



*COMMONWEALTH of VIRGINIA*

**Department of Historic Resources**

2801 Kensington Avenue, Richmond, Virginia 23221

**JOINT MEETING**

**STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES**

9:00 a.m.. June 20, 2024

George Washington Hotel, 103 E. Piccadilly Street, Winchester, Virginia

**EASEMENT PROGRAM**  
**BOARD PACKET**

**PROJECT SUMMARIES**

**Provided to the  
Virginia Board of Historic Resources**

**June 5, 2024**

**NEW  
EASEMENT OFFERS**

<b>BHR Meeting Date:</b> June 20, 2024	<b>Staff:</b> Kyle Edwards	<b>DHR File No.</b> 088-5180-0015
<b>Applicant:</b> Central Virginia Battlefields Trust (“CVBT”)	<b>County:</b> Spotsylvania	<b>Acres:</b> ±2.0 acres

**Property Features and Current Use:**

The Stonewall Brigade III Tract (the “Property”) is comprised of a single ±2.0-acre tax parcel. The Property is located on Plank Road (Virginia Route 3), approximately fourteen miles west of Fredericksburg. It is adjacent to the Cooper Tract, a property owned by CVBT and under easement to the Board of Historic Resources (“BHR”). It is also within a significant corridor of conserved lands that includes the Chancellorsville National Battlefield Park, three BHR easements, and two properties that have been approved for BHR easement. The Stonewall Brigade III Tract has a flat topography with approximately ±0.8 acres under forested cover. The Property is currently used for residential and open-space purposes and includes a frame dwelling (ca. 1974) and two concrete block outbuildings. CVBT acquired the Property in fee-simple in October 2022 and plans to use it for open space and battlefield interpretation purposes. The Property is currently under a residential lease which will be subordinated to DHR’s easement as necessary. CVBT intends to demolish the existing non-historic buildings and structures and rehabilitate the battlefield landscape within three years from easement recordation. The Property is encumbered by a Deed of Trust and an Assignment of Leases which may not be satisfied prior to or at the time of easement recordation. CVBT has agreed to subordinate both liens to BHR’s easement as necessary. CVBT has been awarded a Virginia Battlefield Preservation Fund (“VBPF”) grant and will apply for an American Battlefield Protection Program grant to assist with acquisition costs. The conveyance of an easement to the BHR is a condition of both grants.

**Conservation Values:**

**Historic/Landscape:**

1. The Stonewall Brigade III Tract is entirely within the core and study areas of the Chancellorsville Battlefield, which has been given a Preservation Priority Rating of I.2 Class A by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of I are those with a critical need for action. Battlefield sites rated Class A are those that had a direct and decisive influence on their campaigns and direct impact on the course of the war, in this case the Chancellorsville Campaign from April to May 1863.
  - The Battle of Chancellorsville (April 30 to May 6, 1863) is considered by many historians to be Confederate General Robert E. Lee’s most significant victory. After marching from Fredericksburg and crossing the Rappahannock River, Union Major General Joseph Hooker’s forces adopted a defensive position at Chancellorsville, just east of the Stonewall Brigade III Tract. On May 3, Confederate General Stonewall Jackson’s Second Corps attacked the Union right flank from the west, overrunning the Union forces who were expecting an attack from the south. Union forces were driven east towards Chancellorsville. The Confederates continued their strategic counterattack resulting in the Union withdrawal across the Rappahannock. The Battle of the Chancellorsville ended in a Confederate victory with approximately 24,000 total casualties.
  - On May 3, 1863, Jackson’s Second Corps forced the Union XI Corp east over the Property towards Chancellorsville. Jackson’s troops briefly occupied the Property that evening before launching further attacks from this area the next day.

**Archaeological:** Although the Property has not been subjected to professional archaeological survey, in the opinion of DHR, the Property has the potential to contain archaeological sites, deposits and features associated with the Civil War, specifically the Battle of Chancellorsville, based on the concentration of troop movements and engagement of the opposing armies across or on the Property.

**Open Space:** The Property includes approximately ±2.0 acres of open-space land, of which ±0.8 acres is under forested cover.

**ConserveVirginia:** The Property lies entirely within the “Cultural and Historic Preservation” layer and partially within the within the “Natural Habitat and Ecological Diversity” layer of ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

**Other Supporting Governmental Policy:**

**Federal:** (i) “The Report on the Nation’s Civil War Battlefields,” issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 30801 – 308103); (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310

**State:** (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (ii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iii) BHR practices in reviewing and accepting an easement over this Property, which include review

by VDHR's Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR's written adopted policies; and (iv) Virginia Outdoors Plan (2018) Region 16: George Washington (12.2, 12.3, 12.7, 12.8, 13.99).

**Local:** The Property is currently zoned Rural (RU), and its future land use designation is Rural/Forestal. The Spotsylvania County Comprehensive Plan (adopted in 2021 and amended in 2022 and 2023) provides support for preservation generally at Chapter 5, pages 2-6, and for the placement of conservation easements at Chapter 2, pages 22, 24-26 and 32-35. By letter dated July 25, 2023, Spotsylvania County has confirmed that DHR's proposed historic preservation and open-space easement is consistent with the comprehensive plan if the easement includes an allowance for the widening of Plank Road (Virginia Route 3) to a 130' and the inclusion of paved shoulders for bike and pedestrian use.

**Existing Buildings and Structures:**

Frame dwelling (ca. 1974)	Well (date unknown)
Concrete block garage (date unknown)	Septic System (date unknown)
Concrete block shed (date unknown)	

**General Easement Terms:**

**Note:** *Provisions in italics below indicate non-standard easement template language:*

**Maintenance and Preservation:** Property shall be maintained, preserved, and protected in same or better condition.

**Division:** no subdivision or division permitted.

**Existing Buildings and Structures:** provision for the demolition of existing non-historic buildings and structures and restoration or rehabilitation of the battlefield landscape within three years and completed according to a written rehabilitation management plan negotiated by CVBT and DHR.

**New Dwellings:** no new residential dwellings permitted.

**Permitted New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park

**New Construction:** construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

**Permitted Infrastructure Expansion:** *easement permits future widening/improvement of Plank Road (Virginia Route 3) to its ultimate width of 130 feet including paved shoulders for bike and pedestrian use.*

**Archaeology:** ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

**Impervious Surface Coverage:** cap at 1% or less for all construction.

**Activities:** prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

**Ground Disturbance:** (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

**Forest Management:** easement shall address forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with the current standard easement template; review and approval required prior to battlefield landscape rehabilitation.

**Trash:** accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

**Signs:** restrictions on size and location of signs on property; interpretative signage permitted.

**Public Access:** easement requires 2 days minimum public access and Property is also visible from a public-right-of way.

