

**MARYLAND HISTORICAL TRUST**  
**BOARD OF TRUSTEES' MEETING**  
Thursday, January 26, 2023 at 10:00 AM

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held virtually by means of google meet.

Trustees present: Sheila Bashiri, Joshua D. Brown, Jeffrey Buchheit, James Delgado, Albert L. Feldstein, Sarah Kunkel Filkins, J. Rodney Little, Laura Davis Mears, Barbara Paca, Samuel J. Parker, Jr., and Franklin A. Robinson, Jr.

Area Representatives present: Dean Camlin, W. Dickerson Charlton, Sakinah Linder, Douglass C. Reed, Lisa Sasser, Harry T. Spikes, II, Charles A. Stek, Kirsti Uunila.

Office of the Attorney General: Rieyn DeLony, Adam Snyder.

MHT Staff: Elizabeth Hughes, Anne Raines, Collin Ingraham, Kate Jaffe, Kathy Monday, Rod Cofield, Allison Luthern, Bonnie Baden, Dana Halpert, and Carey Jones.

Guests: Terry Klima, James Dunbar, John Jin, Mike Razavi, Bonnie Rosenthal, Pete Thompson, Richard Cohon

**AGENDA**

**F1                    CALL TO ORDER**

Chair Laura Mears called the meeting to order at 10:02 AM. Ms. Hughes called roll and found that a quorum of members was present at the meeting.

Chair Mears welcomed the following new staff members: Katrina Leavitt, Fiscal and Personnel Manager, and Megan Kearns, MAC Lab Collections Assistant.

**F2                    APPROVAL OF MINUTES**

Ms. Hughes noted that the minutes should include a correction to show that Sakinah Linder was in attendance. Mr. Parker made a motion, seconded by Mr. Feldstein, to approve the December 8th meeting minutes with corrections. The Board voted unanimously to approve the minutes.

**F3                    PUBLIC COMMENT**

Mr. Klima expressed concern about the Trust's failure to protect the Baltimore City Confederate statues and plinths and urged MHT to take action to transfer the monuments to an appropriate location where they will be protected and publicly accessible.

Mr. Dunbar asked what action MHT has taken following the recent vandalism of the Confederate statues and suggested that the nationwide trend of removing Confederate monuments has had a

chilling effect on military recruitment efforts.

#### F4 COMMITTEE REPORTS

F100 Capital Programs Committee

F101R National Park Seminary (NPS) Castle and Villa – Easement Appeal

Ms. Jaffe described the purpose of the hearing which addressed the denial of the November 18, 2022 easement Change/Alteration application for the Castle and Villa buildings at NPS, which represented the culmination of formal and informal review and consultations with Mr. Jin, between 2017 and today. Located on the grounds of the historic National Park Seminary, located in Silver Spring, Maryland, the project includes the rehabilitation of the Castle, built in 1904, and Villa, built in 1907, into a single-family residence and residential apartments or condominium units, construction of a new addition to the Villa to replace its previously demolished addition, and construction of 8 townhomes.

Ms. Jaffe reported that the November 2022 denial included three areas of concern that would be covered in the presentation, the new townhouse construction, the villa addition, and the site work and infrastructure.

As background, Ms. Jaffe stated that from November 2017 through June 2019, MHT informally consulted with Mr. Jin on multiple revisions to conceptual site plans and designs of new construction for both the new townhomes and Villa addition. By June 2019, MHT felt that the preliminary elevations of the townhomes and Villa addition and site drawings contained sufficient information for MHT to be comfortable with the general location, form, and massing of the proposed townhomes and Villa addition without detracting from the historic Castle and Villa which therefore met the Standards. MHT advised Mr. Jin that as the next phase of design was developed, MHT had concerns regarding the architectural details of the new construction which should be further refined in a final submission and that a final site plan would be required that notes all topography changes, parking areas, grading, etc.

Mr. Jin's November 18, 2022 Change/Alteration application included revised designs for the townhomes and the Villa addition. The revised townhome design moved away from a single consistent design for both townhome groups, toward two separate and dissimilar, complex architectural compositions, specifically a German half timbering and Dutch colonial style, which MHT felt would visually compete for prominence with the historic Castle and Villa. MHT felt that the highly articulated, clearly identifiable academic styles created a new primary focus on the landscape, which was not seen with the 2019 designs. The focus shifted from the primary historic resources of buildings and landscapes to the new buildings, which is not consistent with the Standards. Therefore, MHT denied the design of the townhomes on December 15, 2022, finding that, per Standard 9 of the Secretary of the Interior's Standards for the Treatment of Historic Properties, "any new construction shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. New construction should be subordinate and read as secondary structures." The design is also inconsistent with the National Park Service's Guidelines for the Treatment of Historic Properties, which state that "new additions and related

new construction that are either identical to the historic building or in extreme contrast to it are not compatible.”

