



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 in conjunction with Maryland's Annual Preservation & Revitalization Conference on Friday, May 20, 2011, at the Charles Carroll House, 107 Duke of Gloucester Street, Old South Room, 2<sup>nd</sup> Floor, Annapolis, MD 21401.

Board Meeting, Charles Carroll House, Old South Room, 2 <sup>nd</sup> Floor	1:30 p.m.
Annual MHT Awards Presentation at the Miller Conference Center, East Room, 11 Bladen St., Annapolis, MD	4:00 p.m.
Awards Reception in the Rotunda of the State House	5:30 p.m.

This notice given April 18, 2011.

J. Rodney Little  
Director

Please respond by email [skeyser@mdp.state.md.us](mailto:skeyser@mdp.state.md.us) or phone (410) 514-7603 by May 11, 2011.





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

May 20, 2011

Charles Carroll House

107 Duke of Gloucester Street, Old South Room, 2<sup>nd</sup> Floor

Annapolis, MD 21401

Board Meeting 1:30 p.m.

AGENDA

*\*Committee Only*

- U1 CALL TO ORDER
- U2 APPROVAL OF MINUTES
- U3 COMMITTEE REPORTS
- U100 Capital Programs
- U101R Appeal of Director's Denial of Request to Replace Windows in the Waverly Mansion and Cottage Easement Property, Howard Co.
- U200 Survey, Registration, Community Education & Museums
- U201R Approval of FY 2012 Non-Capital Historic Preservation Grants
- U300 Management & Planning
- U301 FY2011 Budget & Legislation - Report
- U302 Litigation & Legal Issues
- U303 Interim Action of the MHT Board Executive Committee
- U304 Nominations for Chair, Vice-Chair, Treasurer, At-Large Member of the Executive Committee & all Area Representatives
- U305 Ad Hoc Committee on the West Side - Report
- U306R Amendment of Heritage Fund Expenditure for 2011 Preservation Awards



MARYLAND HISTORICAL TRUST  
BOARD OF TRUSTEES' Meeting  
May 20, 2011  
Charles Carroll House  
107 Duke of Gloucester Street, Old South Room, 2<sup>nd</sup> Floor  
Annapolis, MD 21401  
Board Meeting 1:30 p.m.

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held at the Charles Carroll House, 107 Duke of Gloucester Street, Old South Room, 2<sup>nd</sup> Floor, Annapolis, MD 21401.

Trustees present: Messrs. Wetherill, Edson, Gibson, Buchanan, Poffenberger, Seidel, and Turner, and Meses. Yerges and Wharton-Henley

Ex Officio: Deputy Secretary of Planning Matt Power

Kristen Harbeson attending for Del. Maggie McIntosh

Area Representatives present: Messrs. Azola, Callan, Camlin, Charlton, Eshelman, Reed, and Ms. Tilghman

Assistant Attorney General: Philip Deters

MHT Staff Present: Little, Hughes, Day, Raines, Skinner & Keyser

Guests: John Byrd, Director of Howard County Department of Recreation & Parks & Clara Gouin, Park Planner for Howard County

*\*Committee Only*

U1 CALL TO ORDER

Mr. Wetherill, Chair, called the meeting to order at 1:30 p.m. A quorum of Trustees was present.

U2 APPROVAL OF MINUTES

Ms. Yerges made a motion, seconded by Ms. Wharton-Henley, that the March 31, 2011 minutes be approved as submitted. The motion was approved unanimously.

U3 COMMITTEE REPORTS

U100 Capital Programs

U101 Appeal of Director's Denial of Request to Replace Windows in the Waverly Mansion and Cottage Easement Property, Howard Co.

Mr. Michael Day, Chief of Preservation Services, spoke about window replacement at Waverly in Howard County. This is a National Register historic property on which the Trust has an easement as a result of a rehabilitation loan in the mid 1970's. A chronology of correspondence and Easement Committee recommendation to the Director on replacement of the windows was provided in the Board packets. Waverly has major historic value. It was built sometime in the first two decades of the 19<sup>th</sup> century. It was owned by John Eager Howard who was a former Governor of Maryland. The home was transferred to his son, George Howard, who eventually also became Governor of Maryland from 1831 -1833. Mr. Day pointed out that the 1970s loan was made to restore the windows. They were at that time considered to be original. On the Historic Structures Report on Waverly, the windows were identified as being significant character defining features of the building. From 1978 – 1980 the contractors did a thorough study of all of these windows. They found that most of the windows were termite ridden or water damaged, and it was determined that to actually restore them would be to rebuild them. Basically this was too costly and would not be beneficial from a historic preservation standpoint. It was agreed at that time that new windows could be installed in the building. The decision was made to install exact duplicates of the original windows. The only concession that was made was that there would be an H channel so that they could slide up and down and have some air tightness in the jams. Mr. Day said that, as far as he knew, all fifty windows were replaced at that time. The Easement Committee received the proposal and looked at the material to evaluate each window. As some of the photographs show, there is some rot on the sills and the bottom portion of the window sashes. The Easement Committee felt that overall the windows were in repairable condition; however, the sills might need to be replaced. The Easement Committee asked that the owner submit a window by window condition survey so that the Committee would know the condition of each of the windows. The Easement Committee denied the proposed replacement windows which were to be dual glazed thermo pane Pella windows. The Easement Committee felt these windows were extremely inappropriate given the amount of effort that was made in 1980 to replace the original windows with exact duplicates. If they were to be replaced, they would have to match the existing ones.