**Grant Funding:** ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act.

**Documentation Information:**

**Tax Map Number:** 10-A-21A

**Property Address:** 9424 Plank Road, Spotsylvania, VA 22553 | **USGS Quad:** Chancellorsville

**Statement of Public Benefit:**

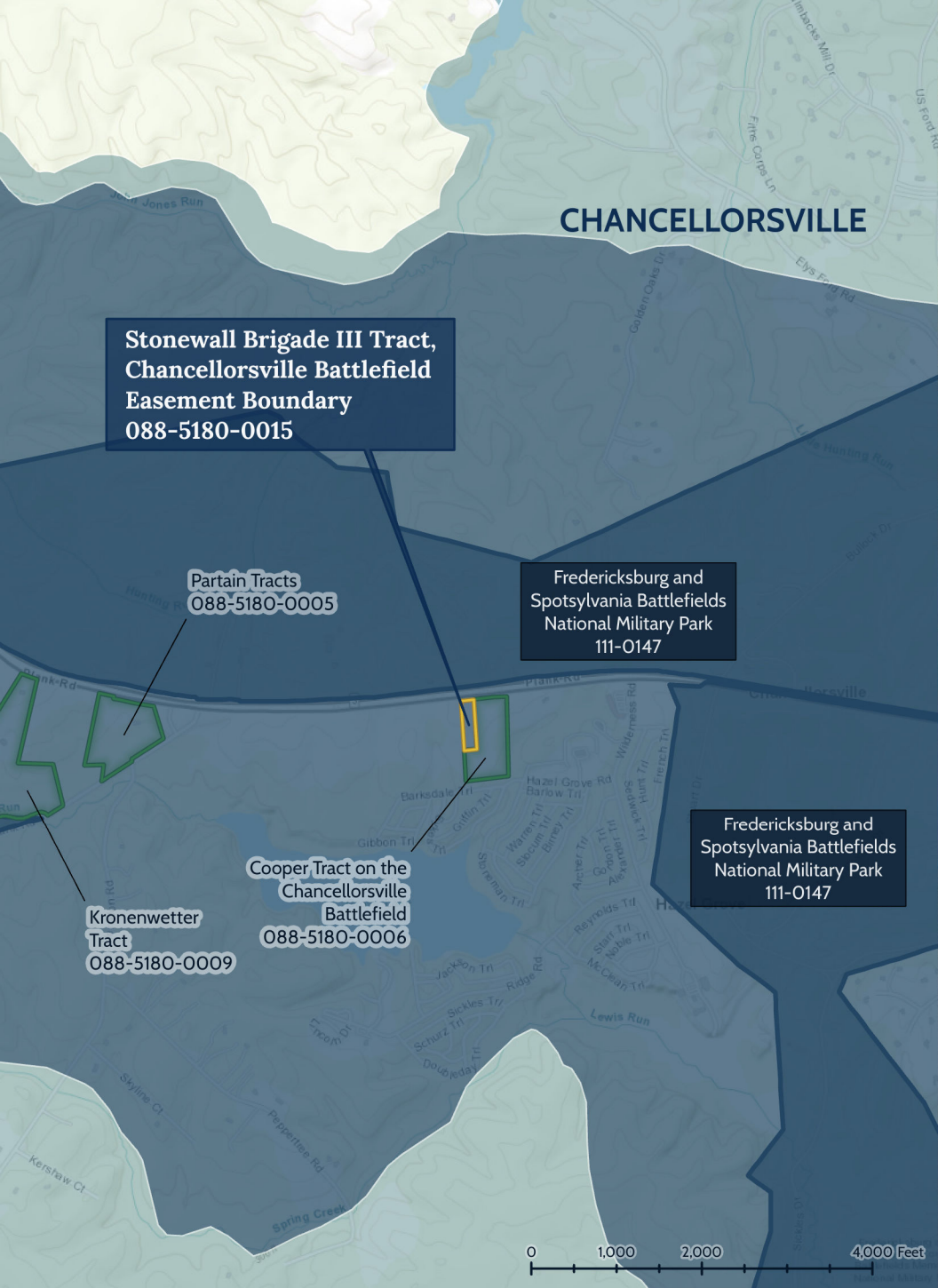
The Stonewall Brigade III Tract is of historic and archaeological significance and is within the boundaries of the Chancellorsville Battlefield which has a preservation priority rating from the CWSAC. Restrictions on ground disturbance, archaeological resources and historic resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Spotsylvania County, including approximately 1,078 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from Plank Road (Virginia Route 3). In addition to visibility from a public right-of-way, the easement will require physical public access two calendar days per year. The

protection of the Stonewall Brigade III Tract by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes and resources, and to place historic preservation and open-space easements on historic properties.

**Easement Acceptance Committee Recommendation:**

The Easement Acceptance Committee recommends acceptance of the Stonewall Brigade III easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. Subordination of the existing Deed of Trust and Assignment of Leases to BHR's historic preservation and open-space easement prior to recordation of BHR's easement (if applicable).
2. Subordination of any existing leases to BHR's easement prior to recordation of BHR's historic preservation and open-space easement (if applicable).
3. Demolition and removal of the existing non-historic buildings and structures shall be completed within three (3) years of the date of easement recordation. Rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the Trust and DHR, and such plan shall be incorporated into the easement either directly or by reference.
4. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



**Stonewall Brigade III Tract, Chancellorsville Battlefield**  
**Spotsylvania County, Chancellorsville Quad**  
**DHR ID: 088-5180-0015**

- 088-5180-0015
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)
- VBHR Easements
- Listed Resources

Created By: D. Bascone 7/12/2023  
 Sources: VDHR 2023, ESRI 2023, VDOT 2023, VGIN 2023  
 Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



<b>BHR Meeting Date:</b> June 20, 2024	<b>Staff:</b> K. Edwards	<b>DHR File No.</b> 023-5055-0009
<b>Applicant:</b> American Battlefield Trust (the "Trust")	<b>County:</b> Culpeper	<b>Acres:</b> ±100

**Property Features and Current Use:**

The ±100-acre Brandy Rock Farm Tract (the "Property") is part of a ±539-acre tax parcel encompassing the entire Brandy Rock Farm. The Property is located just northeast of Brandy Station in Culpeper County. The Property is bounded on the northwest by Farley Road (Route 679). The Brandy Rock Farm Tract features a rolling topography with approximately 90 acres in crop production. A historic road trace runs east-west through the center of the proposed easement area. The Property has been in agricultural use since the mid-nineteenth century and appears today much as it did during the Civil War. The Trust will facilitate the conveyance of an easement to DHR by the current owner, Brandy Rock Farm, Inc. The Property will continue to be used for agricultural purposes and will be open to the public by appointment. The Trust will apply for an American Battlefield Protection Program ("ABPP") grant and has already been awarded a Virginia Land Conservation Foundation grant to assist with conveyance of the easement. Conveyance of an easement to the Board of Historic Resources ("BHR") is a condition of these grants. The owner may also take Virginia Land Preservation Tax Credits ("LPTC") for any donative value not covered by the above grants.

**Conservation Values:**

**Historic/Landscape:**

- The Property is located entirely within the core and study areas of the Brandy Station Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of I are those that have a critical need for action. Battlefield sites rated Class B are those that had "direct and decisive influence on their campaign," in this instance, the Gettysburg Campaign from June through August 1863.
  - Following General Lee's victories at Fredericksburg and Chancellorsville, he decided to launch a second northern invasion. Prior to the main infantry movement, Lee directed J.E.B. Stuart's cavalry to assemble in Culpeper. Stuart's presence was detected by Union Major General Alfred Pleasonton's cavalry. Early on the morning of June 9, 1863, Pleasonton's Right Wing under Brigadier General John Buford crossed the Rappahannock about 2.5 miles east of the Property. The Confederates consolidated along St. James Church Ridge while a brigade led by Brigadier General W. H. F. "Rooney" Lee blocked Buford's advance. Lee engaged with Buford on the farms of Dr. Daniel Green and Richard Cunningham, northeast of the Property. Around 10:30 a.m. Union cavalry under Brigadier General David Gregg appeared in Brandy Station and threatened Stuart's rear. In response, Stuart pulled units from St. James Church to counter Gregg and ordered Lee to join the Confederate left. Lee conducted a delaying action, pulling back over the Brandy Rock Farm Tract. Buford's forces followed Lee, advancing across the Property to attack Lee's position. Lee blocked Buford's advance, keeping him from uniting with Gregg on Fleetwood Hill. The Battle of Brandy Station was inconclusive with a total of 1,090 casualties.
- The Property is partially within the study area of the Rappahannock Station I Battlefield, which has been given a Preservation Priority Rating of II.4 Class D by the CWSAC. Sites with a priority rating of II are those that are in relatively good condition with opportunities for "comprehensive preservation." Battlefield sites rated Class D are those that had "a limited influence on the outcome of their campaign or operation but achieving or affecting important local objectives," in this case, the Northern Virginia Campaign from June to September 1862.
- The Property is located within the Journey Through Hallowed Ground National Heritage Area.

**Archaeological:**

- The Property is significant for its archaeological potential as a Civil War battlefield. The Property may contain archaeological sites or deposits associated with the Battle of Brandy Station and Rappahannock Station due to the number of troops and equipment that crossed the Property and the intensity of the fighting that occurred on the Property.

**Open Space:**

The Property contains ±100 acres of open space land of which ±9.34 acres is under forested cover.

