at 4:10 p.m. Chair Mann reconvened the Board meeting at 4:17 p.m.**

## **Board Training Session**

*Review of new easement development and project review processes*

Ms. Wilson Green and Ms. Musumeci introduced themselves and provided the Board with an overview of the new easement development, easement application, and easement drafting process. Ms. Wilson Green discussed the Civil War Sites Advisory Commission rating system. Ms. Musumeci reviewed the Easement Application Form and explained the role of the Easement Acceptance Committee.

### **Comments Summary:**

Chair Mann asked if the process was taking longer because there were more legalistic components. Ms. Musumeci responded in part because the program now had legal staff and staff was asking more questions. Chair Mann stated it seemed to be a transition from simple transactions to more complex. Ms. Tune replied it was also an educational process for staff and those with whom they were working. Ms. Musumeci noted that within the conservation community in general the length of the easement draft had expanded substantially which reflected some of the scrutiny on conservation easements. Ms. Ayres commented that historic preservation easements were different from other standard conservation easements that protected open-space land and noted the conservation values were sometimes the exterior and interior of the house and archaeological values and they had to be approached in a different way. Ms. Bearn stated they were often compared to the Virginia Outdoors Foundation but the Board's easements were completely different because different resources were protected. Ms. Peters stated that properties had to be listed on the Virginia Landmarks Register to be considered for an easement and asked if the processes ever occurred in concert. Ms. Musumeci responded it depended on the project, and with the volume staff was working with and the backlog of projects, staff had been telling owners to apply once the property was listed. Chair Mann stated the Talbot Hall project today was a perfect example of where the landmark status came, and on the heels of it came the easement, which worked out well. Ms. Bearn observed that Kenmore Farm was an example where the process went smoothly but that was an exception. Ms. Ayres suggested that staff inform the Board about where the easement was in the process. Ms. Musumeci said that easement offers are generally presented to the Board in the very early stages of the process before there was an easement draft. Ms. Musumeci indicated that she presents any terms that were not standard to the template. Ms. Peters asked about the process for documenting older easements and was there a process for reviewing these or did staff wait until something came up with them. Ms. Musumeci replied those issues generally arose when there was a request related to the property but staff monitored the properties regularly. Director Langan stated that for earlier easements baseline documentation was often photographs and not a report but those properties had been visited and baseline documentation put into place. Ms. Peters stated that elements of a property changed over time, especially the historic level of significance and that could create issues. Ms. Melinat responded that she used the baseline documentation to review requests for work on an easement property. Ms. Bearn stated that the easement document would not be changed to reflect a building that became historic or more than fifty years old after the easement was recorded.

Ms. Melinat then briefed the Board about the project review and approval process as required per the easement and noted staff followed national historic preservation best practice standards.

Vice-Chair Smith asked if a property had a mortgage on it, would that need to be subordinated to the easement. Ms. Musumeci responded yes. Vice-Chair Smith asked if that was ever a problem. Ms. Bearn responded that national banks generally did not want those

mortgages, but local banks were more amenable and that subordination was important because then banks were not exempt from the easement should they become the owner and in the event of a foreclosure they would not try to sell it without the easement in place. Vice-Chair Smith asked if the Board was a loss-payee on insurance policies. Ms. Bearn replied no, the requirement was that the building be rehabilitated under the easement. Ms. Bearn explained why a provision was added to the easement requiring that any legal action challenging the easement had to be filed in Virginia.

**Chair Mann adjourned the Board meeting at 4:52 p.m.**

STATE REVIEW BOARD

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

**State Review Board Members Present**

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

**State Review Board Members Absent**

None

**Department of Historic Resources Staff Present**

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

**Guests (from sign-in sheet):** Mary Ruffin Hanbury (Grace Episcopal Church); Maggie Lowell (Smith’s Marine Railway); Marcus Pollard (Hampton Armory); Beth Stanley (Mount Herman Presbyterian Church); Jonathan Valalik (Oakwood School)

Chair Moore called the meeting to order at 11:46 a.m. for discussion and consideration of the Preliminary Information Applications (informal guidance session).<sup>1</sup>

**Community Services Division – Regional Offices PIF Guidance and Evaluation.....presented by Michael Pulice**

Mr. Pulice provided a presentation explaining the Regional Offices’ staff members’ role in assisting property owners with preparing Preliminary Information Forms, explaining the evaluation and nomination processes, conducting research to evaluate properties, and presenting PIFs to DHR’s evaluation committee.