Mr. Camlin asked if the original glass was reused in the previous replacement windows. Mr. Day responded that the original glass was reused as much as possible. Mr. Wetherill questioned whether the windows were defective since they deteriorated so quickly. Mr. Day said he did not know what kind of wood was used, and they may not have been maintained. Mr. Day also said that storm windows would be acceptable. Discussion ensued.

Mr. John Byrd, Director of Recreation and Parks in Howard County, and Clara Gouin, a landscape architect in the Howard County Planning Department, showed the Board the proposed Pella window. Mr. Byrd informed the Board that his department thought that, by replacing the windows with a replica that meets the appearance of the windows from the outside, they could save a lot of time on future maintenance. Waverly depends on the income from many events throughout the year to help maintain the building. The cost to replace the windows with a modern version is about \$45,000, and the estimate for repair of the existing windows was about \$87,000. They only received one estimate for repairing the windows and Mr. Wetherill commented that the estimate seemed very high. Mr. Wetherill mentioned that a Board member has experience repairing historic windows.

Ms. Gouin informed the Board that the County chose Pella historic reproduction windows because they have been used in other historic homes throughout the country. The Pella representative said that each window would be custom made for each one of the fifty windows at Waverly. The window that Ms. Gouin showed the Board has an upper sash with a grid on the outside and a grid on the inside. The company had many cross section grids to choose from. The pane is a double pane with argon gas in-between. Any damaged sills and frames would be replaced as needed. The Pella windows are energy efficient and would save 20%-30% on energy bills. Currently there are some storm windows on the interiors of all of the widows. The Pella windows would help keep the building warm in the winter and cool in the summer. Each Pella window would have the exact number of lights as the existing windows. They would not have to putty and re-glaze the new windows. Mr. Wetherill asked if they would consider doing a window by window condition survey, and Mr. Byrd said they would. Mr. Byrd said there is a cost associated with the survey, and it would delay the County's timeline.

Ms. Harbeson asked Ms. Gouin if she has talked with other historic homeowners who have used the Pella window system. Ms. Gouin said she has not spoken with other owners but is willing to contact them. Dr. Seidel mentioned that the windows are a character defining feature of the building. The new windows will not last as long as the old windows because the original windows are made of harder woods that have survived for 200 years if maintained. Mr. Reed informed the Board that there are new studies out that show if you properly repair an existing divided light window with single glass and install aluminum storm windows that do not need to be taken out, you will have the same energy efficiency as Pella windows. Mr. Reed said that Pella windows will last about 25 years. Hicks Plane Mill in Hagerstown makes windows for \$200 without the glazing. Ms. Gouin found some photographs taken in 1974 and 1979 which show that many of the windows were boarded up so there is a question as to how much of the original glass was salvaged. Discussion ensued. Mr. Azola spoke about a project he worked on with Baltimore County's Department of Recreation and Parks with 50 windows which were repaired and the cost was close to the Pella quote.

Mr. Edson moved, Ms. Yerges seconded, that the decision of the staff be affirmed, and the motion was unanimously approved.

Mr. Little stated that last summer a tent was installed at Waverly without Trust review and approval. The Trust denied this work in September which placed Waverly in breach of the easement. If an appeal is to be filed, under the terms of the Easement it must be filed within 45 days of the denial. An appeal was not filed within the 45 days. The Trust notified the County that they were in breach of the Easement. The County has asked the Board to consider whether they would be willing to hear an appeal of this particular denial. Mr. Little asked the Board to consider whether they were willing to hear an appeal outside the normal time frame established by the Easement. If so, the Board will be hearing the appeal at its July meeting. Mr. Deters responded that the precise request would need to be that the Trust Board waives the 45 day limit in the Easement.

