



Maryland Department of Planning
MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING

January 31, 2013

Room 180, Lowe House Office Building, 6 Bladen Street, Annapolis, MD
No Committee Meetings; Board Meeting 10:00 a.m.

AGENDA

- D1 CALL TO ORDER
- D2 APPROVAL OF MINUTES
- D3 COMMITTEE REPORTS
 - D100 Capital Programs
 - D101R Oliver House Easement Breach
 - D102R Bellefields Easement Breach
 - D103R 213 E. Montgomery Street Easement Breach
 - D104 Bolton Hill Nursery, Inc., Loan – Report
 - D105R G. Krug and Son, Inc., Loan Amendment

- D200 Survey, Registration, Community Education & Museums
- D201R Historic Markers Program Expenditure
- D202 JPPM Activities - Report
- D203 Patterson Center Historic Structure Report Results - Report

- D300 Management & Planning
- D301 Outreach and Legislative Committee - Report
- D302 FY2013 Budget & Legislation - Report
- D303 Litigation & Legal Issues - Report
- D304 Interim Actions of the Executive Committee – Report
- D305 Committees of the Board



*Maryland Department of Planning
Maryland Historical Trust*

*Martin O'Malley
Governor*

*Anthony G. Brown
Lt. Governor*

*Richard Eberhart Hall
Secretary*

*Matthew J. Power
Deputy Secretary*

Maryland Historical Trust

NOTICE

The regular meeting of the Maryland Historical Trust Board of Trustees will be held on Thursday, January 31, 2013, in Room 180, Lowes House Office Building, 6 Bladen Street, Annapolis, Maryland.

There will be no Committee Meetings.

Board Meeting 10:00 a.m.

Lunch 12:00 p.m.

This notice given January 16, 2013.

J. Rodney Little
Director

Please respond by e-mail kmonday@mdp.state.md.us or phone (410) 514-7603 by January 24, 2013.

**MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING
December 6, 2012
100 Community Place, Crownsville, MD 21032**

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust (MHT or Trust) was held in Conference Room 1.100A, 100 Community Place, Crownsville, MD on December 6, 2012.

Trustees present: Ms. Bailey and Messrs. Edson Delgado, Gibson, Lighthizer, Luckenbach, Parker, Poffenberger, Stek, and Turner.

Ex Officio: Deputy Secretary of Planning Matthew J. Power.

Area Representatives present: Messrs. Brown, Charlton, Azola, Callan, Camlin, Spikes, and Eshelman.

Assistant Attorneys General: Philip Deters and Amanda Conn.

Staff: Rodney Little, Elizabeth Hughes, Anne Raines, Michael Day, Amy Skinner, Melissa Archer, Peter Morrill, Collin Ingraham, and Kathy Monday, .and intern Tim Leahy.

Visitors: Shannon Marino, Department of Planning; Perry Kapsch Kephardt; Tom Taltavull.

**Committee Only*

C1 CALL TO ORDER

Mr. Edson, Chair, called the meeting to order at 10:32 a.m. A quorum of Trustees was present.

Mr. Edson welcomed Dr. James Delgado to the Board and invited all present to introduce themselves.

C2 APPROVAL OF MINUTES

Mr. Charlton noted that the minutes from the October meeting of the Board should be amended to show that he was in attendance.

Mr. Charlton made a motion, seconded by Mr. Turner, that the October 4, 2012 minutes be approved with the correction. The motion was approved unanimously.

C3 COMMITTEE REPORTS

C100 Capital Programs

C101 MHT Capital Grant Round for FY2013

Anne Raines reported that the Trust would be conducting a Capital Historic Preservation Grant round for properties on which the Trust holds historic preservation easements in order to award approximately \$150,000 of capital grant funds that were left over from completed or cancelled projects. Grants will be capped at \$25,000. The application deadline will be February 15. Application materials and guidelines are posted on the MHT website at http://mht.maryland.gov/grants_capital.html. A press release announcing this special grant round has been prepared for distribution and all easement property owners have been sent a direct mail post card advising them of this special grant round.

Mr. Stek noted that it would be desirable to have a list of upcoming anniversaries and commemorations the Board might consider as grant priorities as program funding becomes available.

Mr. Stek made a motion to approve the following resolution, seconded by Mr. Eshelman, which was unanimously approved.