The revised design of the Villa addition included a roof form with a regimented crenellated rooftop parapet and balcony, accessed by large sliding glass doors, large, paired, single light casement windows, and large sliding doors with balconies on each side, which MHT felt were not appropriate to the existing context. MHT felt that the proposed addition read more as a fortress, overly formal, massive, and monumental and altered the overall character of the historic Villa building, which is not consistent with the Standards. Therefore, MHT denied the design of the Villa addition on December 15, 2022, finding that, per Standard 9 of the Secretary of the Interior’s Standards for the Treatment of Historic Properties, “any new construction shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. New construction should be subordinate and read as secondary structures.”

The design is also inconsistent with the National Park Service’s Guidelines for the Treatment of Historic Properties which state that “there must be a balance between the differentiation and compatibility to maintain the historic character and the identity of the building being enlarged”, and that “new additions and related new construction that are either identical to the historic building or are in extreme contrast to it are not compatible

Ms. Jaffe relayed that a more developed site plan was included in Mr. Jin’s November 18, 2022 Change/Alteration application in 2022, however MHT denied the site plan on December 15, 2022 for being incomplete as no narrative description of the site plan work accompanied the submitted drawings and potential archaeological impacts were not addressed. Portions of this area, unlike other areas of the National Park Seminary property, have been largely undisturbed and an evaluation of the potential for archaeological impacts was requested by staff.

Mr. Jin then presented his response to Ms. Jaffe’s presentation. He expressed his disagreement with MHT’s interpretation of the Secretary of the Interior’s Standards and suggested that requiring the townhome design to be subservient and simplified in its approach is inappropriate in the context of this historic district which is described as a “folly” and has a fantasy-like feeling about its architecture. Mr. Jin expressed his objection to the requirement that double-hung windows be used on the Villa addition as that is an inappropriate element in the context of the district. He stated that he does not feel there is equality of access in the easement appeal process and questioned why he is being required to address archaeology concerns in the site plan when other developers at the National Park Seminary have not been asked to address archaeology.

Discussion followed.

1. The following motion was made by Dr. Delgado and seconded by Mr. Brown. Trustees Bashiri, Brown, Buchheit, Delgado, Feldstein, Filkins, Little, Mears, Paca and Robinson voted in favor of the motion; Mr. Parker voted in opposition to the motion; no Trustees abstained.

**RESOLVED**, that the Maryland Historical Trust Board of Trustees upholds the Director's denial of the design of the new townhomes and required that the design be simplified to read as secondary and compatible with the nearby Castle and Villa and be unified by using only one design rather than multiple different designs.

2. The following motion was made by Dr. Delgado, seconded by Mr. Robinson, and approved unanimously.

**RESOLVED**, that the Maryland Historical Trust Board of Trustees upholds the Director's denial of the design of the new addition and requires that a more compatible design of the addition be created by addressing the parapet and type and pattern of window and doors of the addition,

3. The following motion was made by Mr. Franklin, seconded by Mr. Brown, and approved unanimously.

**RESOLVED**, that the Maryland Historical Trust Board of Trustees upholds the Director's denial of the site improvements as there was insufficient information to complete a review and that the additional information requested in the December 15th Director's letter including an archeological assessment be submitted for review and approval.

#### F102 Monument Relocation Working Group Report

Mr. Robinson reported that the Monument Relocation Working Group met on January 19<sup>th</sup> with Eric Holcomb from CHAP as well as MHT staff members Allison Luthern, Architectural Survey Administrator, and Nichole Doub, Head Conservator at the MAC Lab. Ms. Luthern and Ms. Doub reported on their inspection of the impact of the recent vandalism to the monuments. Ms. Doub noted that there is new, active corrosion in those areas where the cuts were made to the scabbard of the Lee Jackson Monument and the arm of the Soldiers and Sailors Monument as well as water egress in those areas where drill holes are located on both monuments. recommended treatments to both of those areas as soon as possible. Mr. Holcomb indicated that he would approach conservator Diane Fullock to see if she would be available to do this work.

Mr. Robinson reported that Mr. Holcomb has had no response from the DPW Director regarding filing of a police report; he is now working with the Manager of the site on this request since the DPW Director has since resigned from his position. The Committee requested that Mr. Holcomb seek to have a motion activated camera installed inside the fenced area where the monuments are located to improve security as well as chain link fencing over the top of the monuments. The Committee requested that Mr. Holcomb provide a report on the status of the Lee Jackson pedestal at the next meeting of the Committee.

Mr. Spikes reported that he has gone to the site where the monuments are being stored to meet with Mr. Nelson Jackson who oversees the facilities and is seeking to ensure that fencing can be installed over the top of the chain link cage around the monuments. He noted that the professional art mover, Methods and Materials, will be coming to Baltimore in mid-March to measure the monuments in advance of crating them for transport to California.

