

APPROVED MINUTES

JOINT MEETING of the STATE REVIEW BOARD and HISTORIC RESOURCES BOARD

10:00 a. m. September 17, 2015

Williamsburg Baptist Church, 227 Richmond Road, Williamsburg, VA 23185

State Review Board Members Present

Dr. Elizabeth Moore, Chair
Dr. Laurant Lee, Vice-Chair
Dr. Sara Bon-Harper
Joseph D. Lahendro
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
Terri Hauser
Margaret T. Peters

Department of Historic Resources Staff Present

Julie Langan, Director
Aubrey Von Lindern
Marc Wagner
Melina Bezirdjian
Michael Pulice
Wendy Musumeci
Jen Loux
Gillian Bears

Stephanie Williams, Deputy Director
Brad McDonald
Megan Melinat
Lena Sweeten McDonald
Jennifer Pullen
Elizabeth Tune
Joanna Wilson Green

Guests present (from sign-in sheet) – Dr. John Broadwater (Williamsburg); Robert Brooks (Queen Street Baptist Church); Chauncey Brown (Queen Street Baptist Church); David Brown (Walter Reed Birthplace 2015 Boundary Increase); Bob Carter (Warminster Rural Historic District); M. R. Hanbury; Dan Holmes (Piedmont Environmental Council; Rockland Rural Historic District); Tom and Sarah Parker (First Baptist Church); Novella W. Sammons (Queen Street Baptist Church); Daniel Wilson (Williamsburg Baptist Church); W. A. Wright (Warminster Rural Historic District)

Guests from State Agencies – Catherine Ayres (Office of the Attorney General); Katherine Surface Burk (Office of the Attorney General); Ryan Ramirez (Department of Planning and Budget)

Director Langan introduced Pastor Daniel Wilson, who provided the audience a brief history of the Williamsburg Baptist Church.

State Review Board (SRB)

Chair Elizabeth Moore called the SRB meeting to order at 10:04 a.m., and welcomed everyone in attendance. Chair Moore explained the role of the SRB and the process of designation, and invited the SRB members to introduce themselves. She then presented the June 18, 2015, meeting minutes. With a motion from Mr. Lahendro and a second from Dr. Lounsbury, the SRB voted unanimously to approve the minutes.

Historic Resources Board (HRB)

State Historic Preservation Officer Julie Langan called the HRB meeting to order and explained her role as Secretary of the HRB. She announced that elections of a Chair and Vice-Chair would be the HRB’s first order of business. She explained the role of the HRB in the Commonwealth’s historic preservation program and asked each member to introduce themselves.

Director Langan asked for a motion to make a nomination for Chair of the HRB; Mr. Mann seconded the motion. Ms. Hauser made a motion to nominate Mr. Mann as Chair, explained his contributions to the HRB since his appointment three years ago, and summarized his contributions to historic preservation. Mr. Gruber seconded the nomination. Director Langan asked if there would be any discussion; no comments were made. Ms. Peters moved that the nominations be closed. Ms. Langan asked for a vote to approve Mr. Mann as chair of the HRB. The members voted unanimously to appoint Mr. Mann as chair. Ms. Langan turned over the meeting to Chair Mann.

Chair Mann asked for a motion to nominate a candidate for Vice-Chair. Ms. Peters made a motion to approve Mr. Smith as Vice-Chair. Chair Mann seconded the motion. Chair Mann called the question and, hearing no objection, asked for a vote to approve Mr. Smith as Vice-Chair. The members voted unanimously to appoint Mr. Smith as vice-chair.

Chair Mann presented the June 18, 2015, meeting minutes. With a motion from Mr. Gruber and a second from Ms. Hauser, the HRB voted unanimously to approve the minutes as corrected.

Director’s Report (DHR)

Director Langan introduced guests from the Office of Attorney General and the Department of Planning and Budget. She thanked members of the Williamsburg Baptist Church for hosting today’s meeting. Director Langan provided an overview of current economic conditions in the Commonwealth, including the recently announced record budget surplus, which has been committed by law to the state’s rainy day fund and clean water fund. Director Langan explained the Governor’s top priorities of economic development and climate change. She announced that DHR has been asked to request three additional staff members, and is seeking a new staff member for the Division of Review and Compliance particularly due to the large number of energy development projects under way. DHR also has a waiting list for easement donations and will be adding another staff member to DHR’s easement program. The third position will be an additional slot for DHR’s regional office system, to be located in far Southwest Virginia; this position will focus on heritage tourism and job creation initiatives. DHR is finalizing our current fiscal year budget, under the lead of Deputy Director Williams. Director Langan reported that all professional preservation staff positions are filled, but the Division of Administration has three vacant positions, for which recruitment is under way. As a small agency, DHR’s salary offers are less than those at bigger agencies; consequently administrative staff come to DHR to gain experience and move on to larger agencies.

DHR has participated in numerous events over the summer. The agency participated in Virginia Pride Fest, which highlighted DHR’s and the NPS’s LGBTQ heritage initiatives. DHR will have an exhibit at the State Fair that will focus on the impact of climate change and sea level rise on archaeological resources. Director Langan explained that work is under way for Hurricane Sandy grants, with Jim Hare taking the lead on managing those 24 projects. One of the projects is to stabilize the slave quarters at Clermont Farm, which is owned by DHR. Historicorps participated in the project, which provided training in preservation and rehabilitation to volunteers. DHR has completed its initial review of applications for the Virginia Battlefield Preservation grants. Review for three other programs – CLG, Cost Share, and Threatened Sites – also are under way. Current controversial projects include the transmission line across the James River at Surry Skiffes, the Portsmouth City Council’s vote to remove its individually NR-listed Confederate memorial, and the Charlotte County Courthouse project. DHR recently published a book about Werowocomoco, designed a poster, undertook an oral history project, and is now working on a school lesson plan. DHR recently was asked by NPS to recommend properties associated with the Reconstruction Era in Virginia; recommendations are invited from board members. The Preservation Virginia conference takes place October 18-20 and kicks off the 50th anniversary of NHPA, which will be celebrated throughout 2016. Director Langan asked the boards to consider dates for board training in 2016. The December and March joint board meetings will take place in Richmond, the June 2016 meeting will be in Alexandria, and the September 2016 meeting will be in Lynchburg.

Chair Moore introduced Deputy Director Williams to present a summary of the 2016-2016 work plan. She summarized the new initiatives and the 5 primary goals in the plan. She asked for questions and none were made. She asked each board for a vote of support for the work plan as presented. Chair Moore asked the SRB for a motion to approve the work plan as presented. With a motion from Mr. Salmon and second from Vice-Chair Lee, the SRB voted unanimously to approve the work plan. Chair Mann asked the HRB for a motion to approve the work plan as presented. With a motion from Ms. Peters and a second from Ms. Atkins Spivey, the HRB voted unanimously to approve the work plan.

Deputy Director Williams introduced the 2016 meeting schedule. Chair Moore asked the SRB for a motion to approve the schedule as presented. With a motion from Mr. Lahendro and a second from Vice-Chair Lee, the members voted unanimously to approve the 2016 schedule. Chair Mann asked the HRB for a motion to approve the schedule as presented. With a motion from Ms. Atkins Spivey and a second from Mr. Gruber, the HRB voted unanimously to approve the 2016 schedule.

Deputy Director Williams summarized the recent approval of the emergency regulations for legal notification for nominations. The review process for nominations already is under way for December, so the emergency regulations will not be implemented until the March 2016 meeting. The emergency regulations will be in effect for about 18 months. The new permanent regulations for legal notification will be opened for public comment in October 2015. An update on the regulations will be provided at the December 2015 joint board meeting.

NOMINATIONS

Eastern Region.....presented by Marc Wagner

- 1. Rock Cliff, Nelson County, #062-0438, Criteria A and B
- 2. Walter Reed Birthplace 2015 Update and Boundary Increase, Gloucester County, #036-0080, Criteria A, B C, and D, Criteria Consideration C
- 3. **Wicker Apartments Historic District, City of Richmond, #127-6794, Criteria A, B, and C

Comments made:

Ms. McDonald announced that Mr. Salmon would recuse himself from consideration of the Wicker Apartments nomination as he is a co-author. He will remain to address any questions the boards may have, but will leave the room during the vote on the nomination. The first two nominations in the Eastern Region were to be voted on as a block to allow Mr. Salmon to vote, and the Wicker Apartments nomination voted on separately.

With regard to the Rock Cliff nomination, Mr. Wagner explained that based on SRB members’ review comments and discussion of the nomination with property owners, Criterion A will be removed from the nomination as the owners presently want to focus on their property’s significance under Criterion B. Criteria Consideration C for birthplaces and graves will be added to the nomination as it is the

burial place of one of the significant individuals under Criterion B. The nomination will be revised to include more discussion of Dr. Gantt's association with the property. Chair Mann asked for an explanation of the challenges of nominating a property with numerous alterations. Mr. Wagner summarized alterations to the primary dwelling's exterior, and explained this was partly why Criterion B is being emphasized in the current nomination. Ms. Peters said limiting the area of significance addresses her concern about the lack of primary source documentation on the changes to the property over time. Ms. Hauser asked if procedurally the HRB could approve a nomination that will be modified. Mr. Wagner explained that as long as the boards agree that the recommended Criteria or Criterion is met, then revisions to a nomination can proceed after a meeting without asking for the boards to review it again. Chair Moore said that it is a good thing to see nominations being prepared by property owners even though they can require additional staff time to prepare for the boards' review.

Chair Moore asked for a motion to approve the Walter Reed Birthplace 2015 Boundary Increase nominations as presented and the Rock Cliff nomination as presented with planned revisions. With a motion from Dr. Lounsbury and a second from Vice-Chair Lee, the SRB voted unanimously to approve both nominations.

Chair Mann asked for a motion to approve the Rock Cliff nomination with planned revisions and the Walter Reed Birthplace 2015 Boundary increase nominations. With a motion from Ms. Hauser and a second from Mr. Gruber, the HRB voted unanimously to approve both nominations.

Mr. Salmon recused himself and joined the audience during the presentation of the Wicker Apartments nomination.

Mr. Wagner explained that the Wicker Apartments nomination was prepared under the Federal Housing Administration-Insurance Garden Apartments in Richmond MPD. Two garden apartments have been Register-listed under this MPD – Chamberlayne Gardens and Kent Road. The Wicker Apartments meets the requirements under the MPD as well.

Chair Moore asked the boards for questions. None were made. Mr. Salmon left the room during consideration of the Wicker Apartments nomination by the boards. The SRB retained a quorum. Chair Moore asked the SRB for a motion to approve the Wicker Apartments nomination as presented. With a motion from Mr. Lahendro and a second from Vice-Chair Lee, the SRB voted unanimously to approve the nomination as presented.

Chair Mann asked for a motion to approve the Wicker Apartments nomination as presented. With a motion from Ms. Peters and a second from Ms. Atkins-Spivey, the HRB voted unanimously to approve the nominations as presented.

Mr. Salmon returned to the room after both boards' vote was completed.

Northern Region.....presented by Maral Kalbian

1. Rockland Rural Historic District, Warren County, #093-5058, Criteria A and C

Comments made:

Chair Moore announced a slight change to the agenda, with the Rockland Rural Historic District to be presented next. Ms. Peters recused herself from consideration of the nomination as she is a co-author. She remained in the audience to address any questions by board members. None were posed, and Ms. Peters left the room prior to the Boards taking a vote on the nomination. The HRB retained a quorum.

Chair Moore asked for questions about the nomination. Vice-Chair Lee thanked both authors for preparing the nomination and providing thorough documentation on the Carter manumission of his slaves.

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

After the SRB's vote, Mr. Holmes asked for an opportunity to speak. He described the proposed replacement of the existing Morgan Ford Bridge, which is likely to affect the location of the former Smoketown community and associated relict road trace. A signed Memorandum of Agreement under the Section 106 Review process will allow this project to proceed. Mr. Holmes said lack of archaeological investigation has prevented definitive identification and delineation of an archaeological site at the Smoketown and road trace location. Dr. Bon Harper asked what archaeological investigations have taken place to date. Mr. Holmes said some test pits were dug but there were concerns about the accuracy of the subsequent reports of fields investigations because the testing that was conducted was based on an erroneous understanding of where the Smoketown community had been located. Vice-Chair Smith asked if the existing bridge was always passable. Mr. Holmes said his understanding was that in the past 5-6 years, as many as 60 days occurred when the bridge was impassable. Gates were installed to close the bridge due to deaths that had occurred. Vice-Chair Smith asked if alternative bridges exist to cross the Shenandoah River. Mr. Holmes said yes, but he was not certain of driving distances to other bridges.

Chair Moore asked for DHR staff to provide an update on the status of the Section 106 review process for the bridge project. Director Langan explained DHR's 3-year participation in the review process, negotiation of the Memorandum of Agreement, and conclusion of the

review process. Ms. Atkins Spivey asked if a Phase II investigation took place to identify a site associated with Smoketown and the associated road trace. Director Langan said no because where the Phase I testing was conducted had negative results for archaeological deposits. Ms. Atkins Spivey asked if others disagreed with the results of investigations and Mr. Holmes said yes. Dr. Bon Harper said it sounded like the testing done was sufficient for where it took place but may not have been for the likely actual location of the Smoketown community. Mr. Holmes agreed. Chair Mann asked if anyone was going to challenge the signed MOA. Mr. Holmes said Stipulation VII allows challenges to the drawings for the bridge replacement, and the Piedmont Environmental Council has objected. Ms. Atkins Spivey asked if any response has been received. Mr. Holmes said the Virginia Department of Transportation (VDOT) has responded, but the Federal Highway Administration (FHWA) has not yet responded. Mr. Holmes said that VDOT has dismissed the concerns that had been raised. Ms. Atkins Spivey noted that was unfortunate because the history of Smoketown suggested it could be eligible for the Registers in its own right if archaeological deposits are found. Mr. Holmes said an alternative bridge design was provided that would reduce flooding by 85% while avoiding the likely location of the Smoketown site but it was rejected. Vice-Chair Smith asked how many people have died on the existing bridge in recent years. Mr. Holmes said two people died during a drunk driving accident. The third person died was a young driver who drove into the area and may not have realized the bridge was dangerous to cross during flooding. The existing gates were installed after this accident.

Chair Mann asked for a motion to approve the nominations as presented. With a motion from Mr. Gruber and a second from Mr. Atkins Spivey, the HRB voted unanimously to approve the nominations as presented.

Ms. Peters returned to the room after both boards' vote was completed.

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

1. Locust Grove, Page County, #069-0145, Criterion C
2. **Shiloh Baptist Church (Old Site), City of Fredericksburg, #111-0096, Criteria A and C, Criteria Consideration A
3. **Stoke, Loudoun County, #053-0123, Criteria B and C
4. Virginia Metalcrafters, City of Waynesboro, #136-5090, Criterion A
5. ***Winchester Historic District 2015 Boundary Increase, City of Winchester, #138-0042, Criteria A, B, and C

Comments made:

Chair Mann asked if the Patsy Cline drugstore was in the original Winchester Historic District or the boundary increase area. Ms. Von Lindern said it is located within the original historic district.

Vice-Chair Smith asked if the Virginia Metalcrafters complex was still in use, and Ms. Von Lindern said the company closed in 2006.

Mr. Lahendro said that the nomination for Shiloh Baptist Church (Old Site) needs revisions to identify the historic portions of the building and later additions. Ms. Von Lindern said she is working with the nomination author to address this.

