



Maryland's

# HISTORIC DISTRICTS

A Publication of MAHDC: The Maryland Association of Historic District Commissions

Volume 11 Number 4

Fall 2016



## **SOCIAL & ANNUAL MEETING**

**NOVEMBER 3, 2016**

**5:30 PM**

**MONTPELIER MANSION**

**9650 Muirkirk Road**

**Laurel, MD 20708**

Please join the Maryland Association of Historic District Commissions at the historic Georgian-style Montpelier Mansion - a National Historic Landmark - for a social and annual meeting. All historic preservationists are welcome for this celebration of Maryland's historic places.

Refreshments & drinks to be served.

**RSVP**

[2016mahdcannualmeeting.eventbrite.com](http://2016mahdcannualmeeting.eventbrite.com)

## **CALL FOR NOMINATIONS TO THE BOARD OF DIRECTORS**

We are seeking nominations for the MAHDC Board of Directors. We would like to fill the following roles:

- Director
- Director, Graduate Student in Historic Preservation or similar field

### **Directors:**

- Preferably have experience serving on a historic preservation commission or as staff to a commission (except for the Graduate Student director)
- Agree with our mission to provide advocacy, training and program support for historic preservation commissions and local governments across the state
- Attend six board meetings a year (every two months) at the offices of the Maryland Historical Trust in Crownsville, Maryland
- Make a serious commitment to participate actively in the board work by attending and supporting our events, serving on committees (such as training and fundraising), and contributing annually to the financial stability of the organization
- Stay informed about current issues pertinent to historic preservation commissions and preservation in Maryland and provide technical expertise as needed

**Term:** All directors serve a two-year term except for the graduate student director, who serves a one-year term.

If you are interested in nominating yourself or know of a qualified individual that would be a good fit for the organization, please submit:

- Resume
- Statement of interest
- Letter(s) of support (optional)

directly to Melanie Lytle at [director@mahdc.org](mailto:director@mahdc.org) no later than October 28, 2016. The nominations be voted on by the membership at our annual meeting on November 5, 2016.

## **SHARON KENNEDY, THANK YOU FOR SERVING!**

This fall, our long-time Vice President of Operations, Sharon Kennedy, is resigning from the board of directors on which she has served since 2009. Sharon's expertise related to historic preservation is vast, and MAHDC has benefited tremendously from her leadership. We've enjoyed her strategic guidance, devoted service, enthusiasm, and wit. We will miss her dearly when she is gone but know she will continue to be a good friend and supporter of MAHDC from her position as chair of the City of Annapolis Historic Preservation Commission.



Providing advocacy, training,  
and program support for  
Maryland's Historic Preservation  
Commissions and local  
governments.

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## **MAHDC BOARD OF DIRECTORS**

**Frederick Stachura**  
President

Prince George's County

**Vacant**

Vice President of Operations  
Annapolis

**G. Bernard (Bernie) Callan, Jr.**  
Treasurer & Vice President of Finance  
Frederick County

**Sheila Bashiri**  
Rockville

**Charles (Chris) Kirtz**  
Gaithersburg

**Tom Liebel**  
Baltimore City

**Saralyn Salisbury-Jones**  
Graduate Student, American University

**Lisa Mroszczyk Murphy**  
City of Frederick

**Jess Phelps**  
At-large

**Kirsti Uunila**  
Calvert County

**Patricia (Tish) Weichmann-Morris**  
Cambridge

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**Melanie Lytle**  
Executive Director  
[director@mahdc.org](mailto:director@mahdc.org)

## **CONNECTICUT COURT ADDRESSES "RESTORATIONIST" INSURANCE POLICY**

By Jess Phelps

One of the many challenges facing those who own and restore historic properties is how to properly insure these resources. Given their unique character and the particular challenges associated with bringing these properties back into condition post-casualty event, homeowners sometimes seek to acquire insurance policies designed to provide additional protection and consideration of these attributes during the rehabilitation process. Several insurance providers have designed custom policies to provide this type of coverage – essentially allowing for additional consideration of the historic characteristics as a material feature of the scope of coverage. Earlier this year, a Connecticut state court issued an (unpublished) opinion interpreting a restorationist policy, which is interesting as there are very few decisions providing insight into how these policies are designed to function and actually work in practice.

In Kellogg v. Middlesex Mutual Assurance Company, 2016 WL 823084, Connecticut Superior Court, Feb. 5, 2016 (unpublished, not to be cited), the court was faced with assessing a challenge to an arbitration award which the homeowner claimed violated the express terms of the policy. In 2002, the homeowner had purchased a restorationist policy to cover her 1846 Greek Revival home in a local historic district. This policy provided that there was no monetary limit on the coverage amount (to allow for the property to be completely restored using historic practices/materials) and that depreciation would not be deducted from the award.

In March of 2010, an apparently massive tree fell onto the house collapsing the chimney and roof as well as causing extensive damage throughout the property. It was undisputed that the policy applied – it was just a matter of determining the amount of the final award. Under the terms of the policy, if the damage could not be mutually agreed upon, three appraisers would be selected to set the amount of the award (one appointed by each party plus an "umpire" selected pursuant to the policy's terms). The homeowner's appraiser set the damage to the house at \$1,656,275.32, while the other appraisers pegged the award at \$578,587.94, which became the arbitration award by a two to one majority.