**Agricultural:**

The Property contains ±91.9 acres of Farmland of Statewide Importance as identified by the Natural Resource Conservation Service ("NRCS") Web Soil Survey.

**Water Quality:**

The Property includes 0.58 acre of freshwater emergent wetland, a 0.15-acre freshwater pond and 0.46 acres of riverine. The Property is located within the Chesapeake Bay watershed.

**ConserveVirginia:**

The Property lies entirely within the “Cultural and Historic Preservation Category” and partially within the “Agricultural and Forestry Category” and the “Water Quality Improvement Category” in ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

**Other Supporting Governmental Policy:**

**Federal:** (i) “The Report on the Nation's Civil War Battlefields,” issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 308101-308103); and (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; (iv) Journey Through Hallowed Ground National Heritage Act of 2008 (15 U.S.C. § 461).

**State:** (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR’s practices in reviewing and accepting an easement over this property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by BHR at a public meeting, as set forth in the BHR’s written adopted policies; (v) Virginia Land Conservation Foundation, Chapter 10.2, Title 10.1, Virginia Code §§ 10.1-1017 through 10.1-1026; (vi) Virginia Outdoors Plan (2018), Region 9 – Rappahannock-Rapidan (Pages 12.2, 12.3, 12.7, 12.8, 13.53-13.58); and (vii) Virginia Code § 3.2-205, defining the characteristics to be considered for Farmland of Statewide Importance.

**Local:** Culpeper County has zoned this property A-1 (Agricultural); future land use for this property is designated as Agricultural and Rural in the 2023 Culpeper County Comprehensive Plan, adopted on March 7, 2023. The comprehensive plan provides support for the use of easements at Chapter 2, pages 23 and 44. The plan provides support for historic preservation generally at Chapter 4, pages 23 and 41. By letter dated October 19, 2023, Culpeper County has confirmed that a historic preservation and open-space easement on the Property is consistent with its current comprehensive plan.

**Existing Buildings and Structures:**

None

**General Easement Terms:**

**Maintenance and Preservation:** Property shall be maintained, preserved, and protected in same or better condition.

**Division:** no subdivision or division permitted.

**New Dwellings:** no new residential dwellings permitted.

**New Buildings Structures and Amenities:** walking trails, footpaths, parking facilities, signs, for interpretation of the Property as a Civil War battlefield.

**Permitted New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park and (vii) a small pervious parking area.

**New Construction:** construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior’s Standards for Treatment of Historic Properties* as standard for review.

**Archaeology:** ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

**Impervious Surface Coverage:** cap at 1% or less for all construction.

**Activities:** prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

**Ground Disturbance:** (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

**Forest Management:** easement shall address forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with the current standard easement template; review and approval required prior to battlefield landscape rehabilitation.

**Trash:** accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

**Signs:** restrictions on size and location of signs on property; interpretative signage permitted.

**Public Access:** easement requires 2 days minimum public access and Property is also visible from a public-right-of way.

**Grant Funding:** ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act.

**Documentation Information:**

**Tax Map Number:** Part of 33-1

**Property Address:** At or near Farley Road, Brandy Station

**USGS Quad:** Brandy Station



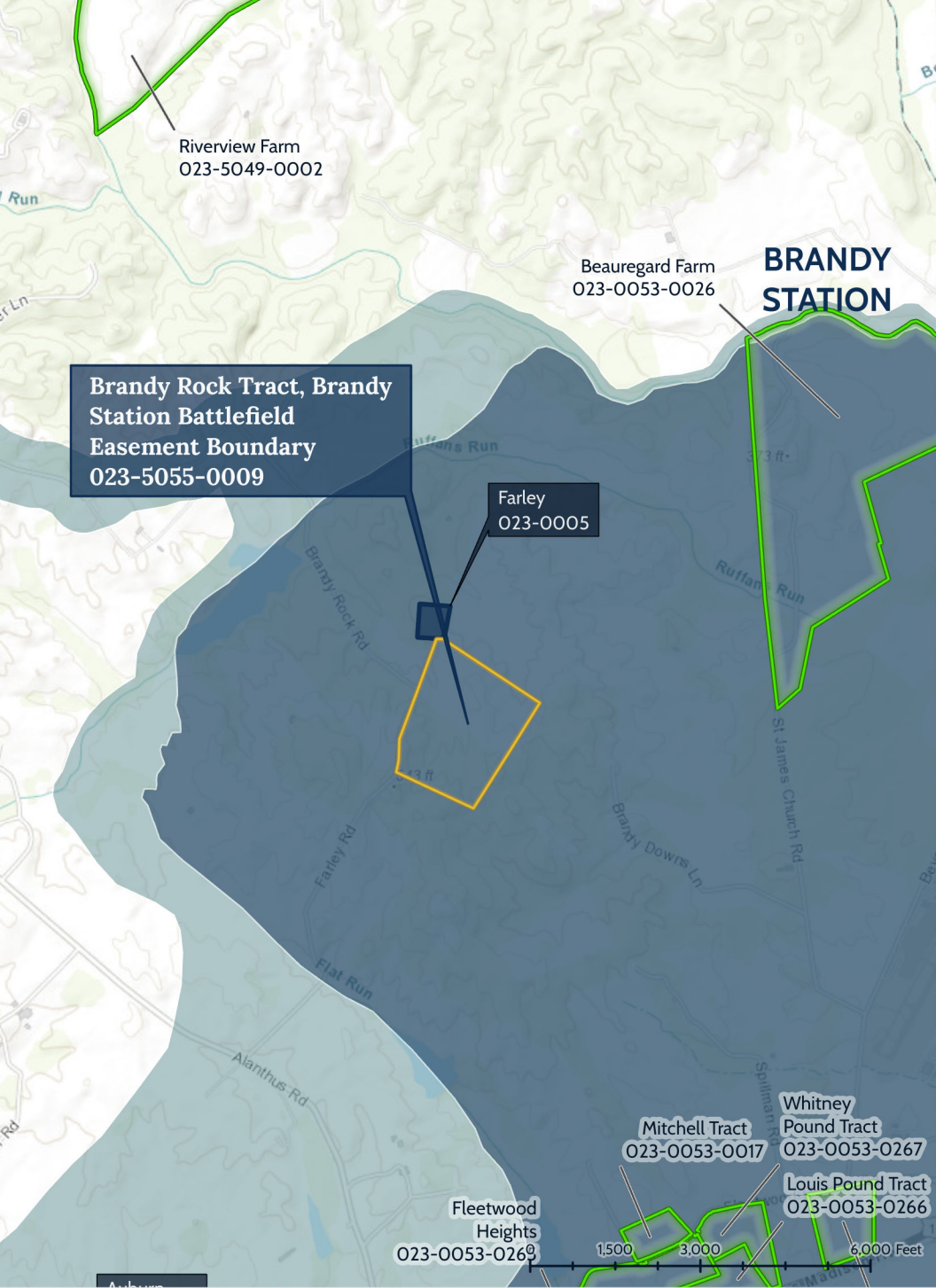
**Statement of Public Benefit:**

The Brandy Rock Farm Tract is of historic and archaeological significance and is within the boundaries of two battlefields with preservation priority ratings from the CWSAC. Restrictions on ground disturbance, archaeological resources and historic resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Culpeper County, including approximately 5,472 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from Farley Road (Route 679), a public right-of-way. In addition to visibility from a public right-of-way, the easement will require physical public access two calendar days per year. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the Easement will support protection of water quality in the Chesapeake Bay. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes, and to place historic preservation and open-space easements on historic properties.