Chair Moore asked the SRB for questions and comments. Ms. Von Lindern said Mr. Salmon's question about why Virginia Metalcrafters had closed in 2006 has been addressed in the nomination. Mr. Smith asked if Virginia Metalcrafters is out of business, and Ms. Von Lindern said yes. Mr. Gruber noted the 13 letters of support received for the Shiloh Baptist Church Old Site. Chair Moore asked for a motion to approve the nominations as presented. With a motion from Mr. Lahendro and a second from Vice-Chair Lee, the SRB voted unanimously to approve the nomination as presented.

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

Director Langan reminded the board and audience members that DHR's recording system picks up side conversations, which will make it difficult to hear the meeting's official proceedings.

At Chair Mann's request, the board members took a brief moment to stretch before the Western Region nominations were presented.

Western Region.....presented by Michael Pulice

1. First Baptist Church, City of Bristol, #102-0015, Criterion C; Criteria Consideration A
2. Smyth County Community Hospital, Smyth County, #119-5017, Criteria A and C

Comments made:

Mr. Pulice introduced Mr. Parker, who was primary author of the First Baptist Church nomination. Mr. Parker introduced his wife, Sarah Parker, and said they serve as volunteer administrators for the First Baptist Church. Mr. Parker thanked Mr. Pulice for his assistance in preparing the nomination.

Chair Moore asked about future plans for the Smyth County Community Hospital building. Mr. Pulice said Emory and Henry College will use it for medical education.

Chair Moore asked the SRB for questions and comments. None were made. Chair Moore asked for a motion to approve the nominations as presented. With a motion from Vice-Chair Lee and a second from Mr. Salmon, the SRB voted unanimously to approve the nomination as presented.

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

The joint meeting adjourned at 12:30 p.m.

AFTERNOON SESSION

HISTORIC RESOURCES BOARD

Williamsburg Baptist Church, 227 Richmond Road, Williamsburg, VA 23185

Historic Resources Board Members Present

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

Department of Historic Resources (DHR) Staff Present

Director Julie Langan
Deputy-Director Stephanie Williams
Gillian Bears
Joanna Wilson Green
Jennifer Loux
Megan Melinat
Wendy Musumeci
Jennifer Pullen
Elizabeth Tune

Other State Agency Staff present: Catherine Ayres (Office of the Attorney General); Ryan Ramirez (Department of Planning and Budget)

Guests present: Martin Sekula; Barry and Judy Rudacille (Samuel Miller marker)

Chair Mann called the meeting to order at 1:02 p.m. Chair Mann explained the role of the Historic Resources Board and asked each member to introduce themselves. C. Smith-Vice Chair, A. Atkins-Spivey, M. Peters, D. Gruber, C. Mann-Chair, T. Hauser, and E. Weston Brown composed the Historic Resources Board (the “Board” or “HRB”).

HIGHWAY MARKERS

J. Loux, Highway Marker Historian, introduced herself to the Board, and then presented the following Diversity markers, Sponsor markers and Replacement markers as a group to the HRB and noted that one marker sponsor was present as guests in the audience: Barry Rudacille (Samuel Miller marker).

Sponsor Markers – Diversity

1. Newtown Cemetery

Sponsor: Northeast Neighborhood Association, Inc.

Locality: Harrisonburg

Proposed Location: Intersection of Hill and Kelley Streets

2. Hunting Quarter Baptist Church

Sponsor: Hunting Quarter Baptist Church

Locality: Sussex County

Proposed Location: 16166 Hunting Quarter Church Road, Stony Creek

3. Paul Laurence Dunbar High School

Sponsor: Dunbar High School Memorial Wall Committee

Locality: Lynchburg

Proposed Location: 1200 Polk Street

4. Camp Mont Shenandoah

Sponsor: Camp Mont Shenandoah

Locality: Bath County

Proposed Location: 218 Mont Shenandoah Lane

Sponsor Markers

1. Samuel Miller (1792-1869)

Sponsor: Barry A. Rudacille

Locality: Lynchburg

Proposed Location: Richland Drive at intersection with Brookville Lane

2. Civil Air Patrol Coastal Base Four

Sponsor: Virginia Wing, Civil Air Patrol

Locality: Accomack County

Proposed Location: SR 316 near intersection with SR 673, in Parksley

Replacement Markers (Sponsor-funded)

1. Elk Garden Fort X-9

Sponsor: The Ratcliffe Foundation

Locality: Russell County

Proposed Location: Intersection of U.S. 19 and S.R. 80

2. Chuckatuck K-248

Sponsor: Greater Chuckatuck Historical Foundation

Locality: City of Suffolk

Proposed Location: near intersection of Godwin Blvd. and King's Highway

Comments Summary:

Vice-Chair Smith asked if Camp Mont Shenandoah was still in operation. Ms. Loux responded that it was and the property was listed on the historic registers. Ms. Hauser observed that the text of the Chuckatuck marker seemed very different. Ms. Loux responded yes, that was by design as the original marker only had two or three sentences and this provided an opportunity to update the text and provide a more interesting and educationally valuable text for the sign.

With a motion from Vice-Chair Smith and a second from Ms. Hauser, the HRB voted unanimously to accept all the Sponsor Markers-Diversity, Sponsor Markers, and Replacement Markers as proposed.

Vice-Chair Smith asked if a marker was destroyed in an automobile accident, would the Virginia Department of Transportation ("VDOT") make a claim against the insurance company. Ms. Loux responded that VDOT did this in the past, but no longer wanted to pursue claims and the question of which state agency owned a retired marker was still under discussion. Ms. Peters observed that in the past VDOT did pursue insurance companies for claims.

Consideration of a Virginia Beach Local Marker Program

Ms. Loux presented an image of the proposed Virginia Beach local highway marker and the applicable sections of the Virginia Code for the Board's consideration.

Comments Summary:

Ms. Peters inquired if Virginia Beach was using a local manufacturer or the state manufacturer. Ms. Loux responded that she did not know but might be the same manufacturer. Ms. Loux reminded the Board that they needed to consider whether the design for the marker fit the specifications as described in the Virginia Code. Chair Mann called for a motion. Vice-Chair Smith made a motion to approve the design for the Virginia Beach Local Marker program and Ms. Peters seconded the motion.

Ms. Hauser asked if, in staff's opinion, the marker met the requirements. Ms. Loux responded that the City of Virginia Beach seal was prominent and the design elements were sufficiently differentiated. Vice-Chair Smith observed that these types of signs were roughly similar nationwide, but this one seemed fine and asked if there was a requirement regarding the font. Ms. Loux responded no.

With a motion from Vice-Chair Smith and a second from Ms. Hauser, the HRB voted unanimously to approve the design for the Virginia Beach Local Marker Program.

Consideration of a marker retirement policy

Ms. Loux explained the purpose of the policy and noted that VDOT routinely brings to DHR's attention markers that are damaged or deteriorated and for markers that don't meet current standards this was an opportunity to provide context and educational value.

Comments Summary:

Vice-Chair Smith asked if the Board had some ability or authority to remove a marker it approved. Ms. Loux responded that in the 1990s the highway marker program made an effort to target and remove signs for a variety of reasons without the Board's involvement. Ms. Loux continued that the effort was made to remove signs that were poorly done or contained offensive language. She noted that the proposed policy was not targeting markers for removal but was for specific situations where significant funds were required for restoration or repair of a sign that had no historical context or did not meet modern standards. Ms. Loux continued that because the program was really a public-private partnership, the \$1600 cost of a replacement marker would be fund raised in the community and the text of the marker revised as an educational opportunity using current standards of scholarship. Vice-Chair Smith stated he was concerned about revising history and markers that are now offensive and that part of the importance of history was to examine those things in the context in which they were written and approved. Ms. Loux stated that all of what would be considered offensive was addressed about twenty years ago. Ms. Peters observed that when the original markers were done there was no Board review, and they were done by one or two individuals. Ms. Peters agreed the goal was not to rewrite history, but many of the markers removed were egregiously offensive and often the product of one or two staff members' vision of history. Mr. Gruber stated he was happy with the policy and in the context of talking about revisions of history was extremely pleased to see the note about Virginia Code Section 15.2-1812 about whether or not the marker was a war memorial and how that spoke to a lot of political conversations going on now in Virginia. Mr. Gruber stated he was pleased with the section that illuminated the fiscal explanation clearly and he supported the text as written. Ms. Loux stated that the policy was not a targeted effort to remove specific markers or topics that staff had a problem with, but rather an opportunity to expand the educational context of a marker and not remain beholden to a dated interpretation.

Ms. Ayres observed that the marker retirement policy was part of a larger Departmental policy that would be presented to the Board in December. Ms. Ayres noted that if markers are retired and not necessarily destroyed, they could be conditionally donated to certain entities for display for educational purposes. Ms. Loux added that markers were considered an artifact in their own right and the next step would be a policy by which a local historical society or museum could take the marker on a conditional basis, display it to the public, and provide an interpretative text. Ms. Hauser stated she was glad to see attention being placed to markers and wanted to clarify that there a two-fold test for retirement, the first was that it required refurbishment and was badly deteriorated and that she was concerned about the second requirement to correct "errors" of fact that could be documented. Ms. Hauser continued that she did not want to see this as an excuse for a political correctness litmus test. Ms. Loux responded that was why the policy used the phrase "errors of fact." Ms. Hauser asked if a replacement marker was put up would the text be presented to the Board for approval. Ms. Loux responded yes. Ms. Hauser asked if there would be any prioritization for replacements. Ms. Loux responded that replacement markers are brought to her by VDOT on an as-needed basis and there is no initiative on her end to seek these out. Ms. Hauser asked if there was any priority for replacement of markers. Ms. Loux responded that it depended on available funding to pay for the manufacture of new markers. If DHR were to obtain dedicated funding for replacement markers, then there might be a priority list based on what was most visible and necessary; currently, DHR had to rely on a private organizations to step forward and fundraise for manufacture of marker replacements, and these projects were completed in the order in which their sponsors were able to raise that money. Vice-Chair Smith stated there were two separate issues and one had to do with the money/cost and asked if there was money available would the process be different. Ms. Loux responded if funds were available the program would do the same thing except she would not have to solicit interest from local groups. Vice-Chair Smith asked if the agency could charge more to local sponsors for manufacture of a marker to create a fund for replacement of damaged markers. Ms. Loux responded that idea had been brought up in the past but that would require other changes in policy. Vice-Chair Smith asked if this Board was empowered to change the price of the markers. C. Ayres observed that establishing a new fund for extra money would require legislative action. Ms. Peters stated that the sponsor was billed directly for the marker by the foundry and the money never actually came through the Department. Vice-Chair Smith asked if the Board could request that staff look into the question of establishing a fund and report back to the Board. Director Langan stated that it would be appropriate for the Board to request research into this possibility and the way it might actually work would be that an applicant would continue to order and pay for the marker directly from the foundry and then the Department would collect a fee directly from the applicant, but the additional cost might be difficult for some sponsors. Vice-Chair Smith asked if staff could look into it. Director Langan continued that it was a good concept but there might be pushback. Chair Mann asked if staff could provide a report of options at the next meeting as to what opportunities the Board had as far as that was concerned and that it might not be egregious to add \$400 or so to the current price of \$1,600 per marker. Ms. Loux noted that the foundry raises prices every two years for the manufacture of a marker. Vice-Chair Smith stated the Board could raise its perpetual care fee as well. Ms. Atkins-Spivey noted that there are a lot of communities actively interested in a marker but don't have the funds or the resources to even fundraise to pay for it and these communities want to engage in this program but don't have the funding. Ms. Peters stated that it was good idea for the Board to explore it but she had a serious philosophical problem with charging nonprofit groups a fee

for a perpetual fund to care for markers that they do not own. Ms. Peters stated that from a public relations standpoint, the applicant was essentially paying for something that would become state property and adding another fee to care for markers across the state was objectionable. Ms. Loux noted that marker maintenance was really within VDOT's jurisdiction and they were responsible for all maintenance and repair work. Director Langan stated that VDOT was not saying they would not make reasonable repairs to damaged or deteriorated markers, but that some markers were beyond reasonable repair and not a worthwhile investment. C. Ayres asked what VDOT currently did with the markers it removed. Ms. Loux responded that it depended on the VDOT region or district and that some were proactive in assessing what markers needed repair work and others sat in a warehouse awaiting disposition because of this potential policy. C. Ayres asked what happened before this, were the markers just scrapped. Ms. Loux responded she believed so and it was only within the last year or two that VDOT had taken a serious interest in maintaining the highway markers, in the past deteriorated/damaged markers were ignored or scrapped. Chair Mann observed that this was a healthy discussion and further discussion could potentially be tied into the VDOT insurance issue and that he was not comfortable with the idea that VDOT was no longer pursuing insurance claims. Ms. Loux responded that she was currently waiting on some facts from VDOT along similar lines. Ms. Ayres asked Ms. Loux what she needed today. Ms. Loux restated the request for the Board's approval of the retirement policy.

Mr. Gruber made a motion to approve the marker retirement policy as presented and Ms. Atkins-Spivey seconded the motion. The HRB voted 6-1 to approve the marker policy. Chair Mann, Mr. Gruber, Ms. Atkins-Spivey, Ms. Peters, Ms. Hauser, and Ms. Brown voted to approve the policy as presented. Vice-Chair Smith voted to oppose adoption of the marker retirement policy as presented.

Ms. Hauser made a request that Ms. Loux maintain a list of retired markers and that be presented to the Board. Ms. Loux responded yes and those could be presented to the Board on a quarterly basis.

Preview of Historical Marker Program Operations Manual

Ms. Loux briefed the Board about a Highway Marker Program Operations Manual and marker donation policy that will be presented at the December meeting.

Report on Marker Relocations

Ms. Loux briefed the Board about three marker relocation projects, including: (1) Virginia Capital Trail/Route 5 markers; (2) Joshua L. Chamberlain promoted "on the spot" marker; and (3) the Werowocomoco marker.

Ms. Peters observed that the relocation of the Virginia Capital Trail/Route 5 markers would answer a lot of issues as more people would be able to read the markers. Ms. Atkins-Spivey asked about the issue behind relocation of the Werowocomoco marker. Ms. Loux responded that the property owners did not want it located near the actual site and the new location in Gloucester Court House would be accessible. Mr. Gruber thanked Ms. Loux for moving the Route 5 markers to the Virginia Capital Trail and noted the trail and markers were well used and appreciated.

EASEMENTS

Wendy Musumeci, Easement Program Coordinator, introduced herself to the Board, and provided a brief summary of her role within the Easement Program as well as the process for review and approval of new easements. Ms. Musumeci briefly summarized the terminology of the Civil War Sites Advisory Commission ("CWSAC") rating system and requested that the Board vote separately for each project.

Easements for Consideration

- 1. Bly Tract, Brandy Station Battlefield, Culpeper County**
Property Owner: Civil War Trust
Acreage: 29.557 acres

Fronting Fleetwood Heights Road (VA Route 685) and U.S. Route 15/29 near Brandy Station, the Bly Tract contains roughly 30-acres of open-space land. The property falls entirely within the core area of the Brandy Station Battlefield as determined by the CWSAC, which has given the battlefield a Preservation Priority I.3, Class B rating. The CWSAC classifies Priority I battlefields as those with a "critical need for coordinated nationwide action regarding their preservation" and further defines Class B battlefields as those "having a direct and decisive influence on their campaign," in this case the Gettysburg Campaign of 1863. The Bly Tract contains the location where Confederate Major General J.E.B Stuart hearing cannon fire to the rear of his position redeployed Brigadier General Wade Hampton and Brigadier General William "Grumble" Jones' brigades and Major Robert F. Beckham's horse artillery to Fleetwood Hill. The property also falls within the study areas of the Rappahannock Station I and Kelly's Ford Battlefields as determined by the CWSAC. Comprised primarily of fields and meadows covered with scrub cedar trees and vegetative growth, the property was most recently used for agricultural purposes, including sod farming. Improvements on the property include a two-story frame shed with metal siding and a pole shed addition as well as two fuel storage tanks. The Civil War Trust ("CWT") acquired the property in December 2014 with grants from the American Battlefield Protection Program ("ABPP") and Virginia Civil War Site Preservation Fund. The CWT intends to remove the existing shed and possibly utilize the property for agricultural purposes. The CWT's long terms plans for the property are to restore the

landscape to its Civil War appearance and provide for public access and interpretation. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Demolition and removal of the existing non-historic shed shall be completed within three (3) years of the date of easement recordation; any change to the three (3)-year time frame for demolition or removal of the shed as determined by the Board shall be negotiated in advance with DHR.
- (ii) Demolition and removal of existing buildings and structures shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

No comments were made.