RESOLVED, that the following categories of projects received priority for funding as part of the FY2013 Capital Historic Preservation grant round:

1. Projects at properties associated with the War of 1812 in Maryland; and,
2. Projects at properties associated with the life, work, and legacy of Harriet Tubman in Maryland.

C102R Aberdeen B&O Railroad Station Capital Grant Amendment

Anne Raines reported that the Historical Society of Harford County received MHT Capital Grants in FY2004 and FY2009 to assist their efforts to rescue the Frank Furness-designed B&O Railroad Station in Aberdeen from demolition. The Historical Society successfully negotiated with CSX over the better part of a decade to obtain control of the station and an adjacent parcel of land onto which the station could be safely and appropriately relocated. The Historical Society has now conveyed an easement to MHT and has made progress toward the physical move. Bids from building movers are currently being evaluated, and the move may take place in the spring. Since the Historical Society applied for the first grant in 2003 and completed a feasibility study, the need for additional architectural, engineering, and environmental services has become better understood, as have various regulatory requirements for site work and access. Expanding the scope of work for the grant will allow these additional activities to be paid out of the grant or to count as grantee match.

In addition, the FY2009 grant agreement as written requires a match of \$75,000, which exceeds a dollar-for-dollar match for the \$50,000 grant. The maximum required match from any grantee

for an MHT Capital Grant is a dollar-for-dollar match, which is only required for a grantee which is a local jurisdiction, business entity, or individual; nonprofits are not required to provide match. Lowering the match amount to a \$50,000 dollar-for-dollar match will allow the grantee to access the grant funds earlier in the project, which will improve the project cash flow and enable the grantee to leverage the one-time, sizeable expenditure for the building's move.

Dr. Luckenbach made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2004 MHT Capital Grant to the Historical Society of Harford County, Inc. for work on the property known as the Aberdeen B&O Railroad Station located on West Bel Air Avenue in Aberdeen, Harford County. The amended scope of work will include: preparation of a feasibility study; moving, stabilizing, and mothballing the structure, including installation of a new foundation and necessary carpentry and masonry repairs; site work; and architectural, engineering, and environmental consulting services and,

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2009 MHT Capital Grant to the Historical Society of Harford County, Inc. for work on the property known as the Aberdeen B&O Railroad Station located on West Bel Air Avenue in Aberdeen, Harford County. The amended scope of work will include: moving, stabilizing, and mothballing the structure, including installation of a new foundation and necessary carpentry and masonry repairs; site work; and architectural, engineering, and environmental consulting services; and,

FURTHER RESOLVED, that the Board recommends to the Secretary of Planning that the budget for the Project be amended to decrease matching funds from \$75,000 to \$50,000.

C103R G. Krug and Son Loan Amendment - *deferred*

Anne Raines reported that this item was not ready for action at this time and would be deferred to a subsequent meeting of the Board.

C104R Chiswell's Inheritance Easement Appeal

The owners of Chiswell's Inheritance requested approval by the Director, as required by the easement, to replace a wood shake roof, replace and reconstruct windows and dormers, enclose the rear porch, and repair and reconfigure the interior of the Little House at Chiswell's Inheritance. The Director denied the request to install new windows on the north elevation and enclose the rear porch, as the proposed changes significantly alter the historic character of the house and remove significant character-defining features. The owners are now appealing that denial to the Board, as provided by the easement

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Mr. Day presented the director 's position on the project. Elizabeth (Perry) Kapsch presented the owners' position on the project. Discussion followed.

Mr. Gibson made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

WHEREAS, the property known as Chiswell's Inheritance is subject to a perpetual preservation easement held by the Maryland Historical Trust; and

WHEREAS, the Easement requires that the Property be maintained in good clean and safe condition, and that changes and alterations to the Property be approved by the Director of the Trust; and

WHEREAS, on August 8, 2012, the owner of the property by application requested approval from the Director of the Trust to change or alter the Property; and

WHEREAS, the Director of the Trust by letter August 29, 2012, determined that the proposed changes or alterations are not consistent with the Secretary of the Interior's *Standards for Treatment of Historic Properties* and the requirements of the Easement, and therefore denied the application; and

WHEREAS, on October 16, 2012, the owner by email appealed the Director's denial to the Board of Trustees; and

WHEREAS, on December 6, 2012, the Board of Trustees heard the owner's appeal;

NOW BE IT RESOLVED, by the Maryland Historical Trust Board of Trustees, that the proposed changes and alterations to the Property do not comply with the requirements of the Easement, and therefore that the owner's appeal of the Director's August 29 2012, denial of proposed changes or alterations to the Property shall be denied.