**Easement Acceptance Committee Recommendation:**

The Easement Acceptance Committee recommends acceptance of the Brandy Rock Farm easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. Continued negotiation of easement terms to the satisfaction of DHR.
2. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the Property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



**Brandy Rock Tract, Brandy Station Battlefield**  
**Culpeper County, Brandy Station Quad**  
**DHR ID: 023-5055-0009**

- 023-5055-0009
- VBHR Easements
- Listed Resources
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)

Created By: D. Bascone 1/3/2024  
Sources: VDHR 2024, ESRI 2024, VDOT 2024, VGIN 2024  
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<b>BHR Meeting Date:</b> June 20, 2024	<b>Staff:</b> Wendy Musumeci	<b>DHR File No.</b> 043-5080-0009
<b>Applicant:</b> American Battlefield Trust (the "Trust")	<b>County:</b> Henrico	<b>Acres:</b> ±8.933

**Property Features and Current Use:**

Located along Yahley Mill Road in eastern Henrico County, the Whitby Tract (the "Property") is comprised of ±8.933-acres over four tax parcels. The Property includes ±500 feet of frontage along Yahley Mill Road and ±175 feet of frontage along Alexis Drive. The Property is also located across Yahley Mill Road from the Pepmeier Tract, a ±93.75-acre property under easement with the Board of Historic Resources ("BHR"). The Whitby Tract is bounded by small residential parcels to the north, south and east and Yahley Mill Road on the west. The larger ±5.021-acre parcel is improved with a two-story frame dwelling (ca. 1986) with associated structures. The three remaining parcels are unimproved. The Property is generally level and has been primarily forested cover since at least 1937 and was likely forested at the time of the Civil War. DHR staff has confirmed the presence of a line of earthworks running north-south through the interior of the Property. The Trust has contracted with the owners, Mark and Karen Perreault, to acquire the Property by September 30, 2024. Following demolition of the existing non-historic dwelling and associated structures, the Trust will install a small parking area at the former dwelling site, a 0.25-mile trail and 3 to 5 interpretive signs. The Trust may also install a trail connecting the Whitby and Pepmeier Tracts. The Trust was awarded a Virginia Land Conservation Foundation ("VLCF") grant in 2023 and will apply for an American Battlefield Protection Program ("ABPP") grant to assist with the fee-simple acquisition of the Property. Conveyance of an easement to the BHR is a condition of both grants.

**Conservation Values:**

**Historic/Landscape:**

- The Property is entirely within the core and study areas of the Deep Bottom II Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of I are those that have a critical need for action. Battlefield sites rated Class B are those that had a decisive influence on their campaign, in this case the Richmond-Petersburg Campaign (June 1864 – March 1865).
  - On the night of August 13-14, 1864, Federal troops under the command of Major General Winfield Scott Hancock crossed the James River at Deep Bottom and threatened the defenses of Richmond. On the night of August 14, Federal troops moved northwest towards Fussell's Mill which was located just southeast of the Property. On August 16, the Federal troops attacked the Confederates near Fussell's Mill, successfully breaking through some Confederate lines. However, the Confederates successfully drove the Federal troops back. The 9<sup>th</sup> Regiment of the USCT may have advanced across the Whitby Tract during their assault and may have been driven back across the Property under Confederate fire. Skirmishes continued for a few days until the Federals were ultimately pushed back to the south side of the James River at Deep Bottom. The Battle of Deep Bottom II resulted in a Confederate victory with 4,600 total casualties.
- The Property is entirely within the study area of the Deep Bottom I Battlefield, which has been given a Preservation Priority Rating of II.3 Class C by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of II are those that are in relatively good condition with opportunities for "comprehensive preservation." Battlefield sites rated Class C are those that had an "observable influence on the outcome of their campaign," in this case the Richmond-Petersburg Campaign (June 1864 – March 1865).

**Archaeological:** Although the Property has not been subjected to professional archaeological survey, in the opinion of DHR, the Property has the potential to contain archaeological sites, deposits and features associated with the Civil War, specifically the Battles of Deep Bottom I and Deep Bottom II, based on the concentration of troop movements and engagement of the opposing armies across or on the Property. Additionally, DHR staff has confirmed a line of Civil War period earthworks running north-south through the central area of the Property.

**Open Space:** The Property contains ±8.933 acres of land. Most of the Property is under forested cover, except for a cleared grass lawn around the dwelling.

**Conserve Virginia:** The Property lies entirely within the "Cultural and Historic Preservation Category" and partially within the "Water Quality Improvement" layers in ConserveVirginia, Virginia's land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

**Other Supporting Governmental Policy:**

**Federal:** (i) "The Report on the Nation's Civil War Battlefields," issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 30801 – 308103; (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310.

**State:** (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) Virginia Code § 10.1-1017 *et. seq.*; (v) the BHR's practices in reviewing and accepting an easement over this Property, which include review by VDHR's Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR's written adopted policies; (vi) Virginia Land Conservation Foundation, Chapter 10.2, Title 10.1, Virginia Code §§ 10.1-1017 through 10.1-1026; (vii) Virginia Outdoors Plan (2018) Region 15: Richmond Regional (12.2, 12.3, 12.7, 12.8, 13.93); (viii) *ConserveVirginia* (2018); and (ix) Chesapeake Bay Program for permanent land conservation in Bay watershed.

**Local:** The Property is currently zoned Agricultural District (A-1); the future land use designation is Prime Agriculture in the *Henrico County 2026 Comprehensive Plan* (adopted August 11, 2009). The *Henrico County 2026 Comprehensive Plan* provides support for the use of conservation and open space easements at General Development Policy 12 (page 282), provided the easements do not adversely impact planned infrastructure or the pattern of development in the area. Other objectives in support of conservation easements include Land Use and Community Character Objective 38, Natural, Cultural and Historic Resource Objectives 8 and 22 and Rural Keystone Policy 1. Per letter dated August 28, 2023, Henrico County confirmed that the DHR's easement is consistent with the County's current comprehensive plan provided it includes language allowing for the widening of Yahley Mill Road to its ultimate width of 75 feet.

**Existing Buildings and Structures:**

Two-story frame dwelling with attached garage (ca. 1986) Concrete patio Gravel drive	Dog kennel fencing Wells (2) Telephone pedestals (2)
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**General Easement Terms:**

**Note:** *Provisions in italics below indicate non-standard easement template language:*

**Maintenance and Preservation:** Property shall be maintained, preserved, and protected in same or better condition.

**Division:** no subdivision or division permitted.

**Existing Buildings and Structures:** provision for demolition of the existing non-historic buildings and structures and restoration or rehabilitation of the battlefield landscape within three years and completed according to a written rehabilitation management plan negotiated by the Trust and DHR.

**Permitted New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park and (vii) a small pervious parking area.

**New Construction & Alterations:** all new construction and alterations to existing buildings/structures requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

**Permitted Infrastructure Expansion:** *easement permits future widening/improvement of Yahley Mill Road to its ultimate width of 75 feet.*

**Archaeology:** ground disturbance may require professional archaeological survey; owner must take precautions to protect archaeological sites; no relic hunting.

**Impervious Surface Coverage:** cap at 1% or less for collective footprint.

**Activities:** prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

**Ground Disturbance:** (i) any Ground Disturbing Activities are subject to prior written approval; (ii) mining by any method, dredging on or from the Property, or drilling for oil, gas, or any natural resource (excluding fresh water), is prohibited.

**Forest Management:** trees and vegetation shall be managed according to established arboreal and horticultural practices; easement shall address land conversion consistent with current easement template; review and approval required prior to battlefield landscape rehabilitation.

**Trash:** accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

**Signs:** restrictions on size and number of signs permitted.

**Public Access:** per VLCF grant, easement language will require 1 to 179 days of public access.

**Grant Funding:** ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act; VLCF grant requires specific easement language regarding conversion/diversion.