With a motion from Vice-Chair Smith and a second from Ms. Peters, the HRB voted unanimously to approve Item #1 (Bly Tract, Brandy Station Battlefield) with conditions (i) and (ii) as recommended by the Easement Acceptance Committee.

2. Mitchell Tract, Brandy Station Battlefield, Culpeper County

Property Owner: Under contract to Civil War Trust

Acreage: 10.49 acres

Located at the northeast corner of Fleetwood Heights Road and Stuart Lane near Brandy Station, the Mitchell Tract contains approximately 10.49 acres of land. The property falls within the core area of the Brandy Station Battlefield as determined by the CWSAC which has given the battlefield a Preservation Priority I.3, Class B rating. The CWSAC classifies Priority I battlefields as those with a “critical need for coordinated nationwide action regarding their preservation” and further defines Class B battlefields as those “having a direct and decisive influence on their campaign,” in this case the Gettysburg Campaign of 1863. The property sits at the southern terminus of Fleetwood Hill and the culmination of the battle was the engagement on Fleetwood Hill. The property also falls within the study area of the Rappahannock Station I Battlefield as determined by the CWSAC, which has given the battlefield a Priority II.4 Class D rating. Comprised of a combination of wooded and open-space agricultural lands, the property is also improved for residential use. Existing buildings and structures include a one-story dwelling constructed circa 1964, one modern detached garage, and one shed. The CWT executed a purchase contract with the current property owner with closing to occur by February 2016. To assist with acquisition of the property, the Trust has applied for both ABPP and Virginia Battlefield Preservation Fund (“VABPF”) grants. The CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. The CWT’s long terms plans for the property are to restore the landscape to its Civil War appearance and provide for public access and interpretation. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Demolition and removal of existing non-historic buildings and structures shall be completed within three (3) years of the date of easement recordation.
- (ii) Any change to the time frame for demolition or removal of existing non-historic buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (iii) DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure any rights conveyed via the lease do not conflict with the easement.
- (iv) Any lease in effect at the time of recordation must be subordinated to the easement.
- (v) Demolition and removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

Ms. Brown asked if the grantor would be the current owner or if the easement would not be granted until the CWT acquired the property. Ms. Musumeci responded that the CWT would be the grantor of the easement and had submitted a copy of the purchase contract for the property in the interim.

With a motion from Ms. Atkins-Spivey and a second from Mr. Gruber, the HRB voted unanimously to approve Item #2 (Mitchell Tract, Brandy Station Battlefield) conditions (i) through (v) as recommended by the Easement Acceptance Committee.

3. Deane II Tract, Second Deep Bottom Battlefield, Henrico County

Property Owner: Richmond Battlefields Association, Inc.

Acreage: 4.92 acres

Fronting Darbytown Road in eastern Henrico County, the Deane Tract contains approximately 4.92 acres of land. 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. The CWSAC defines Priority I battlefields as those with a critical need for action, and designates Class B as those that had a direct and decisive influence on their campaign, in this instance the Richmond-Petersburg Campaign from June 1864 to March 1865. The Battle of Second Deep Bottom took place from August 13 to August 20, 1864. On August 16, the first critical moment of the fight around Fussell’s Mill occurred when the Union brigades under Joseph R. Hawley under Brigadier General Alfred H. Terry assaulted Confederate entrenchments positioned to defend Richmond. The Union attackers initially broke through the line, scattered his brigade, and blew a gap

in the defenses that stretched for nearly half a mile. Confederate Robert E. Lee personally rallied his men and supervised their ensuing counterattack, which involved portions of six different brigades. The Confederates swept eastward and fought their way back to the original line of entrenchments on the Deane Tract, and up and down the line to the north and south of it. 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. Priority II battlefields are those with opportunities for comprehensive preservation, and the designation of Class C is reserved for those battlefields “having observable influence on the outcome of a campaign,” in this case the Richmond-Petersburg Campaign of June 1864 to March 1865. The Battle of First Deep Bottom took place on July 27-29, 1864.

The Deane Tract is currently improved for residential purposes and agricultural crop production. Existing buildings and structures include one circa 1937 one and one-half story frame residential dwelling, one well and septic system, one barn, one brick outbuilding, one frame chicken coop, and two sheds. The Richmond Battlefields Association (“RBA”) acquired the property in July 2015 and intends to use ABPP and VABPF grants to assist with acquisition costs. The RBA would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. They also intend to lease the existing residential dwelling for a period of time that coincides with a life estate granted for a residential dwelling on the adjoining Goodale II Tract, also owned by the RBA. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance with the following conditions:

- (i) The existing dwelling on the Deane II Tract may be leased to accommodate a caretaker for an adjacent property owner; however such lease shall not extend beyond the life estate granted to the property owner on the adjoining Goodale II Tract, 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 the existing non-historic or deteriorated buildings and structures on the property shall be completed within three (3) years of the expiration of the lease period of the existing dwelling on the Deane II Tract. For purposes of this requirement, such lease period shall not include the one year allowance provided in Paragraph (i) above.
- (iv) Any change to the time frame for demolition and removal of existing buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (v) Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the RBA and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

Vice-Chair Smith asked for clarification on condition (iii). Ms. Musumeci replied that this condition permitted an additional year for the buildings and structures to remain on the property outside of the demolition period to allow for settlement of the estate. Mr. Gruber observed that the neighbors would likely be excited to see the property conserved.

With a motion from Mr. Gruber and a second from Ms. Atkins-Spivey, the HRB voted unanimously to approve Item #3 (Deane II Tract, Second Deep Bottom Battlefield) with conditions (i) through (v) as recommended by the Easement Acceptance Committee.

4. Scott Tract, Glendale Battlefield, Henrico County

Property Owner: Civil War Trust

Acreage: 1.684 acres

Located along Darbytown Road (VA Route 156) in eastern Henrico County, the Scott Tract contains approximately 1.684 acres of land. Comprised of mixed woodlands and open lawn, the property was most recently used for residential purposes. The property falls within the core area of the Glendale Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the CWSAC. The CWSAC defines Priority I battlefields as those in most critical need of preservation, and the designation of Class B is reserved for those battlefields “having a direct and decisive influence on their campaign,” in reference to the Battle of Glendale’s contribution to the Peninsula Campaign of 1862. Conservation of the Scott Tract will protect the site of the northern extremity of the fortified battle line of Union Brigadier General John C. Robinson’s Brigade, of General Phillip Kearney Jr.’s Division, III Corps during the June 30, 1862 battle. The property also falls within the study area of the Malvern Hill Battlefield, which has been given a Preservation Priority Rating of I.1 Class A by the CWSAC. The CWSAC defines Priority I battlefields as those with a critical need for action, and designates Class A as those that had a direct and decisive influence on their campaign, in this instance the Peninsula Campaign from March to September 1862. The property also falls within the study area of the First Deep Bottom Battlefield and the core area of the Second Deep Bottom Battlefield as determined by the CWSAC.

Existing buildings and structures include a one and one-half story residential frame dwelling constructed in 1951 and remodeled in the early 2000s. There is also one metal storage shed as well as a well and septic system on the property. The CWT acquired the Scott Tract in August 2015. To assist with acquisition costs, they have applied for ABPP and Virginia Battlefield Preservation Fund 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. The CWT’s long terms plans for the property are to restore the landscape to its Civil War appearance and provide for public access and interpretation. Ms. Musumeci stated that the Easement Acceptance Committee recommended approval with the following conditions:

- (i) Demolition and removal of existing buildings and structures shall be completed within three (3) years of the date of easement recordation.

- (ii) Any change to the time frame for demolition or removal of existing buildings and structures as determined by the Board shall be negotiated in advance with VDHR.
- (iii) DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure that any rights conveyed via the lease do not conflict with the easement. Any lease in effect at the time of recordation must be subordinated to the easement.
- (iv) Demolition and removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and the DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

No comments were made.

With a motion from Vice-Chair Smith and a second from Ms. Peters, the HRB voted unanimously to approve Item #4 (Scott Tract, Glendale Battlefield) with conditions (i) through (iv) as recommended by the Easement Acceptance Committee.

5. Hobson Tract, Gaines Mill Battlefield, Hanover County

Property Owner: Under contract to Civil War Trust

Acreage: 2.128 acres

Situated on Watt House Road (VA Route 718) southeast of Mechanicsville, the Hobson Tract contains 2.128 acres of land. The property falls within the core and study areas of the Gaines Mill Battlefield, which has a Preservation Priority Rating of I.1 Class A from the CWSAC. The CWSAC defines Priority I battlefields as those with a critical need for action and designates Class A as those battles that had a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Peninsula Campaign from March to September 1862. The property contains the general location of the marshy swampy terrain where several Confederate charges occurred, including those of Brig. Gen. Charles W. Field's Virginia infantry and Brig. Gen. Isaac Trimble's brigade. The property also falls within the core and study areas of the Cold Harbor Battlefield, which has a Preservation Priority Rating of I.1 Class A from the CWSAC. This battle was part of Grant's Overland Campaign from May to June 1864.

Comprised primarily of wooded cover, the Hobson Tract is improved for residential use. Existing buildings and structures include one dwelling with attached garage constructed in 1991 and two modern tool sheds. The CWT recently executed a purchase contract with the current property owner with closing to occur by October 2015. To assist with acquisition of the property, the CWT has applied for ABPP and VABPF grants. They would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. The CWT has indicated that an obelisk-style monument to the 11th MS regiment will be constructed on the property prior to recordation of the easement. The 11th MS was involved in the Confederate assaults against the line of Union General Fitz John Porter's 5th Corp during the battle of Gaines' Mill. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance with the following conditions:

- (i) DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure that any rights conveyed via the lease do not conflict with the easement.
- (ii) Any lease in effect at the time of recordation must be subordinated to the easement.
- (iii) Demolition and removal of existing non-historic buildings and structures shall be completed within three (3) years of easement recordation.
- (iv) Any change to the time frame for demolition or removal of existing non-historic buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (v) Demolition and removal of existing buildings and structures or rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and the DHR, and such plan shall be incorporated into the easement either directly or by reference.

Ms. Musumeci stated that the Committee deferred making a recommendation about the proposed construction of a monument to the 11th MS regiment on the property and will present this issue directly to the Board for its consideration. Ms. Musumeci stated that at the time the Easement Acceptance Committee looked at the proposed easement offer they were not aware that the monument would be fully constructed prior to easement recordation, and expressed concern that this might set precedent for a number of monuments to be constructed on a smaller-acreage property.

Comments Summary:

Chair Mann asked what documentation the Committee examined to justify the monument location. Ms. Musumeci responded that the Easement Acceptance Committee asked the same question when they first reviewed the application and the Civil War Trust submitted additional information which the Committee reviewed at another meeting. Ms. Musumeci stated this included a detailed battle description that included the 11th MS and directed the Board to review the battle maps. Ms. Musumeci added that the 11th MS was apparently part of the Confederate charge that came across the property, but this information was not necessarily from primary source documentation. Chair Mann asked if anyone had spoken with historian Bob Krick at the Richmond National Battlefield. Ms. Musumeci responded no. Mr. Gruber stated that it sounded as if the wheels had already been put in motion for this and the Board's easement would contain this monument. Ms. Musumeci replied yes. Mr. Gruber asked about the depth of the footer required for the monument. Ms. Musumeci responded that the Committee had not been provided with construction details. Ms. Musumeci stated that one option would be to exclude this area from the easement if there was a concern and the Board could in its approval exclude the 20' x 30' area on which the monument

would be constructed. Ms. Musumeci clarified that the current owners were granting the access easement for the monument. Mr. Gruber asked what kind of precedent would this set for the future. Ms. Musumeci responded that was the Committee's concern. Ms. Musumeci noted that the CWT had never made a request to construct a monument, and they had no intent to construct other monuments on this property, but it did set a precedent for which the Committee was concerned, particularly for a smaller acreage property having a number of monuments on it. Ms. Hauser asked if the 11th MS had specific significance to this property. Ms. Musumeci responded not more than any other regiment that participated in the battle and this particular regiment had a very good advocacy group behind it. Ms. Musumeci noted that, based on historic information the Committee reviewed, it did not appear the 11th MS was necessarily any more prominent in this battle than any other regiment. Ms. Hauser asked if there was any precedent for similar monuments on other battlefields. Ms. Musumeci replied there had been no specific requests for properties already eased. Ms. Melinat clarified that Aldie Farm had a monument within its boundaries but also had significantly more acreage. Ms. Musumeci agreed and stated that the 90-acre easement property on the Aldie Battlefield along Snickersville Turnpike in Loudoun County had a monument that was in place at the time the easement was taken.

Ms. Hauser asked for confirmation that the Hobson Tract was a smaller easement in the context of a larger battlefield on which the Board held a lot of acreage under easement. Ms. Musumeci responded that the Board did not have a lot of acreage under easement on the Gaines Mill Battlefield and it was an isolated parcel in terms of easements held by the Board. Ms. Musumeci added that it was not far from the National Park and that the CWT was acquiring land to the south of this parcel with the possible long-term goal to transfer some of these properties to the National Park Service. Vice-Chair Smith asked if monuments were permitted after the easement was recorded. Ms. Musumeci responded that the easement language permitted structures associated with interpretation of the battlefield, battlefield landscape, or for the public, and that it would be something that would be considered under the easement. Ms. Musumeci stated staff would review and approve its size and its location, and to Mr. Gruber's point, archaeology might be required if there was ground disturbance associated with construction of the monument. Ms. Peters noted it would require more extensive documentation of where this particular unit was during the battle and it did not appear that Board had that. Ms. Musumeci agreed the documentation was not substantive. Ms. Bearns clarified that there was a difference between commemoration and interpretation, and that staff would evaluate how much educational value this monument had versus whether it was just commemorating a particular regiment's role in the battle. Ms. Bearns added that the Easement Acceptance Committee discussed what type of educational value this type of monument had and the difficulty of weighing its educational role versus its presence as a structure on the property. Chair Mann asked to review the Civil War Trust battle map with the regiments listed. Ms. Musumeci clarified that the map showed actions between 7 p.m. to 8 p.m., only one point in time during the battle.