C105R Oliver House Easement Breach
C106R Bellefields Easement Breach
C107R 213 E. Montgomery Street Easement Breach

Philip Deters noted that since these three agenda item involve consultation with counsel to obtain legal advice on a legal matter and consultation with staff, consultants, or other individuals about pending or potential litigation, it must be dealt with in closed session.

As permitted by the Open Meetings Act, Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (8), Mr. Turner moved, seconded by Ms. Bailey, that the Board adjourn to closed session, to consult with counsel to obtain legal advice on a legal matter and consultat with staff, consultants, or other individuals about pending or potential litigation. The motion was approved unanimously.

In closed session, the Board adopted the following series of resolutions:

RESOLVED, by the Maryland Historical Trust Board of Trustees, that the Director of the Trust, invite the owner of Oliver House in Baltimore County to the next Board of Trustees meeting to explain why, in the owner's view, the Trust should withhold authorizing legal action to enforce the Preservation Easement held by the Trust on the property.

RESOLVED, by the Maryland Historical Trust Board of Trustees, that the Director of the Trust, invite the owner of Bellefields in Prince George's County to the next Board of Trustees meeting to explain why, in the owner's view, the Trust should withhold authorizing legal action to enforce the Preservation Easement held by the Trust on the property.

RESOLVED, by the Maryland Historical Trust Board of Trustees, that the Director of the Trust, invite the owner of 213 E. Montgomery Street in Baltimore City to the next Board of Trustees meeting to explain why, in the owner's view, the Trust should withhold authorizing legal action to enforce the Preservation Easement held by the Trust on the property.

C200 Survey, Registration, Community Education & Museums

C201R Approval of 2013 MHT Preservation Awards

Mr. Callan reported that the Survey, Registration, Community Education and Museums Committee of the Board met on November 26th to consider 18 award nominations. Of these, the Committee is recommending 10 awards in eight categories honoring individuals, organizations, and projects in sixteen counties across the State.

Mr. Callan made a motion to approve the following resolution, seconded by Mr. Eshelman, which was unanimously approved.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves the 2013 Maryland Preservation Awards recommendations of its Survey, Registration, Community Education, and Museums Committee. The recommendations are as follows:

EDUCATION & COMMUNITY ENGAGEMENT

Excellence in Community Engagement

- *Interpreting Hagerstown's Civil War History*

Excellence in Media and Publications Award

- *In Full Glory Reflected: Discovering the War of 1812 in the Chesapeake*
- City of Frederick Historic Properties Website
- *The Snow Hill Historic District: A Reference Guide for Property Owners*

Excellence in Programming and Exhibits

- *Discover Londontown*

PROJECT EXCELLENCE

Preservation Partnership Award

- Watermen Heritage Tourism Training Program

Excellence in Residential Rehabilitation Award

- Wilson's Inheritance, Carroll County

Excellence in Commercial/Institutional Rehabilitation Award

- B'er Chayim Temple, Allegany County

STEWARDSHIP

Outstanding Stewardship of Historic Properties by a Government Agency

- Patuxent Research Refuge, U.S. Fish and Wildlife Service

LEADERSHIP AND SERVICE

Calvert Prize

- Orlando Ridout V

C300 Management & Planning

C301 Resolution of Thanks

Mr. Edson reported that this was the last meeting of Philip Deters who has served as counsel to the Trust since 1990. On behalf of the Board, Mr. Edson expressed his sincere appreciation to Mr. Deters for his commitment and dedicated public service in support of historic preservation in Maryland and presented him with a framed Resolution of Thanks.

Mr. Edson noted that Miriam Hensley would be receiving a Resolution of Thanks from the Board at the MHT staff Holiday Party on December 14th that would recognize her for her 39 years of service to the Trust.

C302 Outreach and Legislative Committee – Report

Mr. Stek reported that the Outreach and Legislative Committee has identified three primary goals for its work – 1. advocating for Trust programs with the General Assembly; 2. improving public understanding and appreciation for the successes and programs of the Trust; and, 3. building partnerships. He noted that the committee will not serve as a joint committee with Preservation Maryland, but will be in communication with the staff and Board of Preservation Maryland.