**Documentation Information:**

Tax Map Numbers: 834-609-8473, 834-690-8189, 834-691-7907, 835-691-0904

Property Address: 7711 Yahley Mill Road, Henrico, VA 23231

USGS Quad: Dutch Gap

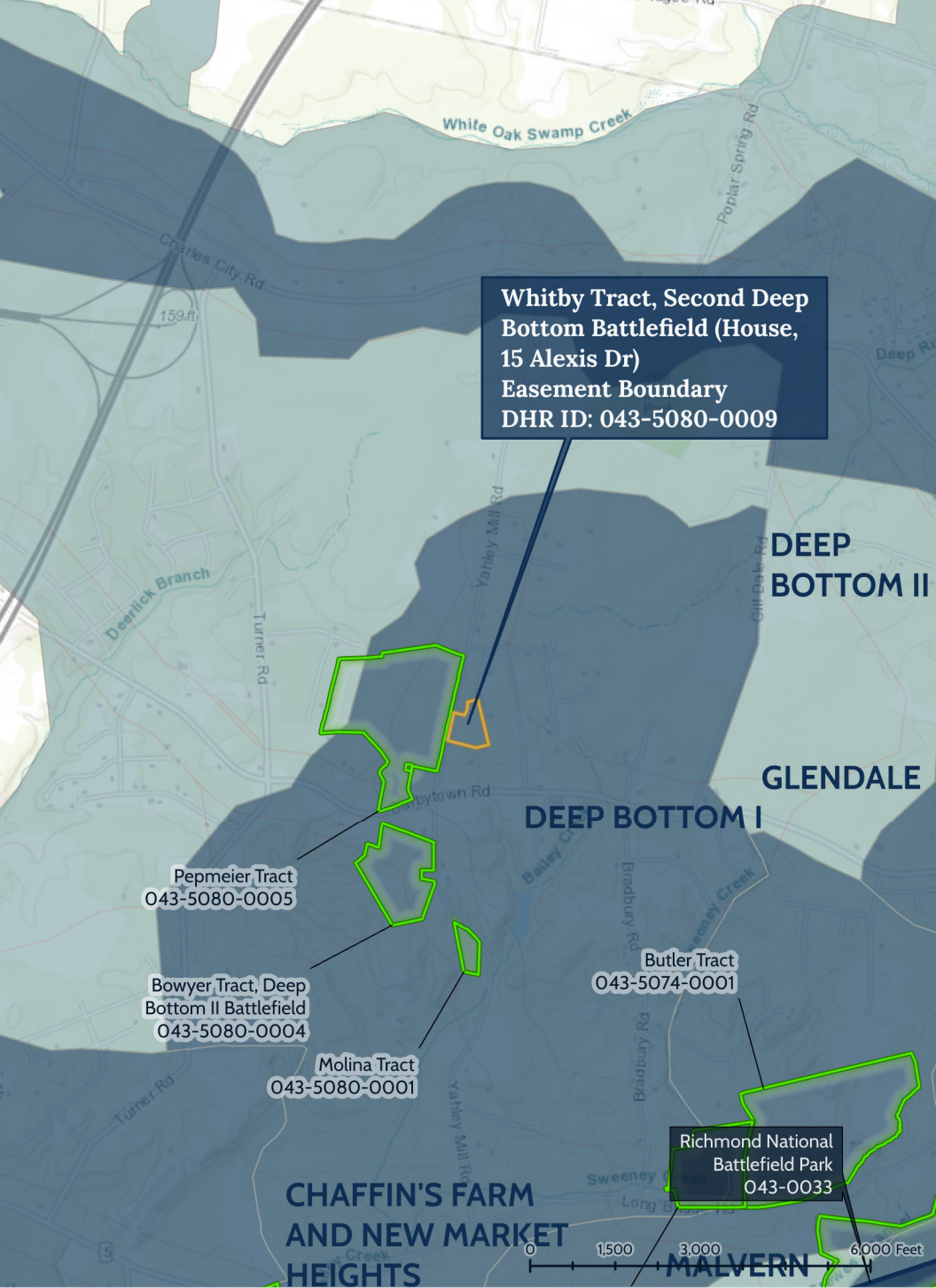
**Statement of Public Benefit:**

The Whitby Tract is of historic and archaeological significance and is within the boundaries of two battlefields with preservation priority ratings from the Civil War Sites Advisory Commission. Restrictions on ground disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Henrico County, including approximately ±1,195 acres of land already subject to perpetual easements held by the BHR. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forestal and ecological resources on the Property and the natural benefits associated with forest conservation such as clean air and water. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from Yahley Mill Road and Alexis Drive, both public rights-of-way. In addition to visibility from a public right-of-way, the easement will require physical public access 1 to 179 calendar days per year. The protection of the Property by the easement will fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes and resources, and to place historic preservation and open-space easements on historic properties.

**Easement Acceptance Committee Recommendation:**

The Easement Acceptance Committee recommends approval of the Whitby Tract easement offer by the Virginia Board of Historic Resources subject to the following conditions:

1. Demolition and removal of the existing non-historic buildings and structures shall be completed within three (3) years of the date of easement recordation. Rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by the Trust and DHR, and such plan shall be incorporated into the easement either directly or by reference.
2. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the Property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



**Whitby Tract, Second Deep Bottom Battlefield (House, 15 Alexis Dr)**  
**Henrico County, Dutch Gap Quad**  
**DHR ID: 043-5080-0009**

- 043-5080-0009
- VBHR Easements
- Listed Resources
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)

Created By: D. Bascone 6/29/2023  
 Sources: VDHR 2023, ESRI 2023, VDOT 2023, VGIN 2023  
 Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



<b>BHR Meeting Date:</b> June 20, 2024	<b>Staff:</b> K. Edwards	<b>DHR File No.</b> 034-5023-0002
<b>Applicant:</b> Shenandoah Valley Battlefields Foundation ("SVBF")	<b>County:</b> Frederick	<b>Acres:</b> ±39.275

**Property Features and Current Use:**

The ±39.275-acre Shockey Tract (the "Property") is composed of eight tax parcels and is located just north of the City of Winchester in Frederick County. The Property is bounded on the east by Milburn Road (Route 662), the north by Old Charles Town Road (Route 761), the south by McCann's Road (Route 838) and on the west by a CSX railroad line. The Property features a rolling topography with rock outcroppings and only ±3.3 acres under forested cover. Hiatt's Run, a perennial stream, crosses the mid-section of the Property. The Shockey Tract is currently in agricultural (cattle grazing and apiary) use. The Property also includes five recorded archaeological sites relating to late nineteenth-century quarrying activities. An 1873 map of the battle of Second Winchester by Lt. Colonel G. L. Gillespie shows a small cemetery on the Property along present-day Milburn Road. Per McCann Family oral history, this was an African American cemetery. DHR staff conducted a site visit to confirm the cemetery location and while no obvious signs of a cemetery still exist, the site has been recorded as a cemetery in VCRIS, DHR's historic resources database. A previous owner divided the property into eight parcels with drain fields, proposed well locations, and a variable width sewer line easement in anticipation of developing the parcels for residential use. SVBF has contracted with the owner, Stephenson Associates, LLC, to acquire the Property in fee-simple, with closing scheduled for 2024. Per the Easement Acceptance Committee's ("EAC") recommendation, SVBF has begun the process of consolidating the parcels into a single parcel to avoid any future challenge of the no-division restriction of DHR's historic preservation and open-space easement. SVBF will also require Stephenson Associates, LLC to release all remaining covenants and development-related easements prior to conveying the Property to SVBF. SVBF will use the Property for open space and battlefield interpretation purposes and install one sign and historic fencing. SVBF also plans to connect the Property via McCann's Road with the adjacent McCann Tract which is owned by SVBF and under easement to the Land Trust of Virginia. SVBF will apply for an American Battlefield Protection Program ("ABPP") grant to assist with acquisition of the Shockey Tract. Conveyance of an easement to the Board of Historic Resources ("BHR") is a condition of these grants.