Chair Mann asked how disruptive to the easement process removing the 20' x 30' portion of the property proposed for the monument might be. Ms. Musumeci responded that it could potentially be disruptive in terms of the appraisals obtained for grant purposes but such a small portion would likely not change the value significantly. Ms. Musumeci stated that it would be much cleaner for the CWT if the property was eased as a whole. Ms. Bearns stated that it would be easy for staff to exclude the portion of the property with the monument because it had already been platted and the boundaries prescribed. Mr. Gruber stated that he was not concerned about the authenticity of the location but was concerned was about the accessibility of the monument and the implications it might have for the Board as people pulled over and tried to access the property. Ms. Musumeci replied that was a fair concern from the perspective that the access easement was currently being negotiated and staff did not know the terms. Ms. Musumeci stated there was potential that whatever was in the access and maintenance easement could conflict with the terms of the Board's easement. Mr. Gruber stated that he was content with accepting the easement with the monument on it, so long as the Easement Acceptance Committee felt that the accessibility met all the requirements for safety and provided ample parking. Vice-Chair Smith stated he agreed. Ms. Atkins-Spivey stated she was concerned with setting a precedent for landowners to randomly erect monuments to whatever they saw fit. Ms. Musumeci stated that the motivation for this particular monument came from a CWT donor with a strong tie to the 11th MS. Chair Mann asked if the donor of the monument was also facilitating acquisition of the property. Ms. Musumeci responded no and the CWT was acquiring the property through grant funding. Chair Mann observed that the donor was not funding acquisition of the property, just the obelisk. Ms. Musumeci replied that she did not believe the donor was directly funding the obelisk, but was a donor to and member of the Civil War Trust. Ms. Bearns stated that counsel recommended from a legal perspective that because the terms of the access easement were being negotiated, either the Board was apprised of and agreed to the terms of the access easement and confirmed it did not create a potential for access issues or a conflict with the easement down the road, or that area was cut out of the easement such that the Board's easement did not in any way overlap with that pre-existing access easement. Ms. Bearns stated that it was similar to residential leases that are negotiated and renegotiated by a property owner without staff's knowledge while staff was trying to draft the easement and it was essentially two different legal transactions going on at the time same time that were not being coordinated. Ms. Bearns stated that staff would like the Board to require the CWT to coordinate that or leave that area out of the easement entirely. Ms. Ayres stated that it was even more complicated than the lease situation, because the tenants could be required to subordinate their lease interest to the easement, but the Board's easement would be subject to rights of the access and maintenance easement for the monument. Ms. Bearns stated it would be recorded before the Board's easement. Ms. Musumeci stated that her general understanding of what was being negotiated for this access easement was something to the effect of the monument could never be taken down, and the access easement would take legal precedence over the Board's easement because it would be recorded first.

Chair Mann stated that the proposed monument was setting a volatile precedent and the Board needed to think through what could possibly happen. As there was the possibility that lands might eventually be transferred to the National Park Service, Mr. Mann said that some representative of the park should be asked to verify and weigh in on their level of comfort as to the placement of the marker. Ms. Bearns asked if that was in terms of historic accuracy. Chair Mann replied yes, that the marker was in an area where the unit moved all day and was likely not an inappropriate location for the monument, but he would feel more comfortable with confirmation from the park

historian. Ms. Musumeci replied that easement staff could confirm that with the park historian. Ms. Bearn observed that the Board had the ability to defer making a recommendation pending receipt of additional information. Ms. Peters observed that she did not feel comfortable making a decision right now and would prefer to defer if that was an option. Ms. Musumeci asked for confirmation that if the Board deferred, it would be pending additional information about the terms of the access and maintenance easement, additional information about the commemorative marker and its relation to the 11th MS, and the actions that took place on the property. Ms. Musumeci asked the Board if there was anything else they wanted to review. Mr. Gruber asked to review the specific wording of the text on the monument. Ms. Peters asked if there was any concern about multiple placements of monuments over the future fifty years. Ms. Peters stated that it would make the property look like a graveyard, and that the open rural space of a battlefield was its premier quality. Ms. Peters stated when that was diminished by multiple monuments, the setting for which the Board originally found value for preserving it as a battlefield, was destroyed. Ms. Musumeci replied this was the discussion that took place in the Easement Acceptance Committee meeting and caused the issue to be presented to the Board, due to concern about setting a precedent and losing the integrity of the battlefield setting. Ms. Peters observed that the Chickamauga Battlefield had a number of monuments and did not have the sense of being a battlefield because of all the big monuments scattered around. Ms. Hauser stated that the memorial grove at Valley Forge had the opposite effect and was well done and provided a commemorative place without disruption of the interpretation of the battlefield itself. Vice-Chair Smith stated he was not sure he agreed with Ms. Peters and that the presence of a monument added to the value. Chair Mann observed that there were two schools of thought: some people visited Gettysburg because of the monuments and some people preferred to see the battlefield in a pristine state.

Vice-Chair Smith observed that many of the houses and farm buildings around Gettysburg had been removed and the battlefield appeared much as it did, but the monuments were still there and they added to the cachet of a place where so many people were killed and a desperate battle was fought. Ms. Atkins-Spivey noted that the presence of the monument itself was not necessarily problematic, but that the issue was commemorative versus educational and this monument was clearly not educational in purpose but personally motivated. Vice-Chair Smith asked if that was bad. Ms. Atkins-Spivey responded it was not necessarily bad but she agreed with Ms. Peters' position and this monument was coming from personal motivations and not educational objectives. Ms. Musumeci stated that the option to defer seemed to be the direction the Board was heading. Ms. Musumeci stated staff would go back to the CWT and get the text of the monument, confirmation from a historian at the National Park Service regarding the historic significance of the 11th MS unit to the battle, and whether construction of this monument required footers and ground disturbance. Ms. Musumeci added that staff would also bring back details of the access easement that was being negotiated and present all material to the Board in December. Ms. Ayres stated she had two points for the Board to think about: that the purpose of this easement was conservation and not building monuments or making an educational center; and that the Board's easement should come first so there was some control over the terms of the monument that would be constructed afterward. Ms. Atkins-Spivey stated she agreed one hundred percent with that. Ms. Musumeci stated she needed a formal motion from the Board to defer pending the items just listed and that staff would come back with additional information for the Board. Chair Mann called for a motion. Ms. Atkins-Spivey asked if the discussions with the Easement Committee had been brought to the landowner's attention. Ms. Musumeci responded that the information was provided to the CWT. Ms. Musumeci stated the CWT received a letter after the Committee review that indicated to them what would be presented to the Board in terms of conditions and that the Committee deferred the question of the monument to the Board. Ms. Musumeci noted at that point, she received the current plat and was informed the current property owners would be moving forward with construction of the monument. Ms. Musumeci stated that staff communicated everything that would be presented to the Board specifically to the applicant. Ms. Atkins-Spivey stated she was not sure if that would change someone's mind. Ms. Musumeci stated she got the sense the project was steamrolling ahead and she was not sure what she would have for the Board in December. Ms. Musumeci said it might be that it was not the right easement for the Board to accept, or things might be resolved and that staff would continue to talk to the CWT about it.

Mr. Gruber made a motion to table any discussion about the Hobson Tract until the December meeting. Ms. Hauser seconded the motion. Vice-Chair Smith asked for clarification on the motion. Chair Mann responded it was to table the discussion and called for a vote. The Board voted unanimously to defer making a recommendation for Item # 5 (Hobson Tract, Gaines Mill Battlefield).

Ms. Melinat asked for clarification that the vote to table was with the following conditions: (i) additional information on the access easement; (ii) additional information on the monument location; and (iii) potentially requiring archaeology for the footing. Ms. Musumeci stated that the wording of the monument was also a condition. Ms. Brown asked if the Board asked for archaeology on the footing. Ms. Musumeci responded yes. Ms. Brown responded that she thought we just wanted Mr. Krick the historian to confirm. Ms. Musumeci responded that the additional information included confirmation from the battlefield historian about the significance of the 11th MS to the battle and details about the construction of the monument, then staff would discuss whether archaeological survey was required. Ms. Brown thanked Ms. Musumeci.

6. Benchmark Road Investments LLC Tracts, Fredericksburg Battlefield, Spotsylvania County

Property Owner: Under contract to Civil War Trust

Acreage: 25.02 acres

Located south of the City of Fredericksburg, the Benchmark Tracts contain five parcels of land totaling 25 acres. One of the parcels (37-A-4-17) is discontinuous. All the parcels front Benchmark Road (VA Route 608) and are improved for residential use. In addition to the residential use, the parcels contain areas of wooded cover and open-space meadows and lawns. The tracts fall within the core and study areas of the Fredericksburg I Battlefield, which has a Preservation Priority Rating of IV.1 Class A from the CWSAC. The CWSAC defines Priority IV battlefields as those that are fragmented and have lost integrity and designates Class B as those battles that had a

decisive influence on a campaign and a direct impact on the course of the war, in this instance the Fredericksburg Campaign from November to December 1862. The property contains the general location of the extreme Union left flank where the two armies attacked and counterattacked on December 13, 1862. The tracts also fall within the study area of the Fredericksburg II Battlefield, which has a Preservation Priority Rating of IV.1 Class B from the CWSAC. Class B is reserved for those battles that had a direct and decisive influence on their campaign, in this instance the Chancellorsville Campaign from April to May 1863.

Existing buildings and structures include five circa 1940 residential dwellings allocated among the different tracts. There are also a number of outbuildings on the tracts, including two garages, one workshop, two storage houses, three storage sheds, and one small barn. The CWT recently executed a purchase contract with the current property owner with closing to occur by March 2016. To assist with acquisition of the property, the Trust has applied for ABPP and VABPF grants. Based on a preliminary review of the title commitment, there are also existing covenants from 1936 (regarding setbacks from roads, other lots, and fencing) that impact the property. The CWT would like the flexibility to extend the existing residential leases on a one-year basis. Their long-term plan is to demolish the buildings and remove them from the property. They would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Because parcel 37-A-4-17 (4.3 acres) is discontinuous with the remaining parcels, it must be subject to a separate recorded easement. However, the Committee deferred making a recommendation regarding the proposed easement for parcel 37A-4-17 pending receipt of the following information: (1) significance of Parcel 37A-4-17 to the battle actions and (2) how perpetual preservation of this parcel contributes to the overall plan for protection of the remaining parcels.
- (ii) Interior lot lines between adjoining tax parcels are vacated.
- (iii) The existing residential leases are extended no more than one (1) calendar year following recordation of the easement. Any leases in effect at the time of easement recordation must be subordinated to the easement.
- (iv) Demolition and removal of existing non-historic buildings and structures on the property shall be completed within three (3) years of recordation of the easement. Any change to the time frame for demolition and removal of existing buildings and structures as determined by the Board shall be negotiated in advance with the DHR.
- (v) Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

Vice-Chair Smith asked for confirmation that staff was asking for two separate votes. Ms. Musumeci replied that for condition (i) the Easement Acceptance Committee was asking the Board to defer, and to accept conditions (ii) through (v) for the remaining parcels. Vice-Chair Smith asked what Chair Mann thought. Chair Mann asked about the number of acres. Ms. Musumeci replied there were 25 total acres and the one that would be excluded was about 4.3 acres. Ms. Musumeci also stated that Director Langan had seen the property and understood better why it might be important to protect the discontinuous parcel as it connects to the National Park boundary on the north. However, because the Easement Acceptance Committee officially asked the CWT for additional information about their plans and they have not responded, the Committee did not feel it could recommend acceptance of the easement on that parcel until it received the additional information requested. Director Langan stated that having seen it she has a better understanding of why the CWT was interested in protecting the discontinuous parcel because it did abut commercial development and the CWT envisioned it serving as a buffer. Director Langan stated protecting it would prevent additional commercial development that would impact the larger battlefield to the northwest. Vice-Chair Smith asked Director Langan if she was suggesting the Board put an easement on all of it today and be done with it. Director Langan responded that was a hard question to answer. Vice-Chair Smith stated all they were really waiting for was a response on the discontinuous parcel. Director Langan replied yes, they were waiting for a response. She stated that, on site, the parcel did not look as discontinuous as it did on the map because the back side of the church parcel was wooded and it all just blurred together, but it was true the discontinuous parcel would be its own separate easement. Director Langan stated to make a strong case that it's appropriate to protect all the tracts, the Easement Acceptance Committee had hoped to have more information which they had not received. Ms. Ayres asked when CWT would be closing on the property. Ms. Musumeci responded March 2016. Ms. Ayres confirmed that the easement would not be in place until after they had purchased the property. Ms. Musumeci responded yes. Ms. Ayres asked if staff could get information by the next meeting on that one piece of property. Ms. Musumeci responded yes. Ms. Hauser stated she would prefer to vote in two separate motions since the conditions recommended by the Easement Acceptance Committee were not applicable to the discontinuous parcel.

Ms. Hauser made a motion to accept the easement for the four continuous parcels that comprise Item #6 (Benchmark Properties, Fredericksburg Battlefield) in accordance with conditions recommended by the Easement Acceptance Committee. Mr. Gruber seconded the motion. The HRB voted unanimously to approve the motion. Ms. Hauser made motion to defer consideration of the remaining parcel pending additional information. Ms. Peters seconded the motion. The HRB voted unanimously to defer making a recommendation regarding the discontinuous parcel 37A-4-17 contained within Item #6 (Benchmark Properties, Fredericksburg Battlefield) pending receipt of the following information: (i) significance of Parcel 37A-4-17 to the battle actions and (ii) how perpetual preservation of this parcel contributes to the overall plan for protection of the remaining parcels.

7. **Courtland Realty Tracts, Appomattox Court House Battlefield, Appomattox County**
Property Owner: Under contract to Civil War Trust
Acreage: +/- 200 acres

Located along River Ridge Road (VA Route 627) southeast northeast of the Town of Appomattox, the Courtland Realty Tracts contain two tax parcels totaling roughly 200 acres. Comprised entirely of wooded cover, the tracts are unimproved. A portion of the property falls within the core and study areas of the Appomattox Court House Battlefield, which has a Preservation Priority Rating of III.1 Class A from the CWSAC. The CWSAC defines Priority III battlefields as those needing additional protection and designates Class A as those battles having a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Appomattox Campaign from March to April 1865. During the April 9, 1865 battle, the 7th South Carolina Cavalry made a charge across the property against the advance regiments of General George Custer's division and were repulsed, then passed back through the artillery along the Prince Edward Court House Road.

Both parcels that comprise the property are unimproved wooded cover and were commercially timbered in 1980. The current cover consists mostly of Virginia pine and mixed hardwood timber and is a naturally generating timber stand. The CWT recently executed a purchase contract with the current property owner. To assist with acquisition of the property, the CWT has applied for ABPP and VABPF grants. The CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. Because the property contains more than 20 acres of forested cover, timber stands on the property will be subject to a forest management provision in the easement, including provisions for a forest management plan and pre-harvest plan prior to any timber harvests for thinning purposes or to maintain the health of the forested cover. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance as presented.

Comments Summary:

No comments were made.

With a motion from Mr. Gruber and a second from Ms. Peters, the HRB voted unanimously to approve Item #7 (Courtland Realty Tracts, Appomattox Court House Battlefield) as presented.

8. Alvis Tract, Appomattox Court House Battlefield, Appomattox County

Property Owner: Under contract to Civil War Trust

Acreage: 1.13 acres

Located along Oakleigh Avenue (VA Route 631) northeast of the Town of Appomattox, the Alvis Tract contains approximately 1.13 acres of land. Comprised of mixed woodlands and grass lawn, the tract is improved for residential use. The property also falls within the core area of the Appomattox Court House Battlefield which has a Preservation Priority Rating of III.1 Class A from the CWSAC. The CWSAC defines Priority III battlefields as those needing additional protection and designates Class A as those battles having a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Appomattox Campaign from March to April 1865. As Federal cavalry under General George Custer reached the area of what is now the Alvis Tract on April 9th, the column halted upon hearing rumors of a flag of truce to arrange for terms of surrender. However, despite a truce, Confederate General Martin S. Gary disavowed it and ordered a charge made upon Union Colonel Alexander Pennington and his troops. The 7th SC led the charge, dispersing Pennington and capturing his bugler. When they reached the LeGrand Road, Gary's men continued southwest and in the vicinity of the Alvis Tract. The men of the 7th SC advanced into Custer's troopers driving the 8th NY back on the 15th NY cavalry which remained mounted and in column of fours. This was the last fighting in the vicinity of Appomattox Court House.