**Preliminary Information Applications**

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

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

1. \*\*Ashburn Schoolhouse, Loudoun County, #053-0897, Criteria A and C

Chair Moore asked about the building’s proposed use. Ms. Von Lindern said that has not been settled yet and is dependent on funding, but the building will be retained as part of the campus of a new charter school. Vice-Chair Lahendro requested that the nomination include information about the context of public education in Loudoun County and how the Ashburn Schoolhouse fits within it.

2. Elkton Theatre, Town of Elkton, Rockingham County, #216-5016, Criteria A and C

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<sup>1</sup> Chair Moore adjourned the meeting for a lunch break at 12:50 p.m., and reconvened the meeting at 1:47 p.m.

Vice-Chair Lahendro asked if the theater's original doors are in place and Ms. Von Lindern said yes. Dr. Lee asked if a segregated entrance existed and Ms. Von Lindern said the building interior was not stable enough to explore its entirety so that is not known at this time. The entire interior will be documented in a nomination.

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

1. Dr. William Mebane House, Pulaski County, #077-0132, Criterion C

Vice-Chair Lahendro questioned the primary dwelling's architectural style, which is indicated in some places as being Colonial Revival. Dr. Lounsbury said it more accurately has attributes of the Classical Revival style.

2. Elon Village Public Library, Amherst County, #005-0044, Criteria A and C

Mr. Wagner said the Robinson Library is a similar very small, early public library. Mr. Edwards said that Upperville and Chatham also have small public libraries of similar original design. Dr. Lee asked if it was known why the library closed in 1965. Mr. Pulice said speculation is that the closure was related to construction of a new public library in the county seat. Dr. Lee suggested seeing if older residents of the town remember the library's closure.

3. Reed Creek Mill, Town of Wytheville, Wythe County, #139-5142, Criteria A and C

Chair Moore asked if the size of the workforce at the mill was known. Mr. Pulice said as many as six workers probably manned the mill on a regular basis, given its location and the size of the complex.

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

1. \*\*Baker Public School, City of Richmond, #127-0877, Criteria A and C

The SRB endorsed the PIF without comment.

2. Grace Episcopal Church, Chapel, and Cemetery, Town of Kilmarnock, Lancaster County, #249-5007, Criterion C

Vice-Chair Lahendro asked how the 1950s Grace Church compares to other examples of churches designed by Milton Grigg. Ms. Lipford explained that the Grace Church is a very good example of Grigg's work and has very few alterations compared to other examples. The chapel has been investigated since 2010 and discovered to have more integrity than previously realized. The complex taken as a whole is a significant collection of ecclesiastical design. Architectural historian and consultant Mary Ruffin Hanbury agreed that the complex in its entirety is greater than the sum of its parts. Dr. Lounsbury asked about changes made to the 1850s chapel. Ms. Hanbury said it has synthetic siding, some of which has been removed to restore the c. 1852 windows in the apse. A donor has been identified who is interested in restoring the original wood siding beneath the synthetic siding. Dr. Lounsbury said the chapel is an important representative of the 1850s revival of the Episcopal Church denomination, and is an increasingly rare survivor of the era, although it appears to have some 1890s interior alterations. He added that the chapel's retention of Gothic Revival attributes are unusual in an area that has long emphasized Colonial Revival design. Vice-Chair Lahendro noted that the complex's subsequent evolution and the association with Milton Grigg, who designed the mid-20<sup>th</sup> century church, is important to include in the nomination's historic context.

3. Hampton National Guard Armory, City of Hampton, #114-5001, Criteria A and C

Mr. Pollard said W. F. Pyle was a WPA civil engineer who was assigned to supervise construction of the armory using standard plans developed by the federal government for armories across the country. A new armory was constructed in the 1980s, after which this armory ceased to be used. Mr. Pollard noted only two pre-WWII armories are extant in Hampton Roads; the other armory was clad with stucco during the 1980s. The Hampton Armory was designed to serve a dual purpose as an armory and a community center. Late 19<sup>th</sup>-century armories, in contrast, served exclusively as armories. Recent trends have seen community use of armories decrease due to new security concerns.