**Conservation Values:**

**Historic/Landscape:**

- The Property is located entirely within the core and study areas of the Second Winchester Battlefield, which has been given a Preservation Priority Rating of IV.1 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of IV are those that are considered fragmented with poor integrity. Battlefield sites rated Class B are those that had "direct and decisive influence on their campaign," in this instance, the Gettysburg Campaign from June through August 1863.
  - In the early morning hours of June 15, 1863, Confederate forces under General Edward "Allegheny" Johnson moved onto the Shockey Tract to take a defensive position along the railroad line to cut off the retreat of Union General Robert Milroy's army from Winchester. Union forces spent the morning hours trying to break through Johnson's lines to escape via Old Charles Town Road. The Confederates held their lines resulting in the surrender of most of the Union forces. However, the 67th Pennsylvania and 6th Maryland regiments moved east along the McCann Road to escape and reached the Jacob Easter Farm (located at the southern end of the Shockey Tract). Upon reaching the Easter Farm, they were engaged by Confederate troops who were able to capture most of the 67th Pennsylvania and drove the 6th Maryland from the field.
- The Property is entirely within the core and study areas of the Opequon (Third Winchester) Battlefield, which has been given a Preservation Priority Rating of IV.1 Class A by the CWSAC. Sites with a priority rating of IV are those that are considered fragmented with poor integrity. Battlefield sites rated Class A are those that had a decisive influence on their campaign, in this instance Sheridan's Shenandoah Valley Campaign from August to December 1864, and a direct impact on the course of the war.
- The Property is entirely within the core and study areas of the Rutherford's Farm Battlefield, which has been given a Preservation Priority Rating of IV.1 Class D by the CWSAC. Sites with a priority rating of IV are those that are considered fragmented with poor integrity. Battlefield sites rated Class D are those that had a limited influence on the outcome of their campaign or operation, in this instance Early's Raid and Operations against the B&O Railroad from June to August 1864, but achieved or affected important local objectives.
- The Property is entirely within the Shenandoah Valley Battlefields National Historic District, an eight-county region in the Shenandoah Valley of Virginia designated by Congress in the 1996 "Shenandoah Valley Battlefields National

Historic District and Commission Act” (P.L. 104-333). The purpose of the district is to preserve, conserve, and interpret the region’s significant Civil War battlefields and related historic sites.

**Archaeological:**

The Property includes the following known archaeological sites:

1. An unmarked nineteenth century African American cemetery.
2. Five small quarry sites.
3. The Property is significant for its archaeological potential as a Civil War battlefield. Although the Property has not been subjected to professional archaeological survey, in the opinion of the DHR, the Property has the potential to contain archaeological sites, deposits and features associated with the Civil War, specifically the Battles of Second Winchester, Opequon, and Rutherford’s Farm based on the concentration of troop movement and engagement of the opposing armies across or on the Property.

**Open Space:** The Property contains ±39.275 acres of open space land of which ±3.3 acres is under forested cover. **Water Quality:** The Property contains approximately ±985 linear feet of Hiatt’s Run, a perennial stream that drains to the Opequon Creek. The Property is located within the Chesapeake Bay watershed.

**ConserveVirginia:** The Property lies entirely within the “Cultural and Historic Preservation Category” and partially within the “Agricultural and Forestry” and the “Water Quality Improvement” categories in ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

**Other Supporting Governmental Policy:**

**Federal:** (i) “The Report on the Nation’s Civil War Battlefields,” issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 308101-308103); (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; (iv) 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333).

**State:** (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR practices in reviewing and accepting an easement over this property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by BHR at a public meeting, as set forth in the BHR’s written adopted policies; and (v) Virginia Outdoors Plan: Region 7-Northern Shenandoah (Pages 12.2, 12.3, 12.7, 12.8, 13.41-13.45)

**Local:** Frederick County has zoned this property RA (Rural Area); future land use for this property is designated as Historic/DSA in the Frederick County Comprehensive Plan, adopted in 2017, updated November 10, 2021. The comprehensive plan provides support for the use of easements at Chapter 2, pages 12 and 16, and Chapter 7, page 96. The plan provides support for historic preservation generally at Chapter 2, page 14 and Chapter 8 page 103-104. By letter dated May 16, 2023, Frederick County confirmed that a historic preservation and open-space easement on the Property is consistent with its current comprehensive plan.

**Existing Buildings and Structures:**

None

**General Easement Terms:**

**Maintenance and Preservation:** Property shall be maintained, preserved, and protected in same or better condition.

**Division:** no subdivision or division permitted.

**New Dwellings:** no new residential dwellings permitted.

**Permitted New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park and (vii) a small pervious parking area.

**New Construction:** construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior’s Standards for Treatment of Historic Properties* as standard for review.

**Archaeology:** ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

**Impervious Surface Coverage:** cap at 1% or less for all construction.

**Activities:** prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

**Ground Disturbance:** (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

**Forest Management:** easement shall address forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with the current standard easement template; review and approval required prior to



battlefield landscape rehabilitation.

**Trash:** accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

**Signs:** restrictions on size and location of signs on property; interpretative signage permitted.

**Public Access:** easement requires 2 days minimum public access and Property is also visible from a public-right-of way.

**Grant Funding:** ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act.

**Documentation Information:**

**Tax Map Number:** 44-8-1, 44-8-2, 44-8-3, 44-8-3, 44-8-4, 44-8-5, 44-8-6, 44-8-7, 44-8-8, 44-8-9 and 44-8-39

**Property Address:** Milburn Road, Winchester

**USGS Quad:** Stephenson

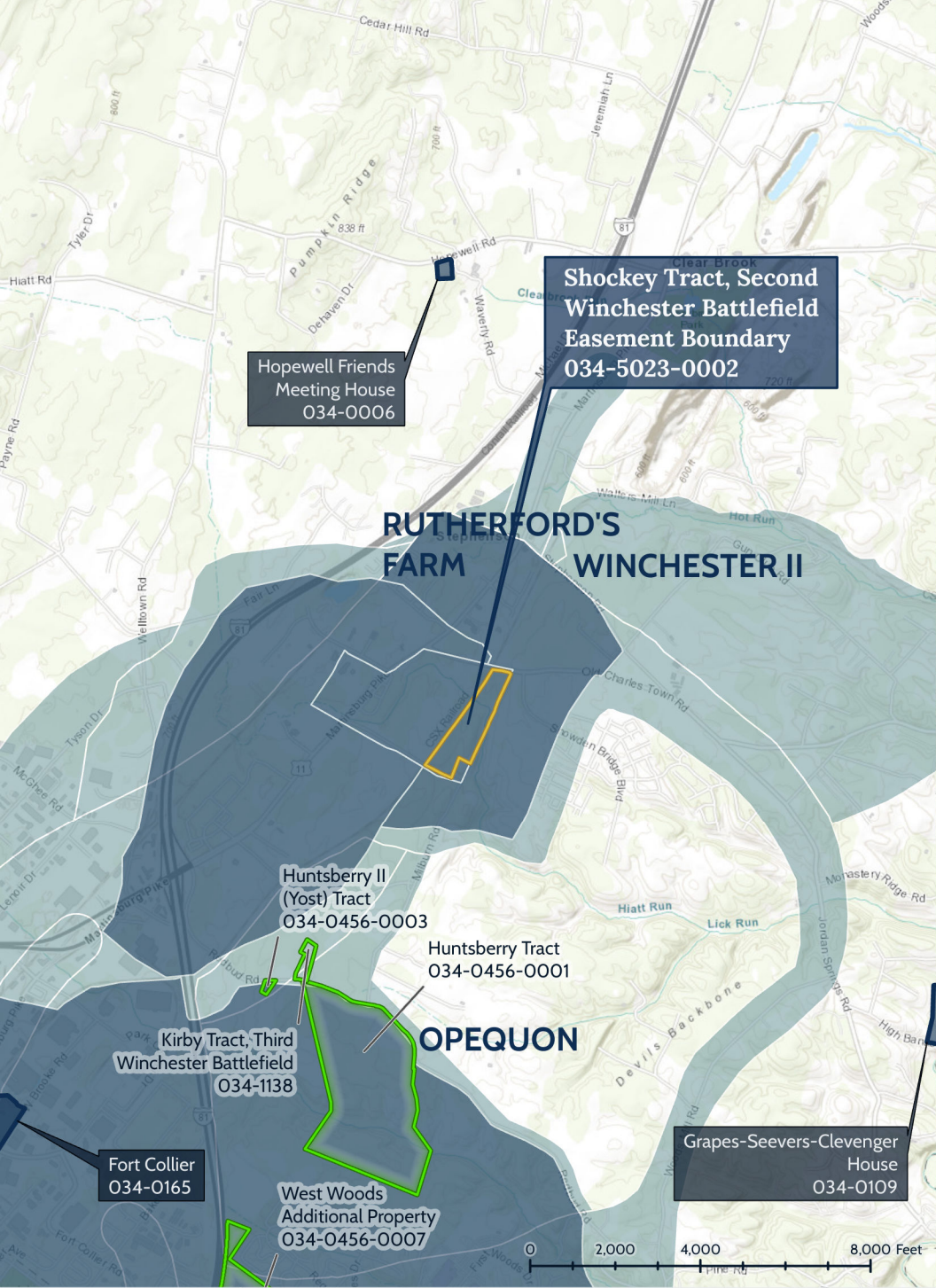
**Statement of Public Benefit:**

The Shockey Tract is of historic and archaeological significance and is within the boundaries of three battlefields with preservation priority ratings from the CWSAC. Restrictions on ground disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Frederick County, including approximately 628.02 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from Milburn Road (Route 662), Old Charles Town Road (Route 761) and McCann's Road (Route 838), all public rights-of-way. The easement will require physical public access two calendar days per year. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the Easement will support protection of water quality in the Chesapeake Bay. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes, and to place historic preservation and open-space easements on historic properties.