Existing buildings and structures on the property include a residential dwelling constructed in 2004, concrete patio, concrete driveway, and modern shed. The CWT recently executed a purchase contract with the current property owner with closing to occur by March 2016. To assist with acquisition of the property, the CWT has applied for both ABPP and VABPF grants. The CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield. In the short-term, the CWT would also like to lease the existing dwelling for a few years, possibly to the National Park Service. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) The existing non-historic buildings and structures on the property may be leased for a period of up to three (3) calendar years from the date of easement recordation.
- (ii) Demolition and removal of existing non-historic buildings and structures shall be completed within two (2) calendar years of expiration of the lease period.
- (iii) Any change to the time frame for demolition or removal of existing non-historic buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (iv) DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure that any rights conveyed via the lease do not conflict with the easement.
- (v) Any lease in effect at the time of recordation must be subordinated to the easement.
- (vi) Demolition and removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the CWT and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

Vice-Chair Smith noted that condition (i) stated the CWT could lease the building for three calendar years and asked whether the CWT wanted to use it longer than that. Ms. Musumeci replied the CWT asked for the ability to lease it for a few years. Vice-Chair Smith stated he did not know what a few meant. Ms. Musumeci responded the Committee suggested three years would be appropriate for the lease. Vice-Chair Smith asked if they were really using it for a maintenance person why not ten years. Ms. Musumeci replied that the building being on the tract really impacts the integrity of the property as a battlefield and the Civil War Trust's goal was to try and get that building removed as quickly as they could because they wanted to restore the property. Ms. Musumeci stated that particularly because this building was newer and had lower maintenance costs, they want to lease it to make some money back because it was not an older building that required a lot of upkeep and maintenance. Vice-Chair Smith replied he understood that but he thought about money and would it make life easier for the CWT if it was a longer period. Vice-Chair Smith stated then the CWT could use the money to buy other property that could be put into easement, promoting their overall objective, which was also the Board's objective. Ms. Musumeci responded that what the Board had consistently said was a period from three to five years and this generally mirrored the CWT's own plans because they did want to restore the landscape. Ms. Musumeci stated there had been limited exceptions, such as one request for ten years that the Board approved. Vice-Chair Smith said but they asked for a few here. Ms. Musumeci responded yes. Vice-Chair Smith asked if the Board could make it five years. Ms. Bearns stated that the goal was preservation of the cultural landscape. Ms. Bearns stated that as it was now with a building on it, it was not a cultural landscape, and one of the issues staff and the Board must consider is that many of the pristine battlefield properties are no longer available and have already been acquired and placed under conservation easement. Ms. Bearns stated that now we were working with the ones that were slightly impaired and one of the things staff had wrestled with is that these properties did not meet what was considered the highest threshold for conservation easements, which were the IRS standards. Vice-Chair Smith said he understood that. Ms. Bearns stated that, because this was a non-profit organization, those standards did not need to be applied but nonetheless as a programmatic goal and policy the program was trying to achieve a cultural landscape that was without the non-historic, non-contributing buildings present. Ms. Bearns added that staff had worked with the CWT on lease periods and had settled in the past on three to five years, and that was why this offer was three years of a lease period with two years for demolition, consistent with the range that had been provided to the Board in past circumstances. Ms. Bearns stated that ten years or more was only in unusual circumstances and pertained to the actual ability of the CWT to acquire the property, for example where the property owner reserved a life estate. Vice-Chair Smith said he understood that. Ms. Bearns stated that to grant long-term leases otherwise would be inconsistent with the goals of the program which was cultural landscape preservation.

Ms. Hauser stated the Board has from time to time done an easement modification, and that if the applicant was to decide they needed to keep the caretaker's house longer they could come back. Ms. Musumeci stated the application would come back to be reconsidered. Ms. Peters stated she could see setting a longer time frame at the beginning rather than modifying it later but this could also set a precedent for requests for future extensions of the time period. Ms. Peters agreed with Ms. Hauser's idea that, if the applicant really needed it and it was an emergency situation, it could be modified later rather than put in writing now. Ms. Musumeci responded that she discussed this issue with a CWT staff member and that the CWT really evaluated each property. Ms. Musumeci stated the CWT tended to ask the Board for what they thought they needed and were trying to balance the cost of maintaining the building versus making money from leasing it. Ms. Musumeci stated that, in most cases where the CWT asks for a lease period or a longer lease period, they knew what money could be generated, and if that changed they would come back with a request for an extension or modification.

With a motion from Vice-Chair Smith and a second from Ms. Atkins-Spivey, the HRB voted unanimously to approve the easement offer for Item #8 (Alvis Tract, Appomattox Court House Battlefield) with conditions (i) through (vi) as recommended by the Easement Acceptance Committee.

9. Levein Tract, McDowell Battlefield, Highland County

Property Owner: Under contract to Shenandoah Valley Battlefields Foundation

Acreage: 22.87 acres

Located along Highland Turnpike (U.S. Route 250) east of the Town of McDowell, the Levein Tract is comprised of three parcels totaling 22.87 acres. The portion of the property located to the north of Highland Turnpike is entirely wooded and slopes severely upward. The southern portion of the property also has a generally steep topography that slopes onto a wooded ridge. The property is improved for residential use and is primarily wooded with mature hardwoods. The Levein Tracts fall entirely within the core area of the McDowell Battlefield, which has a Preservation Priority Rating of III.3 Class C from the CWSAC. The CWSAC defines Priority III battlefields as those needing additional protection, and further defines Class C battlefields as those "having an observable influence on the outcome of a campaign," in this case Jackson's Shenandoah Valley Campaign of 1862. During phase four of the May 8, 1862 battle, Union Brig. Gen. R. Milroy personally led the Union attacking force, which crossed the Bullpasture River and proceeded up the ravines that cut the western slope of Sitlington's Hill. Union artillerymen on Cemetery Hill began firing at the Confederate position on Sitlington's Hill in support of the advancing infantry. The 3rd U.S. VA advanced through the property along the turnpike in an attempt to turn the Confederate right. General Stonewall Jackson reinforced his right on the hill with two regiments and covered the turnpike with the 31st VA, on and just east of the property. The fighting continued for four hours as the Union attackers attempted to pierce the center of the Confederate line and envelope its left flank.

There is a two-story circa 1930-1945 frame dwelling located on the property. Existing outbuildings include one circa 1950 deteriorated two-story frame chicken coop, one circa 1930 two-story frame and block dairy/root cellar, and one ca. 1930 frame shed with a frame lean-to shed attached. An unnamed perennial stream flows through the southern portion of the property for about 2,950 feet. The stream is part of the James River Basin and Chesapeake Bay Watershed. The Shenandoah Valley Battlefields Foundation ("SVBF") recently executed a

purchase contract with the current owner that includes a provision for a life estate. They intend to use ABPP and VABPF grants to assist with acquisition of the property. Following expiration of the life estate, the SVBF would like to potentially lease the residential dwelling for an additional period of time before removing non-historic buildings and structures from the property. Because the property contains more than 20 acres of forested cover, timber stands on the property will be subject to a forest management provision in the easement, including provisions for a forest management plan and pre-harvest plan prior to any timber harvests for thinning purposes or to maintain the health of the forested cover. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Demolition and removal of the existing buildings and structures on the property shall be completed within five (5) years of expiration of the life estate.
- (ii) Any change to the time frame for demolition and removal of existing buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (iii) DHR reviews and approves the terms of any future residential lease agreements prior to their execution to ensure that any rights conveyed via the lease do not conflict with the easement. Any lease in effect at the time of recordation must be subordinated to the easement.
- (iv) Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the SVBF and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

No comments were made.

With a motion from Ms. Hauser and a second from Mr. Gruber, the HRB voted unanimously to approve the easement offer for Item #9 (Levein Tracts, McDowell Battlefield) with conditions (i) through (iv) as recommended by the Easement Acceptance Committee.

10. Huntsberry II (Yost) Tract, Third Winchester (Opequon) Battlefield, Frederick County

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 1 acre

Fronting Redbud Road (VA Route 661) northeast of Winchester, the 1-acre Huntsberry II (Yost) Tract is currently used for residential purposes. The topography of the property is comprised primarily of gently rolling grass lawn with a small stand of trees in the southeast corner of the parcel. The property falls entirely within the core area of the Third Winchester (Opequon) Battlefield, which has a Preservation Priority Rating of IV.1 Class A from the CWSAC. The CWSAC defines Priority IV battlefields as those that are fragmented, and designates Class A as those battles that had a decisive influence on a campaign and a direct impact on the course of the war, in this instance Sheridan's Shenandoah Valley Campaign from August to December 1864. The property contains the general location where Union Colonel Isaac Duval's men, under Brigadier General George Crook's VIII Corps, charged forward at 3:00 p.m. in the afternoon from north of Red Bud Run south toward the Confederate left flank. The property also falls within the study area of Rutherford's Farm Battlefield, which has a Preservation Priority Rating of IV.1 Class D from the CWSAC. The CWSAC designates Class D as those battles that had a limited influence on the outcome of their campaign or operation but achieved or affected important local objectives, in this case Early's Raid and Operations against the B&O Railroad from June to August 1864.

Improvements include one circa 1910 two-story rusticated concrete masonry and frame dwelling that is currently unoccupied and used for storage. A one-and-one-half story, circa 1910 gable-front smoke/meat house and root cellar is located to the rear of the dwelling. Staff with DHR's Office of Review & Compliance determined the property ineligible for listing on the National Register on 10/15/12 pursuant to a Section 106 review. There is also one mobile home on the property leased to a tenant and the lease expires on January 31, 2016. The SVBF acquired the property in August 2015 and a residential tenant currently occupies the mobile home. To assist with acquisition costs, the SVBF has applied for ABPP and VABPF grants. The SVBF would like to reserve the right to construct amenities such as walking trails, parking facilities, and signs for future interpretation of the property as a Civil War battlefield. SVBF would also like to retain the mobile home and the ability to lease until the current lease expires. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) The existing mobile home shall be removed within three (3) months of the termination of the lease on January 31, 2016. Additionally, any lease in effect at the time of recordation must be subordinated to the easement.
- (ii) The existing circa 1910 residential dwelling and associated smoke house may be retained, provided that these two structures are maintained in their current condition or better and are placed in active use within three (3) to five (5) years of the date of easement recordation.
- (iii) If the existing circa 1910 residential dwelling and associated smoke house are not maintained or actively used within three (3) to five (5) years of the date of easement recordation, they shall be demolished and removed from the property.
- (iv) Any change to the time frame for demolition or removal of existing buildings and structures as determined by the Board shall be negotiated in advance with DHR.
- (v) Demolition or removal of existing buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the SVBF and DHR, and such plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

Ms. Musumeci noted this project was a little different and the SVBF did not yet know what specifically they wanted to do with the dwelling. Ms. Musumeci stated the Easement Acceptance Committee looked at this over two different meetings and determined that the building needed to be actively used and maintained if it was going to remain. Vice-Chair Smith asked why this seemed contradictory to the prior offer. Ms. Bearns replied that the difference was that SVBF intended to use the building for interpretation of the battlefield property, and increased public access or interpretation was consistent with the public benefit goals of the easement. Vice-Chair Smith stated he did not hear that it was going to be used for interpretation of the battlefield. Ms. Bearns stated that was SVBF's goal and they did not intend to lease it for any residential purpose or profit. Ms. Ayres stated that would be written into the easement. Ms. Bearns replied yes, those uses and allowance would be written into the easement. Ms. Ayres confirmed it would specifically state in the easement that it was for interpretative purposes. Ms. Atkins-Spivey asked if the age of the structure was a consideration. Ms. Bearns replied that influenced the Committee's determination and that there would be a subsequent evaluation because when it was reviewed for a Section 106 purpose it was through a different lens than for easement purposes. Ms. Bearns stated that the buildings would be reevaluated in terms of what was historically significant even though they were not related to the battlefield. Vice-Chair Smith asked for a definition of rusticated. Ms. Musumeci and Ms. Melinat provided a response.

Ms. Bearns stated that condition (iii) should read that the building needs to be maintained "and" actively used rather than maintained "or" actively used. Vice-Chair Smith asked if the Board could say it needed to be actively used as an interpretative center for the battlefield. Ms. Musumeci responded yes. Chair Mann called for a motion based on these modifications.

Vice-Chair Smith made a motion to approve the easement offer for Item #10 (Huntsberry II (Yost) Tract, Third Winchester Battlefield) with conditions (i) through (v) as recommended by the Easement Acceptance Committee, provided that condition (ii) contained a provision noting the dwelling shall be actively used as an interpretive center for the battlefield and the word "or" was removed between "maintained" and "actively" in condition (iii). Ms. Atkins-Spivey seconded the motion. The HRB voted unanimously to approve the motion.

11. Gheen Property, Tom's Brook Battlefield, Shenandoah County

Property Owner: Under contract to Shenandoah Valley Battlefields Foundation

Acreage: 24.28 acres

Located off Back Road (VA Route 623) just south of the village of Mount Olive, the Gheen Property contains eight tax parcels totaling 24.28 acres of land. The property falls entirely within the core area of the Tom's Brook Battlefield, 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 as those battles that have had an observable influence on the outcome of a campaign, in this instance Union Maj. Gen. Philip Sheridan's Shenandoah Valley Campaign from August to December 1864. On October 8, 1864, Confederate cavalry under command of Maj. Gen. Thomas Rosser harassed US cavalry moving north along the Valley Pike and Back Road toward Winchester. At dark, Rosser halted his division of three brigades on the Back Road in the vicinity of Spiker's Hill and the Gheen property, and pushed skirmishers north beyond Tom's Brook to Mt. Olive. Upset by Rosser's aggressive tactics of the previous days, Sheridan ordered Brig. Gen. Alfred Torbert to move at daylight on October 9th. Rosser's six guns lay along the crest of Spiker's Hill slightly behind a second line of barricades, including two guns from Thompson's battery positioned on or near the Gheen property. During the ensuing fighting, Confederate Col. William H.F. Payne's brigade of Virginia regiments made three countercharges across the property to blunt Federal attempts to cross the brook.

There are no improvements on the property, which is currently used to pasture livestock and contains one small pond. A small unnamed creek flows through the eastern portion of the tract. The topography of the property is moderately rolling, and slopes downward to the east toward the creek. It then rises up from the creek toward a private right-of-way known as Big Oak Lane. In 2014, the property was platted for division into eight lots, of which seven were approved for drain/septic sites. This was done in preparation for development, but the plats were never recorded with Shenandoah County. Access is via a deeded right-of-way from the southern side of Back Road. The SVBF intends to acquire the property using funds from the ABPP and VABPF, and in the long-term provide for public access and interpretation on the property as a Civil War battlefield. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement as proposed.

Comments Summary:

No comments were made.

With a motion from Vice-Chair Smith and a second from Ms. Peters, the HRB voted unanimously to approve the easement offer for Item #11 (Gheen Property, Tom's Brook Battlefield) as presented.

12. Sandy Ridge Tract, Kernstown Battlefield, Frederick County

Property Owner: Under contract to Civil War Trust

Acreage: 37.4 acres

Located off VA Highway 37 just west of Winchester in Frederick County, the Sandy Ridge Tract is comprised of seven tax parcels totaling approximately 37.5 acres of land. The property falls entirely within the core area of the First Kernstown Battlefield as determined by the CWSAC, which has given the battlefield a Preservation Priority I.3, Class B rating. The CWSAC classifies Priority I battlefields as

those with a “critical need for coordinated nationwide action regarding their preservation” and further defines Class B battlefields as those “having a direct and decisive influence on their campaign,” in this case Stonewall Jackson’s Shenandoah Valley Campaign of 1862. Early in the afternoon of March 23, 1862, Confederate Maj. General Stonewall Jackson unsuccessfully attacked Union forces on the Pritchard-Grim Farm and the fighting moved about one-half mile west to the Sandy Ridge tract where the major infantry action took place along its northern slopes. Companies of the 110th PA, 67th OH, 5th OH, and 14th IN were trying to break the defensive line of the 5th and 42nd VA without success. At that point the 13th IN regiment sliced diagonally up along the eastern side of the ridge and collapsed the right side of the Confederate line. That breach of the final defensive line spelled defeat for the Confederate forces at Kernstown. The conclusion of the battle occurred on the flat ridge top and steep east side of the property. The Sandy Ridge tract contains the stone wall where reinforcements came up after the first Confederate position was abandoned. There was fierce fighting and this property was an important Confederate artillery position. The property also falls within the study area of the Second Winchester Battlefield as determined by the CWSAC, which has given the battlefield a Preservation Priority IV.1 Class B rating. Priority IV battlefields are defined as “fragmented” and Class B battlefields are those “having a direct and decisive influence on their campaign,” in this case the Gettysburg Campaign from June to August 1863. The Battle of Second Winchester took place from June 13-15, 1863.