4. Hawksley, Buckingham County, #014-5055, Criteria A and C

Dr. Lounsbury asked if it was known how many air-cured tobacco barns are extant in the vicinity. Ms. Lipford said that the data set in VCRIS is incomplete but that Buckingham County is not known as a tobacco-producing county. Ms. Lipford explained the differences between air-cured and flue-cured tobacco and how farmers adapted their buildings depending on which type of tobacco they grew or if they switched from one type to another. Vice-Chair Lahendro asked if anything is known about the family who constructed the primary dwelling, which is notable for its austere architecture. Ms. Lipford said that additional research is needed concerning the family history. Chair Moore asked if the extent of the slave cemetery is known. Ms. Lipford said the PIF does not provide a lot of information about the cemetery's documentation. Chair Moore asked if a slave quarter location is known. Ms. Lipford said that the extant chimney near the house is believed to have been a summer kitchen, but a potential quarter site has not been documented yet. Dr. Lee said a slave inventory probably would have been kept; such records are available at the Virginia Historical Society and the Library of Virginia. Dr. Bon-Harper recommended that the property's historic context include the farm's historical operation and use of an enslaved workforce.

5. Mount Herman Presbyterian Church, Amelia County, #004-5024, Criteria A and C

Ms. Stanley said information about Samantha Neal is available online, including her work in Amelia and Nottaway counties. Her goal is to restore the church and operate it as a wedding chapel. The previous owners stipulated that it remain in use as a Christian church. Prior to Ms. Stanley's acquisition, the windows had most of their glazing broken due to vandalism, but the wood sash are intact. Mrs. Neal's contributions to local education are documented in historic markers in the area, but the Mount Herman Presbyterian Church is the only

extant building associated with her. Ms. Stanley said the congregation was established in 1882. Dr. Lounsbury estimated that the building's construction date is ca. 1902, particularly given the clipped gables, colored glass, and tin ceiling, all of which were in common use by the late 19<sup>th</sup> century. Mrs. Neal is buried in a local cemetery; she died in 1909. Mr. Lahendro asked why the church was Presbyterian. Ms. Lipford said that the Board of the Presbyterian Church USA financed construction of this and 5 other churches in the area, but it is not known if the Board financed only Ms. Neal's work or if their contribution was part of a larger outreach effort to newly free African Americans after the Civil War. Mr. Salmon suggested conducting research at Union Theological Seminary. Dr. Lee asked if a school also was housed in the church. Ms. Stanley said she had not found evidence of that in her research. A youth group was placed at the building during the 1970s. Ms. Lipford said that school activities are known to have taken place at Russell Grove. Mr. Pulice suggested deed research also may provide information about the church's construction date. Ms. Stanley explained that Amelia County lost many of its antebellum records in a late-19<sup>th</sup> century fire, but she would look into it.

6. \*\*Oakwood Elementary School, City of Norfolk, #122-5818, Criterion A

Mr. Valalik said an annex on the building was constructed soon after the original construction, and some temporary classrooms are still on the property as well. The property continues to be used as an alternative school. Mr. Salmon recommended checking the Lynchburg Armstrong School nomination for context information on "equalization schools."

7. Smith's Marine Railway, York County, #099-5079, Criteria A and C

Vice-Chair Lahendro asked for more information about how the railway operates. Ms. Lowell explained that a chain-driven cradle runs along inclined rails to carry boats from the water into the shipyard. Boat-building also took place here historically but that ceased during the 1950s. The Smith family continues to operate the property and makes all repairs to boats. All the gears except for the largest one date to the 1850s. The largest gear cracked in the early 2000s and a new gear was forged. The gears continue to be belt-driven with an electric motor (formerly the gears were horse-powered). Mr. Salmon suggested including modern photos of the railway in operation with the nomination packet. Dr. Lounsbury asked if any other marine railways continue operating in York County. Ms. Lowell said not in York County, but Mathews County still has at least a couple. Vice-Chair Lahendro asked for the nomination to include an explanation of how operations have changed over time; Ms. Lowell said the change from horse power to an electric motor was the biggest change in the property's operational history. The property also no longer has its own operable sawmill.

**Chair Moore adjourned the SRB meeting at 3:55 p.m.**