Mr. Day reported that the Trust received an application for Waverly's tent installation. Ms. Gouin as a representative of the County and its lessee, the caterer, came to an Easement Committee meeting and stated that the caterer had installed the tent without the County's

knowledge and without review and approval by the Trust. The Easement Committee allowed for the presentation and was shown photographs of the tent and given supplemental information which has been provided to the Board. The Trust basically ruled that the tent, as constructed, is not a temporary structure. It has cleats that the tent is anchored to, and it penetrates the existing patio. Heating and air conditioning units were also to be installed. Where the footers stick up out of the ground, where the land falls away from the house, a new structure will be built that will raise the floor, the paved area, up to the top of the footers. Mr. Day said that this is a structure that overwhelms the rear of the historic property, and the Easement Committee recommended to the Director that it be retroactively denied based on the fact that it did not meet the Secretary of the Interior's Standards for Rehabilitation, General Rehabilitation, Standards 9 and 10. A temporary seasonal tent would be considered, if it exists in other places.

Mr. Byrd reported that Recreation and Parks in Howard County would like to present their side of the issue at the next Board meeting in July.

Mr. Callan moved, Mr. Buchanan seconded, that the Board waive the 45 day limit in the Easement, which was unanimously approved.

U200            Survey, Registration, Community Education & Museums

U201R          Approval of FY 2012 Non-Capital Historic Preservation Grants

Ms. Hughes informed the Board that the FY 2012 appropriation for non-capital historic preservation program grant funds is \$40,000. The Trust is looking to award more than that this year as there are some recaptured non-capital funds. From time to time projects will close out under budget or projects will not cost as much as anticipated. The total available to award for FY 2012 is \$80,968.68. Staff is recommending approval by the Board of the following four non-capital grant projects: 1. Comparative Study of Prehistoric Settlement Patterns on the Upper Patuxent River by the Anne Arundel County Trust for Preservation, Inc. The recommended grant amount is \$24,000 of the \$36,000 requested. 2. Howard County Historic Sites Inventory – Ken Short is the surveyor, and they hope that this work will culminate in a publication. The recommended grant amount is \$30,000 of the \$35,000 requested. 3. 2012 Annual Preservation and Revitalization Conference - The recommended grant amount is \$11,093.68 of the \$15,000 requested. 4. Archeological Society of Maryland's Educational Outreach Programs which include Maryland Archeology Month, 2012 Annual Field Session, and archeological survey and registration program - The recommended grant amount is \$15,875 of the \$16,975 requested.

Two projects, HALS – Maryland Cultural Landscapes Inventory and Maryland Historic Preservation Easement Property Documentation Survey, Phase III, were not recommended for funding due to lack of urgency and available funds.

Mr. Edson moved, Dr. Eshelman seconded, and the following resolution was unanimously approved:

## FY 2012 NON-CAPITAL HISTORIC PRESERVATION GRANTS APPROVAL

**RESOLVED**, that the Maryland Historical Trust Board of Trustees recommends the award of FY 2012 grants from the MHT Grant Fund under the MHT Historic Preservation Grant Program as described in Attachment 1 and Exhibit A, (attached) for approval by the Secretary of Planning.

U300            Management & Planning

U301            FY2011 Budget & Legislation – Report

Mr. Little mentioned that budget and legislation was covered thoroughly at the last meeting. This is a tough year on budget. The only really new item is that the Trust received \$7 million for the tax credit program. In FY 2011 we received \$10 million. To recap what was reported in the last meeting, we did not have any funds in the capital program (we did not request any funding due to staff inadequacy). We received \$40,000 in the non-capital grant program and the museum assistance program was zeroed out. The Heritage Areas Program received \$2.5 million.

Mr. Edson reported that Michigan has done away with their tax credit program and Missouri's tax credit program is uncertain.

U302            Litigation & Legal Issues

Mr. Deters informed the Board that for the second time in 20 years the Trust has been named as a defendant in a law suit. This is regarding the Superblock in Baltimore City. The suit is by a group called 120 West Fayette Street Limited Partnership of which Peter Angelos is a major investor. Mr. Little wrote a letter on December 22, 2010 approving with conditions the October 29 Superblock proposal from the developer. The law suit asks for a declaratory judgment that the letter is void, because Mr. Little did not have authority from the beginning and placing everyone back in the situation they were in on December 22. An additional claim is that the proposal violates Baltimore City's height limitation. Service was accomplished on April 27. Answers or motions are due this week. The plaintiff sued Baltimore Development Corp., Lexington Square Partners, the Mayor and Council of Baltimore City, and the Maryland Historical Trust (as a necessary party).

U303            Interim Action of the MHT Board Executive Committee

Mr. Wetherill stated that the Board decided to send a letter to the Baltimore City Commission for Historical and Architectural Preservation (CHAP) urging local designation of the Read's Drugstore and other contributing buildings in the Superblock. Copies of the letter went to all Board Members.