The property is primarily wooded and / unimproved. Archaeological evidence indicates the property may still contain the remains of the stone wall associated with the Battle of Kernstown. The CWT recently executed a purchase contract with the current owner with closing scheduled by June 2016. To assist with acquisition costs, the CWT has applied for ABPP and VABPF grants. Although the property was subdivided into seven buildable lots as early as 1977, it was recently perc tested in preparation for development. The CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs for interpretation of the property as a Civil War battlefield but no other improvements are planned. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Because the plat for subdivision of the property was previously recorded with Frederick County, it needs to be vacated. Any internal lot lines established prior to recordation of the easement also need to be vacated.
- (ii) Because the property contains more than 20 acres of forested or wooded cover, the easement will require that a Forest Management Plan be completed.
- (iii) Any rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and DHR, which plan shall be incorporated into the easement either directly or by reference.

Comments Summary:

No comments were made.

With a motion from Vice-Chair Smith and a second from Ms. Peters, the HRB voted unanimously to approve the easement offer for Item #12 (Sandy Ridge Tract, Kernstown Battlefield) with conditions (i) through (iii) as recommended by the Easement Acceptance Committee.

13. Garnett Tract, Sailor’s Creek Battlefield, Prince Edward and Amelia Counties

Property Owner: Lockett W. Garnett

Acreage: 113.3 acres

Located at the northeastern intersection of Jamestown Road (VA Route 619) and Lockett Road (VA Route 618) near the Town of Rice, the Garnett Tract contains 113 acres of land. The gently rolling property is split by Prince Edward County and Amelia County. The property falls partially within the core and entirely within the study area of the Sailor’s Creek Battlefield, which has been given a Preservation Priority Rating of II.2 Class B by the CWSAC. The CWSAC defines Priority II battlefields as those “with opportunities for comprehensive preservation.” The designation of Class B is reserved for those battlefields “having a direct and decisive influence on their campaign,” in this instance the Appomattox Campaign from March to April 1865. The Garnett Tract represents the opening phase of the engagement which took place at the Lockett Farm on April 6, 1865. Here at the intersection of Jamestown and Ligontown Roads and the nearby Christian home, Union General Andrew Humphrey’s II Corps formed a line fronting Confederate General John B. Gordon’s troops. Approximately 70% of the property is open and tillable land, a portion of which is in active agricultural crop production (including pastureland) while the remainder is in mixture of planted loblolly pines and hardwood. There is a 5-acre block of 30-year old planted pines at the intersection of Jamestown and Lockett Roads and a 5-7 acre block of 10-year old planted pines along the east side of Lockett Road. The balance of the property is in hardwood timber which was last thinned in 1990. There is a small unnamed perennial stream which flows through the eastern portion of the property and other than a Quonset hut used for farming purposes, the property is unimproved. To assist with full purchase of an easement over the property, the CWT has applied for ABPP and Virginia Battlefield Preservation Fund grants. They have signed an Agreement for Purchase of Conservation Easement with the property owner with a closing date scheduled for August 31, 2016. The property owner does not want to retain any rights to subdivide the 113-acre property but would like to reserve a 10-acre building envelope within which agricultural buildings and one new residential dwelling and accessory residential buildings could be constructed. The owner does not intend to conduct any timber harvests, other than for health of the forest or thinning. However, the planted timber stands on the property may be subject to a forest management provision in the easement, including provisions for a forest management plan and pre-harvest plan prior to any timber harvests. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the easement with the following conditions:

- (i) Continued negotiation of specific details regarding the proposed 10-acre building envelope, including its location and/or siting, size, and permitted new construction within the building envelope.

- (ii) Continued negotiation of the size (e.g. square footage allotment) of the proposed new residential dwelling and any accessory residential buildings and structures.

Comments Summary:

Ms. Brown asked for confirmation that the current owner would continue to own the fee and the Board would hold the easement. Ms. Musumeci responded yes. Ms. Brown asked if the CWT was just a conduit for the purchase price. Ms. Musumeci responded yes, for the grant money. Vice-Chair Smith confirmed that the CWT would give the property owner some money. Ms. Musumeci responded yes, the CWT would purchase the value of the easement rather than purchasing the underlying fee title to the property. Vice-Chair Smith stated that it would stay in the title of the family but they could not split it up or develop it as a shopping center. Ms. Musumeci responded yes. Vice-Chair Smith asked if Ms. Musumeci was asking for approval today for them to come back with the plan on the ten acres. Ms. Musumeci responded that normally the negotiations were continued at a staff level with the property owner in terms of the actual size of the building envelope or permitted new construction, and what staff was asking for was approval to move forward with those negotiations. Ms. Musumeci stated that if something came along that deviated from the standard easement template it would be brought back to the Board. Vice-Chair Smith asked if they were going to continue to farm the open land. Ms. Musumeci responded yes, the owner wanted to reserve the right to construct one new dwelling and accessory buildings like a garage as well as agricultural buildings, and the property was generally unimproved. Mr. Gruber observed he was out there last week and the farmers that live in and around Sailor's Creek have perpetuated a lot of great positive buzz about conservation easements and he was excited to see this go through. Ms. Brown stated it was a lot cheaper than buying the fee.

With a motion from Vice-Chair Smith and a second from Ms. Peters, the HRB voted unanimously to approve the easement offer for Item #13 (Garnett Tract, Sailor's Creek Battlefield) with conditions (i) and (ii) as recommended by the Easement Acceptance Committee.

14. Castlewood, Chesterfield County

Property Owner: Chesterfield County

Acreage: +/- 4.0 acres

Located at the intersection of Long Bridge Road (VA Route 10) and Krause Road on the eastern edge of the village of Chesterfield Court House, Castlewood is operated as a historic site for the benefit of the public. The topography of the property is characterized by gently sloping grass lawn with a small area of wooded cover in the southeastern property corner. The property is dominated by the historic Castlewood dwelling which is used for museum purposes and as offices for the Chesterfield Historical Society of Virginia. Chesterfield County received a Save America's Treasures Grant (Grant Agreement No. 51-10-ML-2046) in 2011 for repair and restoration of the dwelling. Conveyance of an easement is a condition of the grant.

Castlewood was individually listed on the Virginia Landmarks Register and the National Register of Historic Places in 1976 under Criterion C for architecture because Castlewood embodies "the distinctive characteristics of a type, period or method of construction." The historic Castlewood building retains integrity of materials, setting, location, and feeling as a 19th century dwelling with a formal five-part plan. Castlewood is a wood-frame building built in a series of stages of uncertain sequence. The building is comprised of a two-story central block with flanking one-and-one-half story wings and connecting hyphens. Also distinguished by its Flemish bond exterior end brick chimneys and dormers, it is a unique example of Federal-style architecture in Chesterfield County. Historically significant features and materials are preserved throughout the interior of the building including mantels, wainscoting, decorative wood trim, staircases, and plaster ceiling medallions. Historic outbuildings located on the property include a wood-frame pyramidal-roofed dairy structure now used for storage. The dairy structure was previously attached to Castlewood and was moved approximately one hundred yards to the east in the mid-20th century. The property also contains one known archaeological site which includes deposits associated with prehistoric use of the property as well as the construction and occupation of the historic Castlewood building from the late 18th through 20th centuries. The easement will incorporate approximately 4 acres as shown on the sketch map. Chesterfield County is currently in the process having the property surveyed with these boundaries for purposes of the easement. The proposed easement terms are standard and generally include provisions that require both the exterior and interior of the Castlewood dwelling and outbuilding be maintained and any alterations to these resources would require prior review and written approval. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance as presented.

Comments Summary:

No comments were made.

With a motion from Ms. Hauser and a second from Mr. Gruber, the HRB voted unanimously to approve the easement offer for Item #14 (Castlewood, Chesterfield County) as presented.

15. Marl Hill Plantation, New Kent County

Property Owner: Jeffrey and Susan Cimbalo

Acreage: 25 acres

Located on St. Peters Lane (VA Route 642) in rural New Kent County, Marl Hill is comprised of two tax parcels containing approximately 25 acres of land. Consisting of a combination of wooded cover and gently sloping open fields, the property is primarily used for residential purposes. Access is made via a long gravel drive from St. Peter's Lane. Both the residential and open fields/pasture

areas are marked by wooden fences. The property is characterized by a collection of historic buildings and structures related to its history as a residence and for agricultural production. Mature hardwoods and boxwoods are in the area of the primary dwelling. Marl Hill was individually listed on the Virginia Landmarks Register in 1989 and the National Register of Historic Places in 1990 under Criterion C because Marl Hill embodies “the distinctive characteristics of a type, period or method of construction.” The historic Marl Hill building retains integrity of materials, setting, location, and feeling as a late 18th to early 19th century dwelling. Constructed in two phases, Marl Hill is a two-story, five-bay frame dwelling distinguished by two exterior gable end brick chimneys and one central brick chimney. The original two-bay structure forms the eastern half of the house and dates from sometime in the late 18th century. In 1825, the three-bay west addition was built and a small one-story addition with hipped roof was added to the original section of the house in the 20th century. Marl Hill is significant as a good example of a once-typical house form—a small 18th century single room house onto which was added a later addition. The dwelling is notable for its combination of Federal and Greek-Revival style architectural features, including porch detail, a simple central-hall plan with connecting passageway, mantels, original hand-hewn hardwood floor joists visible in the basement, and wainscoting on the first and second floors.

Historic outbuildings located on the property include a frame smokehouse, frame pump house, frame root cellar, frame shed, frame chicken coop, and frame woodshed. Non historic outbuildings and structures include in-ground pool with patio, metal shed, canopy-covered well, frame run-in shed, two pole sheds, horse stable, and wood fencing. Marl Hill contains 25 acres of land in a combination of open fields and mature wooded cover. The proposed easement terms are standard and generally include provisions that require both the exterior and interior of the main dwelling and historic outbuildings be maintained and any alterations to these resources would require prior review and written approval. The landowner would like to reserve the right to construct a small guest house or pool house on the property. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance as presented.

Comments Summary:

No comments were made.

With a motion from Ms. Peters and a second from Ms. Atkins-Spivey, the HRB voted unanimously to approve the easement offer for Item #15 (Marl Hill, New Kent County) as presented.

Easement for Reconsideration

Ms. Musumeci then presented the following easement offer for reconsideration:

1. Alcor-Shield Tract, Malvern Hill Battlefield, Henrico County

Property Owner: Civil War Trust

Consideration of revised easement acreage from 178 to 119.393 acres

Located along Carter’s Mill Road just south of its intersection with Longbridge Road in eastern Henrico County, the Alcor-Shield Tract comprises approximately 119.393 acres of agricultural fields and mature mixed hard- and softwood forest. The property is bounded to the east by Carter’s Mill Road, to the south and southwest by land owned and administered by the National Park Service’s Richmond National Battlefield Park, and to the north and northwest by adjacent private property. The eastern half of the property, consisting of open farm field located on a wide, level terrace adjacent to Carter’s Mill Road, slopes steeply downward on the western side into a series of narrow ravines. Several unnamed tributaries of Crewe’s Channel drain into the property to the west. A gas pipeline and dedicated right-of-way bisects the property from west to east. The Alcor-Shield Tract falls within the core area of the Malvern Hill Battlefield, which has been given a Preservation Priority Rating of I.1 Class A by the CWSAC. Priority I battlefields are those in most critical need of preservation, while Class A is reserved for those battles that had “a decisive influence on a campaign and a direct impact on the course of the war,” in this instance the Peninsula Campaign from March to September 1862. The Alcor-Shield Tract, less than 1,500 feet from the Union artillery line, saw much of the battle action on July 1, 1862. There are no buildings or structures present, and the agricultural fields are currently in crop production for soybeans. A small copse of mature trees is located on the northeastern end of the property within the otherwise cultivated agricultural field. The EAC initially recommended approval for this easement offer at its November 10, 2009 meeting and the offer was subsequently approved by the Board of Historic Resources on December 7, 2009. In 2014, approximately 62 acres of the southern portion of the property was transferred to the National Park Service for inclusion in its Richmond National Battlefield Park. The revised easement offer submitted by the CWT now incorporates 119 acres comprising the northern portion of the property. The CWT was awarded ABPP and Virginia Civil War Site Preservation Fund grants to assist with fee acquisition of the property. Ms. Musumeci stated that the Easement Acceptance Committee recommended acceptance of the revised easement offer for approximately 119 acres as presented.

Comments Summary:

Vice-Chair Smith asked for clarification regarding the original easement offer and whether or not there was a tax implication. Ms. Musumeci responded that the easement approved by the Board in 2009 had not been recorded. Ms. Musumeci stated after that time the CWT received federal and state battlefield protection grants to assist with acquisition of the property. Vice-Chair Smith stated that they then cut the bottom out of it. Ms. Musumeci responded the bottom portion was transferred to the National Park Service and the original offer was being revised to include the 119 acres that comprised the northern portion. Vice-Chair Smith stated the National Park Service did not need an easement by virtue of the fact it became part of the national park. Ms. Musumeci stated this was right.

With a motion from Ms. Hauser and a second from Ms. Atkins-Spivey, the HRB voted unanimously to approve the revised easement offer for Item #1 (Alcor-Shield Tract, Malvern Hill Battlefield) as presented.

At 3:52 p.m., Chair Mann stated that the HRB would take a five minute break. Chair Mann called the meeting back to order at 3:59 p.m. and commended the Board for the nearly 700 acres of land just accepted for protection.

Proposed Utility Line and Utility Easement

Gillian Bearn, Easement Program Stewardship Counsel, introduced herself, briefly summarized her role within the Easement Program, and presented the following project for the Board's consideration.

1. Mountain Valley Farm, Brandy Station Battlefield, Culpeper County

Property Owner: Douglas and Janice Mayhugh

Consideration of proposed buried electrical line and utility easement

The Rappahannock Electric Cooperative ("REC") proposes to install a new high-voltage underground electrical utility line on the property. The high voltage line is proposed to run roughly 1,000 linear feet across the property and will be laid three to four feet deep by open trenching. It will also require the installation of one new pole to support the additional line which will run underground from that new pole to an adjacent property. The new high voltage line will serve an adjacent property owned by the federal government. The project will require conveyance of a new easement in favor of REC for the installation and maintenance of the underground line. The easement would not be perpetual, but would endure only so long as the need existed and would require that the easement be vacated and all improvements removed if need ever ceased. Ms. Bearn explained that the Board had to first determine whether installation of a utility line that does not serve the easement property constituted conversion/diversion under Section 10.1-1704 of the Code of Virginia. Ms. Bearn stated that if the Board determined it was, then Board had to apply the requirement of Section 10.1-1704 of the Virginia Code to determine if the project could proceed and if the Board determined it was not, then the Board had to apply the standard as set forth in the Deed of Easement. Ms. Bearn summarized the proposed terms of the utility easement, stating that archaeological survey would be required at the expense of the REC, the landscape would be restored following completion of the project, there could be no co-location of another utility with the line, the easement would not be perpetual, and restrictions regarding vehicular access for maintenance or other purposes would be applied. Ms. Bearn stated that there was no American Battlefield Protection Program Section 6(f)3 or IRS issues associated with this easement and that the Board just needed to consider whether the project was conversion/diversion under the Virginia Open-Space Land Act.

