

**MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING**

Friday, February 19, 2021 at 11:00 AM

Teleconference

Pursuant to notice, an interim meeting of the Board of Trustees of the Maryland Historical Trust was held by teleconference.

Trustees present: Mmes. Bashiri, Filkins, Mears, and Paca; Messrs. Alberg, Brown, Buchheit, Feldstein, Little, Parker, and Robinson

Area Representatives present: Mmes. Linder and Sasser; Messrs. Reed and Stek

Maryland Department of Planning: Robert McCord, Secretary; Adam Gruz, Chief of Staff

Office of the Attorney General: Paul Cucuzzella and Rieyn DeLony

MHT Staff: Andrew Arvizu, Casey DeHaven, Elizabeth Hughes, Collin Ingraham, Kate Jaffe, and Anne Raines.

Guests: Steve McCleaf, Langley Realty Partners

AGENDA

I. PUBLIC COMMENT

Ms. Hughes reported that no members of the public had signed up in advance of the meeting to provide public comment.

II. CALL TO ORDER

Ms. Mears called the meeting to order at 11:03 AM. Ms. Hughes called the roll. A quorum of Trustees was present.

III. MHT Easement, Springfield State Hospital (Warfield Complex), Carroll County – Termination

Ms. Hughes provided an oral report to the Board that reiterated much of what was contained in a written summary distributed to Board members in advance of the meeting, a copy of which is attached to these minutes.

Specifically, Ms. Hughes reported during the meeting that the Springfield State Hospital, now known as the Warfield Complex, was listed on the National Register of Historic Places in 2000 and consists of a campus of Colonial Revival brick buildings dating to the period of 1898-1939. The Deed of Easement encumbering the Warfield Complex derives from the Maryland Department of Health and Mental Hygiene declaring the property surplus to the needs of the

State. In 2001, DHMH transferred ownership of the Warfield Complex to the Town of Sykesville, and in 2002 entered into a Disposition and Development Agreement signed by the Town, DHMH, and Maryland's Board of Public Works. As directed by the Disposition Agreement, the Town then conveyed the Easement to MHT. By requiring the Easement on the property to be transferred to MHT, DHMH was able to mitigate the adverse effect of transfer of the property out of state ownership and thereby fulfill its responsibilities under the Maryland Historical Trust Act of 1985.

Ms. Hughes explained that the Easement on the Warfield Complex is unlike any other held by MHT as it specifically delegates review authority for all rehabilitation and new construction projects at the Warfield Complex to the Sykesville Historic District Commission rather than to MHT. The Easement and the Disposition Agreement required that the Town would develop design guidelines for the property that had to be approved by MHT. Once the guidelines were approved by MHT, the Town would apply the guidelines when reviewing rehabilitation or development proposals at Warfield and only provide notice to MHT of any such proposals. In 2002, the Town hired a consultant to develop these guidelines which MHT subsequently approved. The Sykesville HDC has been appropriately applying the MHT approved guidelines to development projects at the Warfield Complex since that time.

Ms. Hughes reported that development proposals at the Warfield Complex are governed not only by the Easement but also by provisions of the Town of Sykesville historic area zoning ordinance since the property is a locally designated historic district. The Town is an engaged and committed partner in seeking to ensure preservation of the historic property. The Sykesville HDC's review of the property would remain unchanged even without the Easement in place. In light of this and the fact that the Easement gives MHT very limited review authority, Ms. Hughes explained that the Easement provides little in the way of additional preservation value.

Regarding MHT's limited review and approval authority under the Easement, Ms. Hughes explained that termination of the Easement would not substantially diminish existing protections with two exceptions:

1. Termination of the Easement would eliminate the Sykesville HDC's authority over review of projects impacting the two interior spaces specifically protected by the Easement: the "Auditorium and Amusement Hall" in the Dining Hall building and the interior of the east portico of Building A because, under local law, HDC review authority is limited to exterior surfaces only. MHT review would still be required if rehabilitation tax credits were sought for these buildings; the property owners have stated that they intend to apply for tax credits.
2. In 2014, after receiving approval from the Sykesville HDC, the property owners removed a collapsed portico at Building D. The portico remnants were subsequently discarded. MHT determined that this removal constituted a breach of the Easement and informed the property owner that the breach could be mitigated at the time that Building D is eventually rehabilitated by reconstructing the portico. Termination of the easement would nullify MHT's breach determination.

Ms. Hughes explained that termination of this Easement would be consistent with MHT's current easement acceptance policy approved by the Board on October 18, 2018. That policy states that in those instances when real property is transferred by a State or federal entity out of State or federal ownership, MHT will generally not request an easement if the Director determines that the property is already subject to adequate protections of historic preservation law or instrument. In this case, designation of the property as a local historic district by the Town of Sykesville constitutes adequate protection, and if this property were deaccessioned by the State today MHT would likely not require an easement.

Ms. Hughes concluded her remarks by recommending termination of the Easement on the Warfield Complex because, unlike other easements held by MHT: (1) the Easement establishes a cumbersome and duplicative design review process that does not substantially enhance protection of the property; and (2) following extinguishment of the Easement, the property will continue to be protected under local law.

Discussion of the proposal follows Ms. Hughes' presentation.

Mr. Reed inquired if termination of the easement would set a dangerous precedent that could negatively impact MHT's ability to protect other properties under easement. In response, Mr. Cucuzzella explained that while the Board should give consideration to the precedential effect of its actions, he observed that the singularly unique circumstances and provisions of this Easement, in comparison with all other easements held by MHT, limit the precedential impact of this action.

Mr. Parker asked why this issue was being brought to the Board at this time. Ms. Hughes responded that the Carroll County Delegation had filed a bill during the 2021 legislative session that would extinguish the Easement. This action triggered MHT's reconsideration of whether the Easement was continuing to serve as an effective preservation tool.

Mr. Brown asked if termination of the Easement had been considered in 2018 when the MHT Board Easement Acceptance Policy was under review. Ms. Hughes responded that while the Warfield Easement was discussed by staff at that time, the policy was designed to be applied prospectively rather than retroactively.

Ms. Sasser inquired about the plans for the redevelopment of the Warfield Complex and what type of use was sought for the property. Ms. Hughes responded that while mixed use development was desired by the Town, it has been challenging for the developer to identify commercial tenants for the property.

The following motion was made by Mr. Parker, seconded by Mr. Reed, and approved unanimously.

RESOLVED, that the Board of Trustees of the Maryland Historical Trust ("MHT") directs the Director of MHT to terminate, with the consent of the Grantor, the Deed of Easement that encumbers the former Springfield State Hospital site (Warfield Complex), Carroll County,

recorded in the Land Records of Carroll County at liber 4184, folio 0418, and to complete and record all filings necessary to effectuate the termination.

IV. Adjourn

The meeting adjourned at 11:22 AM.