

Historic Preservation Easement Program – Roadshow Script

Intro

Slide_Hammond Harwood House, Anne Arundel County

- What is an easement?
- A historic preservation easement is a legally binding agreement or contract, recorded in the land records, between the owner of a property and the easement holder that provides for the protection of the property.
- Generally speaking, the owners of the easement property agree to give up development rights of the property, to maintain the property, seek prior approval for any alterations to the resource, and agree to provide limited public access.

Slide_Krug & Son, Inc, otherwise known as Krug Iron Works, Baltimore City

- Each easement is unique and tailored to the property.
- In exchange, MHT promises to protect the property, ensure compliance with the terms of the Easement, and to advise owners on the correct and best methods of preserving and using their properties. The easement “runs with the land” meaning that present and future owners are bound by the easement.

Slide_Star Spangled Banner House, Baltimore City

- So why do we take easements and why are they important? Historic preservation easements are a way to provide the highest level of protection for Maryland’s most important historic resources such as, the Star Spangled Banner House in Baltimore City. Time for a pop quiz!

Slide_True or False

- True or False? If a structure is historic, it is automatically protected from demolition. NO

Slide_True or False

- True or False? If a building is listed on the National Register of Historic Places, the owner is prohibited from demolishing the structure. NO

Slide_Easement property saved from demolition

- In many instances, preservation easements protect historic properties that are not under the purview of local historic preservation laws, and in these instances, the preservation easement may well be the only protection against demolition or alteration of a property’s significant historic resources.

- Preservation easements not only preserve resources from loss, but protects the physical and visual integrity – incremental changes to the property over time can be just as detrimental to the property.

Slide_Ocean Hall, St. Mary's County

- Easements provide a physical link to our cultural history. Present and future generations can physically and visually experience what our founding fathers experienced in their lifetimes by standing on the same wide plank pine flooring and by looking through the same antique window panes to historic viewsheds. Pictured is a view from the doorway at Ocean Hall in St. Mary's County. This looks out, past the meeting of the Wicomico and Potomac Rivers, to George Washington's birthplace in Westmoreland County, Virginia.
- The MHT acquires easements in a variety of ways including *Slide_Weaver Fox House, Carroll County* - private owner donation, mitigation of a state or federally funded project, *Slide_Bel Air Armory, Harford County* - state or federal property transfer, or *Slide – Allegany County Library, Allegany County* - as a requirement of State funding in order to protect the State's investment in historic properties that receive capital grants, African American Heritage Preservation Program grants, Maryland Heritage Area Authority grants, bond bills, or loans.

Slide-Easement source pie chart

Slide-Easement map

- MHT began taking easements in 1969. While we began acquiring easements slowly at first, we now hold 700 easements on over 850 properties on approximately 7,747 acres of land which makes us one of the largest programs if not the largest program in the Country.

Slide-drop in Baltimore City easements map

- MHT holds easements in every county across the state. Baltimore City is our heavyweight champion, ringing in with the largest number of easements at 169 total easements. Cecil County protects the most acreage of land at just under 1280 acres.

Slide – Old Colony Cove Farmhouse, Anne Arundel County

- We also co-hold easements with other organizations like the Maryland Environmental Trust (a total of 22 easements/3760 acres). This provides for the perpetual protection of both the property's historic values as well as environmental.
- Easements can be held on any number of cultural resources. In our portfolio, we have a wide variety of unique easements from schools *slide - Bel Alton High School, Charles County* to private homes, to lighthouses *Slide-Baltimore Harbor Lighthouse, Anne Arundel County*, and boats, from slave cabins *Slide-Slave cabin, Sotterly, St. Mary's County*, to a Frank Lloyd Wright house, to churches *Slide-St. John's Union Church, Frederick County*. factories, statuary *Aloha House Caryatids, Montgomery County* and train sheds, from bridges *Casselmann Bridge, Garrett County* to archeological sites.

Slide-Easement Properties by Owner Type pie chart

Slide-Easement Properties by Use pie chart

Slide – legal docs required to produce easement

- So we've explained what easements are and the types of easements we have. In order to create a Deed of Easement for our portfolio, we use a boilerplate document for our Deeds of Easement which provides for the specific provisions of each DOE and includes an Exhibit A, the written legal property description, Exhibit B, a site plan locating the building(s) footprint(s) and identifying the metes and bounds of the property, and Exhibit C, a schedule of photographs, drawings, and documents.