Comments Summary:

Ms. Ayres asked that Ms. Bearn read the full text of Section 1704 of the Open-Space Land Act for the benefit of the new Board members. Ms. Bearn read the full text of the chapter. Ms. Hauser asked for confirmation that the conditions of Section 10.1-1704 would only apply if the Board determined the project was conversion/diversion. Ms. Bearn responded that was correct. Ms. Bearn stated that, with this particular proposal, it would be difficult to meet that requirement for two reasons: because it was not necessarily in accordance with any official comprehensive plan for the locality as the adjacent land was federally owned and the local government had no jurisdiction over it; and it was not essential to the orderly development and growth of the locality because it was to serve federal land. Ms. Bearn stated that, when the project was originally brought to the attention of staff by the REC engineer, it included a hand-drawn map of the proposed line. Ms. Bearn stated that presentation of this map to the Easement Acceptance Committee and the Board was initially an issue because of the federal land it was going to serve. Ms. Bearn indicated that REC counsel at LeClair Ryan subsequently indicated it was permissible to show the map at today's meeting, but that staff did not know the purpose or use of the adjacent federal land. Ms. Hauser stated that, with any proffer that would restore the land to its original condition and included an underground power line, the open-space value of the land would be preserved. Ms. Hauser stated that, given that the project was for a federal purpose that the Board did not know but seemed to important for the country, she was comfortable going forward. Ms. Bearn added that the property owner was supportive of the project. Ms. Brown asked if there was a consideration for the owner. Ms. Bearn responded that the owner was being provided a financial consideration for the granting of the easement. Vice-Chair Smith stated he knew a little about it and he thought the Board should approve it and wanted to make a motion to approve it. Ms. Bearn clarified that there needed to be two separate motions.

Vice-Chair Smith made a motion that the project was not conversion diversion. Ms. Hauser seconded the motion. The HRB voted unanimously to approve the motion. Ms. Bearn indicated that the next phase was for the Board to consider what the language actually was under the easement and read the relevant provision of the easement. Chair Mann asked for clarification of what the Board's motion should be. Ms. Bearn subsequently read the recommendation of the Easement Acceptance Committee which was as follows:

1. Archaeological survey must be conducted and DHR must receive a copy of the archaeologist's report summarizing the findings prior to any ground disturbing activity, consistent with Paragraph 7 of the Deed of Easement.
2. The landscape must be restored to its current condition following completion of the project and REC must submit photographic documentation of such restoration.
3. No other utilities may be co-located within the trench for this proposed electrical utility line.

4. The deed of easement that will be executed in favor of REC authorizing this utility line cannot be perpetual and must be extinguished by REC in the event that the utility line is no longer needed or if the adjacent property is sold or transferred out of federal ownership.
5. The deed of easement will include language concerning vehicular access for maintenance and repairs and requiring mitigation techniques to be employed to prevent ground disturbance.

Ms. Peters asked what would happen if it ceased to be federal property or to be used and whether the line would be removed or left underground. Ms. Bearns responded that staff would ask that the line be removed and the easement be vacated with the courts. Ms. Peters asked if there would be any compensation for the property owner for the future disturbance of the land during the removal. Ms. Bearns stated that staff could raise that issue with the property owner and his counsel. Ms. Peters stated there was just as much disturbance to take it up as to put it in. Ms. Brown stated that it also protects the Board's interest as they did not want it all torn up either. Mr. Gruber asked whether, if there was an adverse effect to the dairy cattle despite the depth of the line, there was there anything in the agreement that would protect the owner in case of adverse effect. Ms. Bearns replied that issue would be for the owner and his attorney to negotiate and it had been considered already. Ms. Bearns stated that a similar question had arisen with a Virginia Outdoors Foundation easement with a high voltage electrical line, and that was why this line would be buried to prevent interference with farm equipment. Ms. Bearns stated that the REC had already contacted two firms to get bids for the archaeological survey. Ms. Peters stated she was inclined to move forward. Chair Mann asked if there were any other questions.

Ms. Hauser made a motion to approve the project subject to the conditions recommended by the Easement Acceptance Committee. Ms. Peters seconded the motion. The HRB voted unanimously to approve the motion.

Easement Violations

Ms. Joanna Wilson Green introduced herself, provided a brief summary of her role within the Easement Program, and briefed the Board about an easement violation at the following property.

1. Menokin, Richmond County

Property Owner: Menokin Foundation

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

Located in the countryside west of Warsaw in Richmond County, the Menokin easement property comprises 174 acres of open space. The property features the structural remains of the 1767 dwelling also known as Menokin, which was the home of Francis Lightfoot Lee, colonial statesman and signer of the Declaration of Independence. The property is protected by two easements held by the Board of Historic Resources: the "Menokin Curtilage" easement (recorded September 8, 1997) which specifically protects the structural remains of the Menokin dwelling and dependency as well as a 2-acre curtilage, and the "Menokin Core Area" easement (recorded November 13, 2008) which protects the above as well as an additional 172 acres of surrounding property. With the Easement Program's review and approval, the Foundation recently embarked on a study of potential masonry repair and restoration techniques. The northwest corner of the Menokin dwelling was chosen as the site for this "test patch", as the remaining walls in this area are low and generally more stable than other portions of the structural ruin. As the project included exposure of the masonry foundation in this area, archaeological investigation of the soils surrounding the foundation was required prior to any planned ground disturbance. On August 11, 2015 Easement Program staff received notice that, on August 10, the project's construction contractor had proceeded with mechanical excavation of soils before the archaeologists had completed their damage assessment. This action resulted in the destruction of archaeological features associated with the construction and occupation of the Menokin dwelling as well as prehistoric and early colonial artifact deposits. On August 20, following consultation with the Director of the Department of Historic Resources, Easement Program staff responded with a formal letter informing the Foundation that the incident conformed to the definition of "major violation" provided in *Easement Program Policy #7: Violations* and requesting specific actions be taken in response to the situation. Members of the Foundation have since met with DHR's Director and taken internal measures and controls to address the issue and strengthen communication to avoid a similar situation happening in the future. Ms. Wilson Green asked the Board if they had any questions.

Comments Summary:

Ms. Atkins-Spivey asked if Ms. Wilson Green could give the Board a bit of the timeline of how the Foundation thought they got to that point where the contractor proceeded. Ms. Wilson Green responded that the archaeologists had run a bit over schedule which was not an unusual thing. Ms. Wilson Green added that the Foundation's Executive Director was in direct contact with the construction contractor as well as the archaeologists explaining that there was more work that needed to be done and the work would be completed on that Monday morning. Ms. Wilson Green stated on the following Tuesday the mechanical contractor was to begin moving materials under the supervision and monitoring of the archaeologist. Ms. Wilson Green stated the construction contractor was aware of this and agreed to it, but for some reason still elected to begin work on Monday morning in the absence of the Director and the archaeologists. Ms. Wilson Green stated once the Foundation Director was aware what was going on, she stopped the contractor and the damage was minimized as much as possible, but it appeared there was some kind of miscommunication between the parties which is what the Foundation was attempting to address through the new internal control documents. Ms. Wilson Green stated that staff asked for further involvement with the construction contractors and change orders at least for the time being so that staff understood how communications were taking place and could help avoid these kinds of miscommunications in the future. Vice-Chair Smith asked if staff was comfortable that the problem

was solved and under control now and was no longer an issue going forward. Ms. Wilson Green replied she thought the Foundation was very well aware of the severity of what happened and this was not at all purposeful on the part of the Foundation. Vice-Chair Smith asked about the options the Board in connection with this and could the Board impose a fine. Ms. Wilson Green responded she would defer that question to counsel. Vice-Chair Smith asked what the Board could do about it. Ms. Ayres responded not much. Vice-Chair Smith asked if a motion was required. Ms. Bearns stated no, that at this point *Easement Program Policy #7: Violations* indicated that staff would inform the Board of any major or willful violations because they are irreversible, particularly in the situation of willful as it means someone has contradicted either a staff directive or the Board's directive. Ms. Bearns stated that if DHR promulgated all the Board policies as formal regulations through the Administrative Procedures Act, for each violation of one of those regulations a fine of \$500 could be imposed, but this would require due process regulations. Ms. Bearns stated that formal promulgation of policy as regulation was not something that had occurred yet, and the Easement Program policies were only adopted in 2006 and had been added to and revised since then. Ms. Bearns stated that one of the issues with promulgation through the Administrative Procedures Act was that it was a very lengthy formal process and staff wanted to ensure what was promulgated was final because the ability to amend it later was not easy. Ms. Bearns stated the hope would be that they would reach a point where they were comfortable with the policies and could initiate that process but then could only fine \$500. Vice-Chair Smith asked if something really major occurred could the Board file a lawsuit. Ms. Ayres responded yes, but that the administrative process would be exhausted first. Ms. Hauser stated that it seemed clear this was not a willful violation on behalf of the Foundation and that was the compelling fact in this case and she would leave it to staff to continue working through this process. Chair Mann stated this violation was self-reported and this particular Foundation was an incredible steward, and they would not let anything like this happen again to the best of their ability. Chair Mann stated he was not sure it needed to go any further than it had already gone. Ms. Peters stated it would help the Foundation in the long run to keep a close eye on the contractors they select and in awarding contracts keep that in mind because they are responsible for whom they contract to do the work and had a larger implication. Ms. Peters stated that she agreed the Foundation did the right thing and DHR acted immediately and there was no further action for the Board to take. Ms. Brown asked if it would be useful in these situations for the contractor to post a bond that the Board would have access to in the event of some sort of damage in this regard as this was common in commercial transactions. Ms. Bearns responded that it was not something DHR could require under the easement as written but staff could recommend this to organizations like Menokin because they had to pay additional money for additional archaeological assessment to document the damage. Vice-Chair Smith and Ms. Peters stated they thought this was a good idea. Ms. Brown stated that she thought the Board had an economic interest that could be protected under the existing documents and she would recommend that staff review it. Ms. Brown stated that it would seem the Board had some economic interest and could somehow demand this be protected under the contracts they enter into. Vice-Chair Smith asked how the damage would be valued. Ms. Brown stated it was quantifiable. Ms. Wilson Green said archaeologists don't quantify the cost in terms of the damage, but the time lost was quantifiable, additional contractor costs were quantifiable. Vice-Chair Smith stated that the damage to the site was invaluable. Ms. Ayres stated that she thought it would be difficult to quantify the damage to the Board's easement, and that she did not know that it was a monetary damage to the easement, and that was an issue with a lot of the violations, and quantifying damage was hard to present to a court. Ms. Bearns stated that the difficulty with the archaeological situation was that the site could not be restored or regain what was lost, which was why it was almost always a major violation because it could not be reversed. Ms. Bearns said the benefit was the Foundation self-reported and immediately called in archaeologists to assess the damage as well as the new quality controls going forward. Ms. Atkins-Spivey stated she assumed the contractor was fired. Director Langan responded no. Ms. Atkins-Spivey asked why not. Director Langan stated there was a difference of opinion about how this actually evolved and she had one in-depth meeting with the Executive Director and Board president and learned more of the backstory than was originally understood. Director Langan stated there were some extenuating circumstances and very real misunderstanding and serious miscommunication. Director Langan stated that the Menokin leadership took a number of steps that will go a long way to ensuring that this never happens again including, among others, increased site supervision. Chair Mann asked if there was any action the Board needed to take or if this was just a briefing on the situation. Ms. Wilson Green responded this was simply notification to the Board. Mr. Gruber asked if the Menokin Foundation was back on track and moving right along. Ms. Wilson Green responded yes. Director Langan reminded the Board about the letter in their packet from Tayloe Murphy, the president of the Board of Trustees for the Menokin Foundation. Mr. Gruber asked Director Langan to please extend the Board's thanks for the quick and prompt communication.

Easement Program Policies

Ms. Bearns presented final revisions to the following policies and explained the nature of the policy revisions for the Board's consideration. Ms. Bearns noted this was part of the program's ongoing revisions to all of the policies to ensure compliance with IRS standards, case law, conservation easement best practices, and changes in Virginia law.

1. **Easement Program Policy #2: Easement Acceptance**

Revision of existing policy to modify requirements for conformity to IRS standards and update information about enabling legislation to reflect amended legislation authorizing the Board to accept Revolutionary War and War of 1812 sites

2. **Easement Program Policy #5: Review of Applications for Work on Easement Properties**

Revision of existing policy to clarify the project review process for all easements recorded prior to modification of project approvals language introduced in 2014

Ms. Bearns noted that Mr. Gruber submitted questions and comments on *Policy #2: Easement Acceptance* to herself and Ms. Musumeci and explained those points to the Board especially how updates or amendments to the Civil War Sites Advisory Commission Report would apply to properties eligible for the Easement Program.

Ms. Peters made a motion to adopt *Easement Program Policy #2: Easement Acceptance* and *Easement Program Policy #5: Review of Applications for Work on Easement Properties* as revised and presented by Ms. Bearns. Ms. Brown seconded the motion. The HRB voted unanimously to approve the motion.

Ms. Bears then presented 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

Comments Summary:

Ms. Peters inquired about the issue of alterations to digital photography and asked how the chain of custody would be secured. Ms. Bearns replied that staff was investigating archival standards and looking into more options for access restrictions than what is currently in place. Ms. Bearns stated that the interim policy allows for a film to digital transition and staff would present full revisions to *Policy #8: Easement Program Recordkeeping* in December.

Vice-Chair Smith made a motion to approve the *Interim Digital Photo Policy-Portion of Future Amendment of Policy #8: Easement Program Recordkeeping* as presented and Mr. Gruber seconded the motion. The HRB voted unanimously to accept the motion.

Ms. Bearns distributed copies of the Easement Application Form and asked for the Board's feedback on the application as staff intended to revise the application.

New Easements Recorded since the June 2015 HRB Meeting

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

1. **Lee-Jackson Building, New Market Battlefield, Shenandoah County**
Date Recorded: 06/16/15
Donor: Shenandoah Valley Battlefields Foundation
Acres: 0.26 acres
Grant Funding: American Battlefield Protection Program
2. **Historic Huntley, Fairfax County**
Date Recorded: 07/27/15
Donor: Fairfax County Park Authority
Acres: 2.85 acres
Grant Funding: Save America's Treasures

CLOSED SESSION

Chair Mann asked for a motion from the Board to go into closed session to discuss and obtain legal advice regarding the post-resolution of a pending enforcement action and a separate pending enforcement action on two properties under easement held by the Board which matters are exempt from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(7).

Ms. Brown made the motion as stated by Chair Mann. Ms. Atkins-Spivey seconded the motion.

Chair Mann stated that the open meeting was now closed (at 5:06 p.m.) and the Board would reconvene in closed session. Chair Mann asked that all members of the public leave the room and wait in the lobby and staff would notify members of the public when the Board would reconvene in open meeting.

Chair Mann reconvened the meeting at 5:15 p.m. and read a statement in compliance with the requirements of Section 2.2-3712(D) of the Code of Virginia, and requested a roll call vote. The HRB made a roll call vote as to Chair Mann's statement that the Closed Session complied with Section 2.2-3712(D). Each Board member stated their name and individually confirmed compliance.

With a motion from Ms. Hauser and a second from D. Gruber, the HRB unanimously voted to adjourn to close the meeting. Chair Mann adjourned the meeting at 5:17 p.m.