**Easement Acceptance Committee Recommendation:**

The Easement Acceptance Committee recommends approval of the Shockey Tract easement offer by the Virginia Board of Historic Resources subject to the following conditions:

1. Receipt of a recorded document releasing the existing covenants benefitting Parcels 44-A-40 and 44-A-31A and burdening the Shockey Tract prior to conveyance of the Property from the current owner, Stephenson Associates, to SVBF.
2. Receipt of a recorded document vacating two 50' and 60' general utility easements and one variable width septic easement prior to conveyance of the Property from Stephenson Associates to SVBF.
3. Receipt of any lease(s) in effect at the time of easement recordation; any such lease(s) must include language approved by DHR that subordinates the lease(s) to the easement.
4. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



**Shockey Tract, Second Winchester Battlefield**  
**Frederick County, Stephenson Quad**  
**DHR ID: 034-5023-0002**

- 034-5023-0002
- VBHR Easements
- Listed Resources
- ABPP Core Areas (2014)
- ABPP Study Areas (2014)

Created By: D. Bascone 10/23/2023  
Sources: VDHR 2023, ESRI 2023, VDOT 2023, VGIN 2023  
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<b>BHR Meeting Date:</b> June 20, 2024	<b>Staff:</b> W. Musumeci	<b>DHR File No.</b> 269-005-0029_ep
<b>Applicant:</b> Shenandoah Valley Battlefields Foundation (“SVBF”)	<b>County:</b> Shenandoah	<b>Acres:</b> ±0.267 acres

**Property Features and Current Use:**

The ±0.267-acre Woodworth Cottage (the “Property”) is composed of single tax parcel located along State Route 11 (South Congress Street), a Virginia Byway, within the New Market Historic District. The Property is a flat urban lot approximately 228 feet deep, with the Woodworth Cottage positioned at the eastern end along Congress Street. The remainder of the lot consists of a gravel lane along the south side of the building and a gravel parking area behind the building. The three-story Woodworth Cottage was built circa 1868 in the Carpenter Gothic style as a school and residence for Mrs. Jesse Rupert, an educator and abolitionist who moved to Virginia shortly before the Civil War. During Reconstruction, the building was used as a school for a few years and later as a residence until the late 1920’s when it became a boarding house. The building was significantly modified in the mid-twentieth century to accommodate various commercial uses. SVBF acquired the Property in 2022 and converted the second and third floors into apartments. SVBF plans to commission a historic structures report to provide a comprehensive history of the building and inform future changes. SVBF intends to rehabilitate the first floor for use as a visitor’s center and exhibition space focused on the history of the African American experience during Reconstruction. SVBF was awarded a Virginia Land Conservation Foundation (“VLCF”) grant to assist with the acquisition of the Property. Conveyance of an easement to the Board of Historic Resources (“BHR”) is a condition of the VLCF grant.

**Conservation Values:**

**Historic/Landscape**

1. The Property is a contributing resource to the New Market Historic District (DHR ID No. 269-0005), which was listed on the Virginia Landmarks Register in 1987 and the National Register of Historic Places in 1988.
  - Between 1869 and 1870, the Woodworth Cottage housed two schools run by Mrs. Jesse Rupert, a teacher and former principal of the New Market Female Seminary. Born in 1831 in Scotland, Mrs. Rupert emigrated to the United States and was educated in the North. An avid abolitionist prior to and during the Civil War, Mrs. Rupert often stirred controversy in the small town of New Market with her unwavering support for the Union. During the 1864 Battle of New Market, Mrs. Rupert nursed injured Union soldiers on the field and in her home. After the war, Mrs. Rupert obtained funding from the American Missionary Association (“ASA”) to fund a “cottage school”. The New Market Cottage Institute, a boarding school for white children, was dedicated on December 31, 1869. Mrs. Rupert established a second school in this building known as the Woodworth Cottage Institute where she taught African American children to read and write. The Woodworth Cottage Institute received support from the ASA and the United States Freedman’s Bureau, and Mrs. Rupert taught an average of 30 to 40 African American students per month. However, according to Mrs. Rupert’s notes in one Freedman’s Bureau report, local reaction to the Woodworth Cottage Institute was “most bitter” and had resulted in violence with men and boys throwing rocks at the building during the night. These growing hostilities resulted in a decline in attendance at both schools and coincided with the creation of the Virginia Board of Education in 1870 which was charged with establishing a public school system throughout Virginia. These factors contributed to the eventual closing of the New Market Cottage Institute and the Woodworth Cottage Institute by July 1, 1870.
  - The three-bay, symmetrical frame building was constructed in the distinctive Carpenter Gothic style with a steeply pitched gable roof, gable crowns over all eight front windows and the front door, and vergeboard detailing along the roofline, window and door crowns. The original floor plan of the building is undocumented. By the early twentieth century, the building was used as a residence and then a boarding house. Sanborn maps from this period show an addition and two outbuildings located behind the main building. At some point in the early to mid-twentieth century, the building’s roofline was changed to a lower gambrel roof and the original shingles were replaced with a standing-seam metal roof. Stucco was applied to all the exterior walls of the original building and a commercial brick storefront with large windows and a metal overhang was added to the first floor. A larger shingled overhang was added after 1972. The outbuildings were removed from the Property and only a single-story brick addition remains. The interior of the building has been modified to accommodate modern commercial and residential uses including a medical office on the first floor and two apartments on the upper floors. Some original interior detailing is still extant, including doors, and window and door trim.

2. The Property is located entirely within the core and study areas of the New Market Battlefield, which has been given a Preservation Priority Rating of IV.1 Class B by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of IV are those that are considered fragmented with poor integrity. Battlefield sites rated Class B are those that had “direct and decisive influence on their campaign,” in this instance, the Gettysburg Campaign from June through August 1863.
3. The Property is within the Shenandoah Valley Battlefields National Historic District, an eight-county region in the Shenandoah Valley of Virginia designated by Congress in the 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333). The purpose of the district is to preserve, conserve, and interpret the region’s significant Civil War battlefields and related historic sites.

**Archaeological:**

1. Although the Property has not been subjected to professional archaeological survey, in the opinion of VDHR, the Property has potential to contain archaeological sites associated with its domestic and educational uses.
2. The Property also has the potential to contain archaeological sites, deposits and features associated with the Battle of New Market due to the number of troops and equipment that crossed the Property and the intensity of the fighting that occurred on the Property.

**Open Space:**

The Property contains ±0.267 acres of open space land in an urban setting.

**ConserveVirginia:**

The Property lies entirely within the “Cultural and Historic Preservation Category” in ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

**Other Supporting Governmental Policy:**

**Federal:** (i) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (ii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); (iii) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the NRHP, made on 5/16/1972; (iv) formal determination by the Keeper of the NRHP that the Property meets the Criteria for Evaluation and subsequent listing of the Property on the NRHP on 9/22/1972; and (v) 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333).