Slide - Schifferstadt, Frederick County

- Preservation easements are as varied as the properties they protect. At a minimum, most preservation easements protect the exterior character-defining features of historic buildings; many of ours also protect the interior features as well as the surrounding historic landscape of the protected buildings. They may also protect archeological sites as well.

Slide - Garrett-Jacobs Mansion, Baltimore City

- Preservation easements typically identify: (1) the physical features of the property that will be preserved; (2) activities that could damage or destroy significant historic or architectural features and thus are prohibited; (3) activities that are permitted subject to the approval of the MHT; (4) activities that are permitted by the owner as a matter-of-right (with no oversight or involvement of the easement holder); and (5) maintenance obligations that a property owner must undertake. Preservation easements also address other issues, including requirements for maintaining property insurance, providing limited public access to the property, and steps the easement holder can take to enforce the easement.

Slide-Easement staff

- Now this is where we come in. You have Kate Bolasky your Easement Administrator, ready to field questions, educate, provide guidance on projects and facilitate reviews to the Committee and Director.
- Allison Luthern, your Easement Inspector, the “on the ground staff member” that ensures compliance of the agreement between the property owner and the MHT, there to address issues of unapproved work, site documentation and provide guidance to property owners.
- Last but not least, we have the Easement Processor, Sally Sharples, helping us bring new Easement properties on board as well as cleaning up old Easements and files.

- Collectively, the MHT Easement staff work with property owners who want to change or make alterations to their property.

Slide - Easement Committee action shot

- MHT will review proposed changes or alterations to the property, and advise owners on the best ways to maintain and preserve their properties. We follow a standard review process when considering proposed changes or alterations to easement properties involving the submission of a changes/alterations application.
- The Maryland Historical Trust Easement Committee consists of MHT staff architects, architectural historians, archeologists, technical and materials specialists, and rehabilitation experts, and requests are coordinated by the Easement Administrator. The Committee meets every three weeks to review proposed modifications to easement properties and to make recommendations regarding a proposal's compliance with the terms of the easement.

Slide -NPS determined inappropriate addition

- A preservation easement restricts changes to a property that would be inconsistent with the preservation of the historic characteristics of the property.
- The Committee, in reviewing property owners' requests and preparing guidance and recommendation to the Director, give consideration to the historic, archeological, and architectural significance of the property and its relationship to historic significance of the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the property and to the surrounding area; and any other factors including aesthetic factors which the Committee deems pertinent.

Slide - close up of our "tools"

- In determining what changes are appropriate for each easement property, MHT consults
 - the language in the specific Deed of Easement
 - the condition and significance of the resource
 - the details of the proposed project and
 - The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) (the "Standards"), published by the National Park Service. The Standards are nationally accepted guidelines for the treatment of historic buildings, which purpose is to preserve those elements that contribute to a building's historic character. The Secretary of the Interior's Standards are intended to be flexible and accommodate a wide variety of building types and project goals. Each property and each easement is unique; therefore, MHT considers each project individually.
- Once the Committee reviews any proposed change or alteration, their recommendation regarding a proposal's compliance with the terms of the easement will be made to the Director of the MHT, who will make the final decision. The Director will then issue her decision by letter whether it be

an approval, approval with modifications, denial, or an incomplete determination, requiring additional information before a decision can be made.

- In the event that an application is denied, the applicant may appeal the Director's decision to the MHT Board of Trustees, otherwise known as you lovely people.
- In addition to the Easement Committee's review of property owner's requests, Easement Committee staff also provide recommendations to local historic districts or preservation commission and recommendations on acceptance of easements.

Slide-Whitehaven Hotel

- MHT's easement program has been and continues to be an integral tool for the preservation of Maryland's history, including the Whitehaven Hotel in Wicomico County, (*slide*) Kennard School in Queen Anne's County, (*slide*) Leeke Academy in Baltimore City, (*slide*) Tolson's Chapel in Washington County, and (*slide*) Gilpin's Falls Covered Bridge, Cecil County.

Thank you for your time!