STATE REVIEW BOARD

Williamsburg Baptist Church, 227 Richmond Road, Williamsburg, VA 23185

State Review Board Members Present

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

Department of Historic Resources Staff Present

David Edwards
Lena McDonald
Melina Bezirdjian
Mike Pulice
Aubrey Von Lindern
Marc Wagner

Guests (from sign-in sheet): Mark Bland (Brown Farm); Robert Brooks (Queen Street Baptist Church); Chauncey Brown (Queen Street Baptist Church); Bob Carter (Warminster Rural Historic District); Mary Ruffin Hanbury (Riverside Farm); Susan Ortmann (Tavern at Old Church); P. K. Pettus (Morton Hall); Marcus Pollard (Talbot Hall); Novella W. Sammons (Queen Street Baptist Church); A. B. Tate (Tacreia House); W. A. Wright (Warminster Rural Historic District);

Chair Moore called the meeting to order at 1:10 p.m. for discussion and consideration of the Preliminary Information Applications (informal guidance session).

Preliminary Information Applications

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

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

1. ****Brown Farm, Loudoun County, #053-0342, Criterion C**

Mr. Lahendro asked why Criterion B did not apply to the property. Ms. Von Lindern said her association with the property was too brief and there are other documented properties in Indiana and Ohio with much lengthier periods of association. Mr. Lahendro asked about the doors and door hardware, and the removal of multiple layers of paint, but questioned how it was known what the original finish was. Mr. Bland said original paint layers were reached in some cases and the bare wood in others. Dr. Lounsbury noted the quirked ovolo moldings on the interior trim. Mr. Lahendro asked if the two doors on the primary elevation were characteristically German and Dr. Lounsbury said no, it simply eliminates the necessity for a center passage. Dr. Lounsbury said that three-room plans also are not a characteristic feature of Quaker influence. The SRB members recommended the property to proceed to nomination.

2. **Indian Trace, Madison County, #056-0009, Criterion C**

Chair Moore asked about the origin of the property name. Ms. Von Lindern said it has always been known by this name but does not know who named it or why. Mr. Lahendro noted the staggered Flemish bond on the chimney. Ms. Von Lindern said she had not yet identified any other properties with similar brickwork. The SRB members recommended the property to proceed to nomination.

3. ****Oakham, Loudoun County, # 053-0091, Criteria A and C**

Mr. Lahendro asked about the tower that used to be on the property. Ms. Von Lindern said it looked like it could have been a smokehouse. Since the tower was removed, the building has been used as a chicken coop. The SRB members recommended the property to proceed to nomination.

Western Region.....presented by Michael Pulice

1. **Alphin Stone House, Botetourt County, #011-0138, Criteria A, C, and D**

Chair Moore asked if archaeological testing has been conducted. Mr. Pulice said remains of the spring house and commercial lime making site are visible. Burials may be marked with blank fieldstones and depressions in the ground. Mr. Lahendro asked what was known about the antebellum lime making activity. Mr. Pulice said it is documented in historic records; remains include till piles and rail lines, and an open quarry is at the top of the hill. Chair Moore asked if it is known where the quarry workers came from. Mr. Pulice said no. The SRB members recommended the property to proceed to nomination.

2. **Boones Mill Depot, Town of Boones Mill, Franklin County, #170-0008, Criteria A and C**

Subsequent research since the PIF was submitted demonstrated that the depot was built in 1892. The owner also has repainted the exterior and reglazed the windows. The loading dock is being rebuilt. Mr. Wagner asked if the depot is still within railroad company ROW and Mr. Pulice said no. Because the depot has been moved from its original location, the NPS will be asked to comment on the building's NR eligibility before a full nomination is prepared. The SRB members recommended the property to proceed to nomination.

3. ****Lynchburg Hosiery Mill, City of Lynchburg, #118-0126, Criterion A**

Mr. Lahendro asked for the nomination to include a discussion of how the textile mill operated, where equipment would have been located, and what the manufacturing process entailed. Mr. Salmon said textile mills in North Carolina used similar manufacturing processes after rayon and nylon were developed (and displaced silk as the typical content for socks and hosiery). The SRB members recommended the property to proceed to nomination.

4. Riverside Farm, Nelson County, #062-0096, Criterion C

Research since the PIF was submitted demonstrates that the property also is significant under Criterion A (Agriculture). Additional information about the property's history also has been discovered. Chair Moore asked how many outbuildings are extant; Ms. Hanbury said there are about 10 as well as a cemetery and swimming pool. Ms. Hanbury said the ice house was built with slave labor and according to oral history it was so well done the slave was freed; she asked for guidance on how to research the slave population overall and manumissions in particular. Vice-Chair Lee suggested the VHS, which has the largest collection of slave owners' records, including records of manumission. Circuit court records at the Library of Virginia included manumissions. Mr. Salmon said the local courthouse and deed records may include records of any slaves being freed. An inventory of slaves also probably was among the family's records. Mr. Lahendro noted the centered dormer with access to the porch roof is unusual; Ms. Hanbury said that was added in the early 20th century, as well as two other dormers. The doors today are inoperable and a vanity and mirror are in front of them. Ms. Hanbury said another house further north on Route 151, High View, has a barrel-shaped lazy susan set in the wall and in the stair hall a "lobby stair" that climbs up one wall and makes a right-angle turn to continue up another wall; both features are similar to some at the Riverside Farm primary dwelling. The SRB recommended the nomination to proceed.

5. Tarea House, Halifax County, #041-0258, Criterion C

Chair Moore noted the quality of restoration work that was done after the mid-1990s fire. Mr. Tate said the contractor was named John Adams and he was from Massachusetts. Mr. Pulice said that DHR's Bill Crosby provided technical guidance on the work. Mr. Pulice noted that additional research is needed on the property's history for a nomination to proceed. Mr. Tate said its ownership history is available, including a letter from a former owner written in 1986 that says the land was part of William Byrd's colonial era land grant. The SRB recommended the property to proceed to nomination.

6. Warminster Rural Historic District, Nelson County, #062-5160, Criteria A and C

Mr. Carter said that the district proponents are hoping to raise money for at least some archaeological investigations within the district. Archaeological potential is high for sites associated with Native American and African American history. Chair Moore asked if any Phase II investigations have been conducted. Mr. Carter said DHR archaeologist Tom Klatka has identified several sites with Phase I investigations but no Phase II work has taken place. Mr. Lahendro asked how the district boundaries were established. Mr. Carter said the lands around the three creeks in the vicinity that were part of the historic Cabell property first were examined, then research identified an African American community; historic associations also informed the district's boundary delineation. Mr. Pulice said he and Tom Klatka also confirmed the boundaries based on their site visits. Additional research into mining in the area may lead to a slight expansion of the historic boundary. Vice-Chair Lee asked if the slave cemetery has any headstones. Mr. Wright said a cemetery on the Liberty Hall property is in a forested area and still has numerous fieldstones. Other cemeteries haven't been fully checked yet. A local volunteer has provided the district proponents with some location maps of other slave cemeteries that were previously unknown. Chair Moore asked about slave quarters at Liberty Hall. None are extant, but Mr. Wright said the locations have been mapped along the edge of a hill with a line of foundations still there. Mr. Carter asked about suggestions for field schools. DHR staff can consult with State Archaeologist Mike Barber about this. Chair Moore suggested consulting Sweet Briar College and Longwood University. The SRB members recommended the nomination to proceed.

Eastern Region.....presented by Marc Wagner

1. Arvon Primary School, Buckingham County, #014-0151, Criteria A and C

Mr. Salmon said the Glen Arvon nomination has considerable background on the Welsh immigrants who lived in this area to work in the slate quarries. Mr. Lahendro said UVa purchases slate from the Buckingham County quarries. The SRB recommended the nomination to proceed.

2. Belvidere, Goochland County, #037-0086, Criterion C

Mr. Lahendro noted that the interior plan is unusual and the PIF is inconsistent on which part of the dwelling was built first. The sequence of the dwelling's construction and subsequent additions needs to be explained clearly in the nomination. Chair Moore asked about the dwelling's blind door that has trim. Dr. Lounsbury said such features are found at other dwellings. The SRB members recommended the nomination to proceed.

3. Blue Star Diner, City of Newport News, #121-5005, Criteria A and C

Mr. Lahendro asked if the sign is a contributing resource and Mr. Wagner said yes. Vice-Chair Lee asked if the restaurant was integrated after it moved from Woodstock to Newport News. Mr. Wagner said he did not know but it can be researched. The SRB members recommended the nomination to proceed.

4. Charlotte Central High School, Town of Charlotte Court House, Charlotte County, #185-5001, Criteria A and C

Chair Moore asked if the school closed after school integration reached Charlotte County in 1968. Ms. Pettus said it was converted to a middle school. The building later was used as an early learning center, but the county has recently consolidated educational services.

Charlotte Central High School now is the Charlotte Central High Museum and is a stop on the Civil Rights in Education Heritage Trail. This property also is featured in the book *Talk About Trouble*; Mr. Wagner will add the relevant section to the Archives file. The SRB recommended the nomination to proceed.

5. Cumberland Farm, New Kent County, #063-0104, Criteria A, C, and D
Chair Moore asked if it was known who designed the historic garden, and Mr. Wagner said no. The SRB members recommended the nomination to proceed.

6. Morton Hall, Town of Keysville, Charlotte County, #248-5002, Criteria A and C
Ms. Pettus explained that the porch columns were removed temporarily while the porch flooring and column piers were being replaced. She said it is within the Town of Keysville limits but is not contiguous to the historic district that has been identified (but never nominated) in the Town. Its 20-acre parcel is shown on an 1880 plat of the town, which is referenced in most deeds of properties in the Town limits. A tax credit rehabilitation project is planned for the dwelling. Mr. Lahendro asked about the property's historic outbuildings. Ms. Pettus said those are extant. Mr. Wagner asked if an architect was known for the house, and Ms. Pettus said not yet. The extant house was built on the site of a house that burned in June 1895. Mr. Lahendro asked about the "Delco house" and Ms. Pettus said it housed a Delco generator and batteries; Morton Hall was one of the first in the area with electricity. Ms. Pettus said the Osborne family sold the house to her family because the patriarch had been hired to work in state government in Richmond. Dr. Bon Harper asked if the fact that the columns are in storage would affect the nomination; Mr. Wagner explained that a property in the midst of rehabilitation can be nominated. The SRB recommended the nomination to proceed.

7. Queen Street Baptist Church, City of Hampton, #114-5141, Criteria A and C
Chauncey Brown, Robert Brooks, and Novella Sammons, historians of the congregation, attended the meeting. Mr. Brown explained different aspects of the congregation's history related to the end of slavery and the Civil Rights Movement. Established in 1865, the church is now celebrating its sesquicentennial. He showed the SRB members an original USCT discharge for his grandfather. The existing church was constructed on the foundation of the first church, which was destroyed by fire. Pastor Short was a founder of the United Order of Galilean Fishermen's Bank, continued in business until about 1905. The bank also had a printing press and published the *Fishermen's Net* newspaper. The bank and church worked together to establish a cemetery. With the end of slavery, all African Americans could legally marry (slaves' marriages were not legally recognized). Mr. Brown showed the SRB members an 1872 marriage license, and the congregation has an oral history of Rosa Callis Brown. Mr. Brown showed the SRB members a map of African American historic sites in Hampton created by students at the Hampton University architecture department. Three historic African American churches are in downtown Hampton (an area designated the Contraband Camp during the Civil War).

Dr. Lounsbury asked about the connection between First Baptist Church in Williamsburg and Queen Street Baptist Church in Hampton. Mr. Brown explained that members in Williamsburg moved to Hampton for job opportunities on the bay; the water route also was a route to freedom during the Civil War. Mr. Brooks said First Baptist was organized in 1776. Following the Contraband Decision by General Butler in 1861, about 10,000 runaway slaves went to Hampton. The majority of white people previously in the Hampton area moved to Williamsburg and Richmond during the war, but left their slaves to watch their plantations; instead, the slaves ran away to the Union lines. He explained that one member, Mr. Robertson, was in the Virginia House of Delegates during Reconstruction. The church's eighth pastor was the father of Jennifer Holliday, a famous singer. Another congregation member taught art at Hampton Institute. The church's second pastor was there for two years, and was an evangelist, working at 10 churches in 5 states; a biography of him was published in 1896. Dr. Vernon Johns was uncle of Barbara Johns and related to the pastor at Dexter Avenue Baptist Church who preceded Dr. M.L. King. The church was built 5 years before the Norfolk Baptist Church, which is similar to Queen Street's but has a larger balcony. The church is today called the "burying church" in Hampton because it allows funerals to anyone who wants to have one at their church regardless of affiliation or race. Goodman Brown served in the House of Delegates in 1877-1878. Descendants of William Tucker, the first African American child born in Virginia belong to Queen Street Baptist.

Mr. Lahendro asked if there are records for the church's 1890s construction to illuminate out why and how the architectural style and design were chosen. Mr. Brooks said there are probably few records at the church because of the 1904 fire. The congregation worshipped at various places in the decades after the Civil War before building its own sanctuary. Court records are being reviewed to obtain more information. Mr. Salmon suggested building permits may provide information. Mr. Brooks said the first building's architect is known (Freeman), but the extant church's original architect and contractor were fired for failing to complete the work and it took 13 years to complete the building. Vice-Chair Lee suggested consulting with the Virginia Baptist Society. Mr. Pollard suggested that Bill Inge at the Norfolk Library knows a lot about architects in the Tidewater. Mr. Brooks said he checked the sources provided by Pam Schenian, but he did not find an architect or building for their church. Mr. Brooks said when Phoebus and Elizabeth City County merged with Hampton, most black voters were disenfranchised under the new government. The church congregation provided nonpartisan civic education to assist African Americans with participating in the political process. Chair Moore suggested consulting the history of First Baptist Church in Williamsburg and Dr. Lounsbury said the *Chronicling America* website may have some news articles that are relevant. The SRB members recommended the nomination to proceed.

8. **Talbot Hall, City of Norfolk, #122-0030, Criterion C
Mr. Pollard said Minton Talbot's wife had the bathrooms added by building on the rear porch's roof and other modernizations. Around this time the larger setting was becoming more urbanized as Norfolk grew. An interesting feature is the L-shaped radiators in several rooms. The Episcopal Diocese was given the property in 1954 and decided to sell the property a few years ago. Institutional buildings

formerly on the property (postdating 1954) have been removed. The primary dwelling will be preserved and 1/3-acre of the lot will be placed under easement. Part of the preservation agreement calls for the existing viewshed to the water will be maintained. Mr. Lahendro asked if it was known why the U.S. seal was placed in the parlor. The number of stars on the seal suggests it was built after the 17th state joined the Union. The Virginia seal was installed by Mrs. Talbot in the 1920s. Both seals appear to have been hand-carved, probably by local craftsmen. Mr. Lahendro asked about the property's association with Norfolk's first suburban developments; Mr. Pollard said in the early 20th century, the Talbots began selling off their 2,000-acre parcel and developing it for residential use. Multiple neighborhoods were constructed on about 1,800 acres. The SRB members recommended the nomination to proceed.

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

Ms. Ortmann said the Civil War-era photo of the property is by O'Sullivan, not James Brady, and the original is at the Library of Congress. She said the building served as General Sheridan's headquarters for a period and then the USCT 9th Corps moved in. For both occupations, soldiers camped on the land around the building. Dr. Lounsbury said the property is within the historic St. Paul's parish. The building is currently being rehabilitated using historic tax credits. The SRB members recommended the nomination to proceed.

10. Whichello, Henrico County, #043-0017, Criterion C

The SRB members recommended the nomination to proceed.

Chair Moore adjourned the SRB meeting at 5:02 p.m.