Mr. Stek reported that the Committee is encouraging all Board members to make an appointment with their Delegates and Senators on January 31, 2013 – the date of the next Board meeting. The purpose of these meetings would be to introduce the General Assembly members to the work of the Trust with the goal of building a relationship over time. At this time, it is unclear if it is better to make the appointments in the morning or the afternoon – MHT staff will look into this and advise the Board. Staff will re-send the powerpoint presentation from the October meeting

to the Board. The Committee, with assistance from staff, will prepare talking points for the meetings.

C303 FY2013 Budget & Legislation - Report

Mr. Little reported that the Trust expects the FY2014 budget to include funding level with FY2013 . The Trust does not expect to introduce any legislation of note during the 2013 General Assembly session.

C304 Litigation & Legal Issues - Report

Mr. Deters reported that there is no litigation pending at this time. Ms. Conn noted that a search was underway for Mr. Deters' replacement, but that until a hiring freeze exemption is approved for the position by DBM, it will not be possible to fill the position. In the meantime, she will be serving the Board as legal counsel.

C305 Interim Actions of the Executive Committee - Report

**MHT Board Interim Conference Call
November 13, 3:00 p.m.**

MHT Board Executive Committee: Edson, Chair; Bailey, Poffenberger

MHT Staff: Rodney Little

Mr. Little reported that on September 13, 2012, the Trust received copies of two grant applications for proposed projects on the West Side from the Baltimore Development Corporation (BDC), and these were forwarded to all members of the Board and Area Representatives. The applications were for the Maryland Department of Housing and Community Development's "Strategic Demolition and Smart Growth Impact Fund," and involved 1) Liberty Park Redevelopment and 2) the Bureau of Waste-Water and Water Office (the latter was subsequently withdrawn by BDC). BDC had not initiated consultation with the Trust on either project, but indicated that such consultation would be initiated "shortly" and that further project information would be forthcoming.

On October 26, additional project information for the Liberty Park Redevelopment was sent to all members of the Board and Area Representatives. BDC had not yet initiated consultation with the Trust, but indicated that consultation would be initiated in November.

On the morning of November 13, the Ad Hoc Committee on the West Side convened a conference call to discuss the Liberty Park proposal. Staff analysis was provided to the Ad Hoc Committee along with a draft response letter, and detailed a tentative conclusion that the project should be disapproved because of 1) the degree of unjustified demolition of Category B historic buildings, 2) the proposed 14 story residential tower which is far out of scale with the character of the Market Center Historic District, and 3) the provision in the West Side MoA that requires

that all financing and permits be secured and in place prior to any demolition of Category A or B buildings. The Ad Hoc Committee discussed the proposal, suggested revisions to the draft letter which clarified certain statements and voted unanimously to recommend disapproval.

The Executive Committee considered the recommendation of the Ad Hoc Committee.

Mr. Poffenberger made a motion to approve the following resolution, seconded by Ms. Bailey, which was unanimously approved.

RESOLVED, that the Executive Committee disapproves the Liberty Park Redevelopment Project.

Mr. Little indicated that he would send a letter conveying the Trust's disapproval to both BDC and DHCD that afternoon.

C306 Report on Preservation Plan Update

Elizabeth Hughes introduced intern Timothy Leahy who will be working with the Trust to update the Maryland State Historic Preservation Plan. Mr. Leahy reported on the proposed schedule of work which will involve a series of executive interviews with key stakeholders, an online survey, and regional workshops over the next 6 months. The plan is expected to be completed by December of 2013.

C307 Overview of Heritage Areas Program – *deferred due to time constraints*

Announcements

Mr. Edson noted that in addition to the Executive Committee, Nominating Committee, and Investment Committee called out in the Trust Bylaws, there are three standing Committees of the Trust – the Capital Programs Committee, the Survey, Registration, Community Education and Museums Committee, and the Management and Planning Committee. These Committees meet immediately prior to the Board meeting – typically at 9:30 am. The Chairman of the Board appoints Committee members. Mr. Edson asked the Board to review the Committee membership roster as he would like to update membership on the various Committees and appoint Chairs of each Committee.

Mr. Gibson noted that a new Director of the Baltimore Development Corporation has been hired. It may be desirable for the Board to meet with the new Director in the near term.

Meeting adjourned at 1:15 PM.

Mr. Charles L. Edson, Chair

J. Rodney Little, Director