**State:** (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR’s determination at a public meeting on 5/16/1972 that the Property meets the criteria for listing on the VLR and the BHR’s designation of the Property for inclusion on the VLR; (v) BHR’s practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (vi) Virginia Land Conservation Foundation, Chapter 10.2, Title 10.1, Virginia Code §§ 10.1-1017 through 10.1-1026; (vii) Virginia Outdoors Plan (2018) Virginia Outdoors Plan: Region 7-Northern Shenandoah (Pages 12.2, 12.3, 12.7, 12.8, 13.41-13.45); (viii) Virginia Byways, Virginia Code §33.2-400 and §33.2-405 through §33.2-408; and (ix) ConserveVirginia (2018).

**Local:** The Property is currently zoned General Business District (B-1) and its future land use designation is Commercial in the Town of New Market Comprehensive Plan, adopted in July 2012, updated 2017. The comprehensive plan provides support for the preservation of open space at pages 53-54, and historic preservation in general at pages 6, 30 and 66. By letter dated February 22, 2024, the Town of New Market has confirmed that VDHR’s proposed historic preservation and open-space easement is consistent with the comprehensive plan.

**Existing Buildings and Structures:**

Frame dwelling (clad in stucco), circa 1868  
 Concrete sidewalk  
 Gravel parking area and alley

**General Easement Terms:**

**Maintenance and Preservation:** Property shall be maintained, preserved, and protected in same or better condition.

**Division:** no subdivision or division permitted.

**Existing Buildings and Structures:** building must be maintained in existing condition or better; demolition prohibited; alterations/additions to the building require prior review and approval. *Note: extent of protections for interior historic*

features will be determined by VDHR staff after historic structures report is completed.

**New Buildings, Structures and Amenities:** (i) reconstructions of documented historic buildings/structures; (ii) replacement dwelling (same footprint/square footage) should existing building be completely destroyed; (iii) pervious roads/drives; (iv) pervious paths/trails; (v) utilities that serve the Property; (vi) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park, not to exceed 300 square feet of collective footprint; and (vii) a pervious parking area.

**New Construction:** construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

**Archaeology:** ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

**Impervious Surface Coverage:** cap at 3% or less for permitted new improvements.

**Activities:** prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

**Ground Disturbance:** (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

**Trash:** accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

**Signs:** restrictions on size and location of signs on property; interpretative signage permitted.

**Public Access:** per VLCF grant, easement will require 365 days of public access and Property is also visible from a public-right-of way.

**VLCF Grant:** requires easement language related to conversion/diversion.

**Documentation Information:**

**Tax Map Number:** 103A2-A-125

**Property Address:** 9401 South Congress Street, New Market

**USGS Quad:** New Market

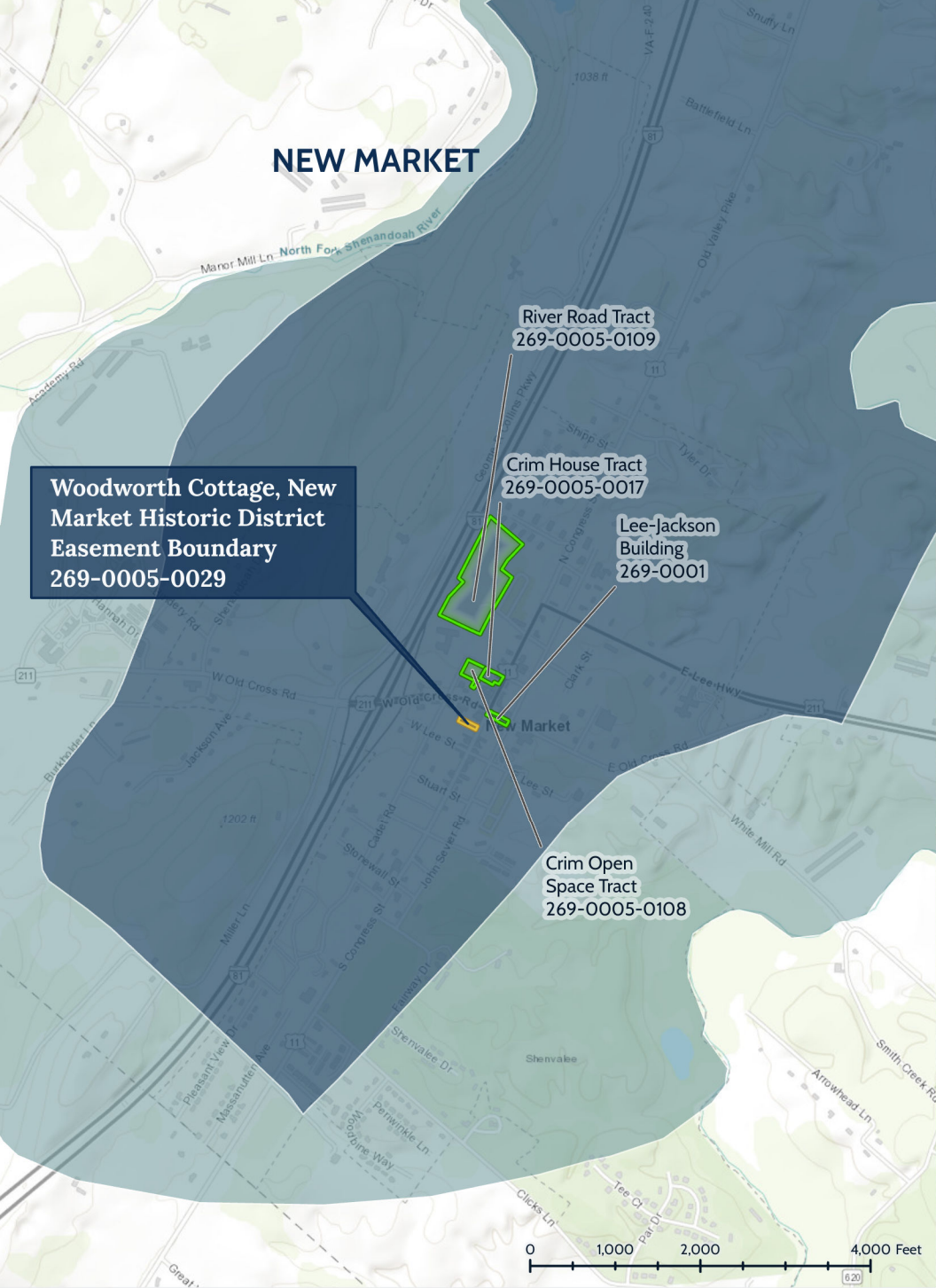
**Statement of Public Benefit:**

The Woodworth Cottage is of historic and archaeological significance and is a contributing resource to the New Market Historic District which is listed on the Virginia Landmarks Register and the National Register of Historic Places. Restrictions on ground disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity. Preservation of the open-space and historic character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Preservation of the Property will augment efforts to preserve historic properties in Shenandoah County, including approximately 1,193 acres of land already subject to perpetual easements held by the BHR. The Property is visible from South Congress Street (Virginia Route 11), a public right-of-way. In addition to visibility from a public right-of-way, the easement will require physical public access 365 days per year. The protection of the Woodworth Cottage by the easement will fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources and to place historic preservation and open-space easements on historic properties.

**Easement Acceptance Committee Recommendation:**

The Easement Acceptance Committee recommends acceptance of the Woodworth Cottage easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. Receipt of any lease(s) in effect at the time of easement recordation; any such lease(s) must be written and include language approved by VDHR that subordinates the lease(s) to the easement.
2. Receipt of the Historic Structures Report ("HSR") prior to easement drafting. Extent of protections for interior historic features will be determined by VDHR staff after historic structures report is completed.
3. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



**Woodworth Cottage, New Market Historic District**  
**Henrico County, New Market Quad**  
**DHR ID: 269-0005-0029**

- ▭ 269-0005-0029
- ▭ VBHR Easements
- ▭ ABPP Core Areas (2014)
- ▭ ABPP Study Areas (2014)

Created By: D. Bascone 1/11/2024  
 Sources: VDHR 2024, ESRI 2024, VDOT 2024, VGIN 2024  
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