Mr. Charlton commented that he is in favor of the monuments being sent to the Confederate Memorial Park in St. Mary's County and is opposed to them being moved to California for the LAXART Exhibit.

F200                      Survey, Registration, Community Education & Museums Committee

F201R                      JPPM Photography and Video Policy – Creation of New Fee

Ms. Hughes explained that at the April 2, 2004 meeting of the MHT Board Executive Committee, the Committee delegated to the Director of the Trust the authority to establish reasonable fees authorized for Trust programs provided that the Director would seek approval of the Board or Executive Committee before instituting new fees. This request is for the Board's approval of the creation of a new permit and fee policy associated with photography and video at Jefferson Patterson Park and Museum.

Mr. Cofield discussed the problem that the proposed permit process is designed to mitigate. He noted that JPPM has seen a marked increase in professional photographers at the park since 2019. This increase is creating operational challenges for JPPM staff as well as safety hazards for staff and the general public. JPPM is now at a point where multiple times per week staff encounter professional photographers blocking roadways and paths, moving items around the park for their photography needs, and setting up furniture and other items for staged sessions. Staff often find rubbish and other leftover items at the park following these sessions.

JPPM is seeking to institute an official photography and video permit and fee policy in 2023 to address this ongoing issue. The proposed policy was influenced by similar policies already in place at sites including Maryland State Parks, Brookside Gardens in Montgomery County (MNCPPC), Green Spring Gardens Park in northern Virginia (Fairfax County Park Authority), and Historic St. Mary's City. The proposed policy was provided in the MHT Board meeting packets.

Mr. Cofield explained that if the MHT Board approves this policy, JPPM staff would use social media and direct communications with known photographers and photography clubs to publicize the new policy. Staff are also considering hosting a photographers' day at JPPM in early spring to talk through the policy and answer questions directly. Actual implementation would not occur until April or May of 2023 which would provide JPPM with three to four months to publicize the change and add on-site language to signage and other informational material.

The following motion was made by Ms. Uunila, seconded by Mr. Brown, and approved unanimously.

**RESOLVED** that the Maryland Historical Trust Board of Trustees authorizes creation of a Jefferson Patterson Park and Museum Photography and Video Permit and Fee Policy.

F300 Management & Planning Committee

### F301 Investment Committee Report

Ms. Hughes reported for Mr. Little who had to leave the call. She noted that the Preservation Fund portfolio was down 17.5% which is not surprising as last year was a historically bad year for fixed income. The Patterson and MARPAT fund portfolios were down 19% since they have more stock exposure. Brown Advisory is monitoring the funds to ensure that MHT has enough liquidity while not exposing the portfolio to too much risk.

### F302 Equity Working Group Report

Mr. Parker reported that MHT staff will be meeting with Reginald F. Lewis Museum staff on February 9<sup>th</sup> to begin planning for the facilitated discussion series with MHT Board and staff members on JEDI issues in the spring of 2023.

Mr. Parker expressed concern that MHT's efforts to recruit a more diverse work force have not resulted in a more significant change in staff. He requested an update on the progress of MHT's current recruitment efforts..

### F303 Budget & Legislation

Ms. Hughes reported that the Governor's operating budget for FY2024 includes full funding for the Maryland Heritage Areas Authority Program at \$6 million, of which up to \$300,000 may be used to support the Non-Capital Historic Preservation Grant Program, and 4 new permanent positions for Jefferson Patterson Park and Museum. The operating budget also includes a one-time addition of \$500,000 to the Maryland Heritage Areas Program to "enhance the grants provided to the 13 heritage areas."

The capital budget for FY2024 includes \$600,000 for the Capital Historic Preservation Grant Program, \$5 million for the African American Heritage Preservation Grant Program, \$150,000 for the Historic Preservation Loan Program, \$20 million for the Competitive Commercial component of the Historic Revitalization Tax Credit Program and \$2 million for the Small Commercial component of the Historic Revitalization Tax Credit Program. In addition, the capital budget includes \$14,831,000 for planning and construction of the MAC Lab expansion and renovation project.

Ms. Hughes reported that MHT will not be sponsoring any legislation in 2023.

Ms. Hughes noted that MDP has a new Acting Secretary – Rebecca Flora. MHT Crownsville will be meeting with Acting Secretary Flora on January 31<sup>st</sup>.

### F304 Litigation & Legal Issues

Mr. Snyder reported that on January 6, 2023, he participated in oral argument before Baltimore City Circuit Court. The court ruled from the bench, granting both MHT's and the City's motions for summary judgment. The court concurred that a private party cannot seek a court order to

require an agency to exercise its enforcement discretion and found that the evidence before the court demonstrated that MHT has been acting reasonably in working with the City to find a path forward that will ensure preservation of, and public access to, the Confederate monuments.

#### Announcements

Thursday, March 23, 2023 - Next meeting of the MHT Board of Trustees.

Meeting adjourned at 12:51 PM.