U304            Nominations for Chair, Vice-Chair, Treasurer, At-Large Member of the Executive Committee and All Area Representatives

Mr. Edson, Chair of the Nominating Committee, called a meeting of the Committee

consisting of Ms. Yerges, Mr. Power, and Mr. Gibson. Mr. Wetherill had sent out a request for anyone who wanted to be nominated or anyone who wanted to make any suggestions for area representatives to please contact Mr. Edson. In the absence of anyone showing any interest, the nominating committee renominated Mr. Wetherill, Chair, Mr. Edson, Vice-Chair, and Ms. Yerges, Director at Large, and they nominated Mr. Poffenberger as Treasurer. Mr. Edson mentioned that some of the Board had served a very long time and that it would be healthy to have new leadership. Mr. Wetherill has been serving on the Board for 25 years. Next year he would be delighted if someone would step into the chair position.

The Nominating Committee also decided to nominate all of the current Area Representatives. The By-Laws were sent to the Board and Area Representatives. If you do not attend 50% of the meetings, you are automatically removed. All but one of the Area Representatives met the 50% test. Everyone was renominated, but Mr. Edson reminded everyone that they must attend 50% of the meetings. Mr. Edson suggested that the Area Representatives in the next couple of years might look for good persons to succeed them.

Mr. Wetherill recommended that, if anyone has an interest in these positions, they should let Mr. Edson know. In order to hold one of the officer positions, you must be a Trustee. Discussion ensued. Mr. Power suggested that all of the people that are on the Board should start soliciting business acquaintances to see if they would be interested in serving on the Board. There are 8 Area Representatives. In September Mr. Edson will call a meeting of the Nominating Committee. There are 12 appointed Trustees and 3 voting ex officios. The Trustees serve 4 year appointments by the Governor and the Area Representatives are reelected by the Board every year. Mr. Little said he thought that some of the By-laws are outdated, and he would think about changes to suggest before the next meeting in July. Mr. Wetherill suggested that the Nominating Committee might want to change the number of Area Representatives in the By-Laws. Mr. Edson said he thought this was a good idea since there are some areas of the state that are not represented.

Dr. Seidel made a motion, seconded by Mr. Gibson, to accept the Nominating Committee's recommendation which was unanimously approved.

#### U305 Ad Hoc Committee on the West Side – Report

Mr. Reed made a motion, seconded by Dr. Seidel, to go into closed session to consult with counsel to obtain legal advice on a legal matter and consult with staff, consultants, or other individuals about pending or potential litigation regarding the Superblock, which was unanimously approved.

#### U306R Amendment of Heritage Fund Expenditure for 2011 Preservation Awards

Ms. Hughes stated that this resolution involves increasing the amount of funds for the 2011 Preservation Awards Presentation and Reception. Due to anticipated costs based on a very strong response by 296 people interested in coming to the 50th Anniversary Reception, the expense has increased. Staff is asking for up to an additional \$2,500 to cover expenses

associated with the Preservation Awards Presentation and the Reception. The Board had set aside \$7,332 in funds toward this activity that have not been expended.

Mr. Turner moved, Ms. Yerges seconded, and the following resolution was unanimously approved:

**RESOLVED**, that the Maryland Historical Trust Board of Trustees approves an additional \$2,500 increase in the expenditure for the 2011 Preservation Awards Presentation and Reception and other expenses related to the 2011 Maryland Preservation & Revitalization Conference.

Background

At its July 2010 meeting, the Board approved an expenditure of up to \$5,000 for the 2011 MHT Board of Trustees Preservation Awards Presentation and Reception. At its March 31, 2011 meeting, the Board approved an additional \$2,500 to support the event. The Board has \$7,332 in uncommitted funds currently available to support MHT Board anniversary activities in 2011.

The Awards Ceremony will be held on Friday, May 20, 2011, at 4:00PM in the Miller Senate Conference Center in Annapolis. A reception will follow immediately after in the Rotunda of the State House. Because the ceremony and reception are the closing events of the Preservation & Revitalization Conference, these events will be prime opportunities to celebrate the Trust's anniversary. There are 300 confirmed guests for the reception.

Historically, Preservation Maryland provided complimentary admission to the reception for all Trust employees, Trustees, award recipients and guests, and conference goers. All other attendees were asked to purchase tickets for ~\$20. The revenue generated by ticket sales helped to offset some of the event costs not covered by the Trust's grant support for the conference. However, because the reception is being held on State property, PM is prohibited from charging for admission, and MHT must bear full responsibility for the costs.

The costs for the Awards Ceremony are anticipated to be approximately \$300. The non-catering related costs for the reception area are anticipated to be ~\$2,000. These expenses include printing and mailing invitations to former Trustees and staff, security services from DGS, rental fees for tables and linens, decorations, and the purchase of 300 copies of Maryland Life magazine. Food, beverage, and service costs are estimated to be approximately \$25/person. Anticipating attendance by 300 people, the catering budget will be approximately \$7,500.

The meeting adjourned at 3:30 p.m.

Harrison Wetherill, Chairman

J. Rodney Little, Director