The homeowner challenged the arbitration award in state court – arguing that the appraisers erred in subtracting depreciation from her total award (amongst other grounds). Overall, the standard for vacating an arbitration award generally is very high (as courts do not want to undercut arbitration as an alternative dispute settlement mechanism) but under Connecticut law, an award can be vacated if it is in manifest disregard of the law. Here, the trial court referee concluded that including depreciation in the award calculation violated the clear terms of the insurance policy – meriting vacating the award and a remand for a new arbitration hearing. The referee, however, went beyond the depreciation issue to express his strong skepticism regarding whether the two appraisers who had voted for the award had properly valued the historic attributes of the house or had meaningfully considered the special challenges associated with its restoration in reaching their final award.

According to the court, this might be the first time that the terms and conditions of a restorationist policy have been litigated and for that reason, it is an interesting decision to quickly review for how this form of insurance policy operates in a casualty event and what the scope of coverage ultimately means for a damaged historic resource protected by such coverage.

*This article does not constitute legal advice and is provided for general information purposes only. The article solely represents the views and work of the author in his personal capacity.*



## PRESERVING RURAL SITES WITH DOLLARS AND SENSE

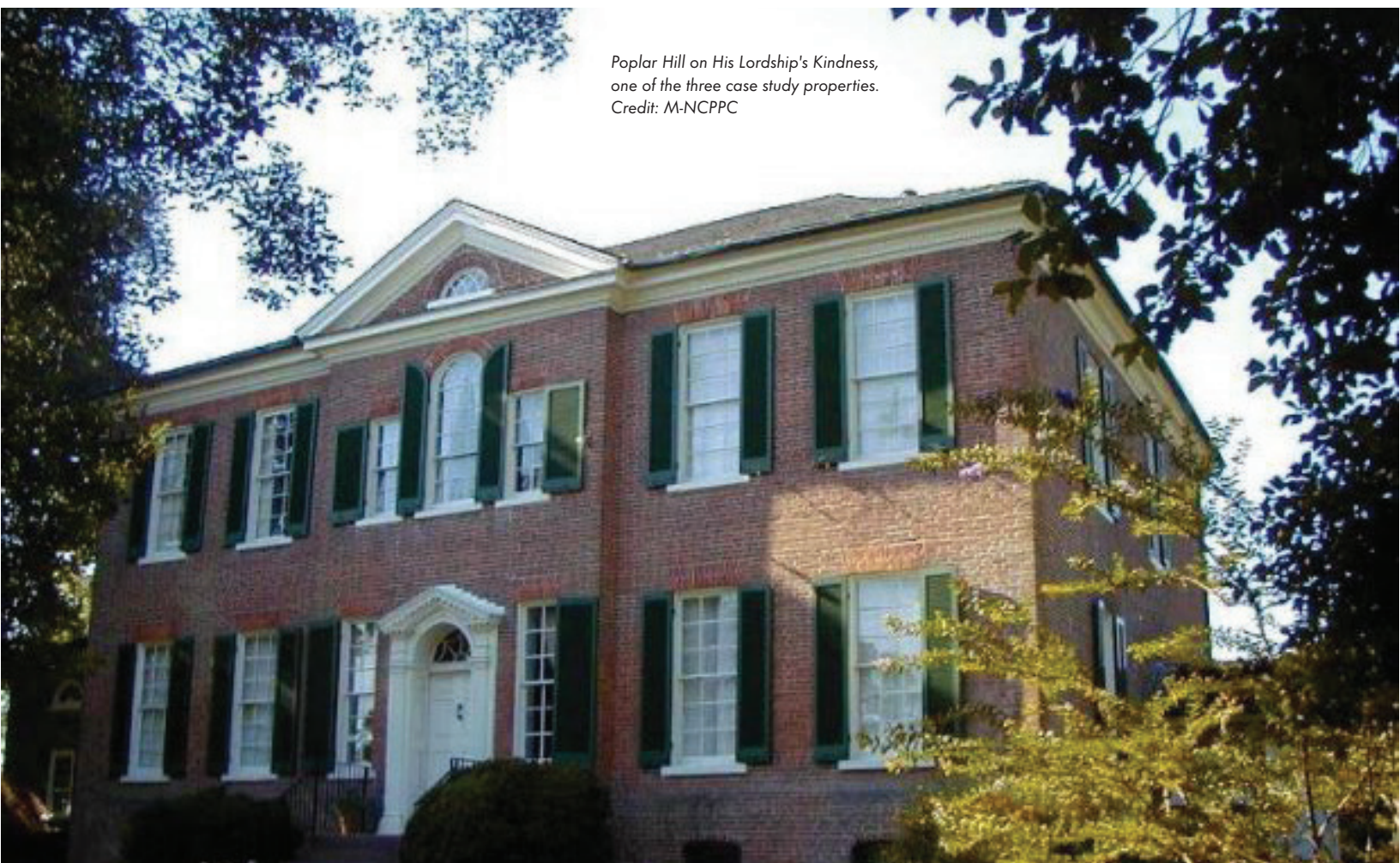
By Thomas W. Gross

Rural historic property owners have a range of options in terms of onsite income production but often lack a coherent method for determining the most appropriate business model for their particular site. Public agencies and nonprofit organizations may provide owners with information on the technical aspects of building restoration, as well as access to financial incentives such as tax abatements and grant funding; however, the preservation field has not traditionally seen its purview as extending into business consulting for historic properties. As preservationists reflect on a half-century of professionalization and contemplate the direction of our discipline over the next 50 years, it is worth considering what additional competencies we can develop to help historic property owners assess and meet the financial challenges they face. A growing number of interdisciplinary graduate programs encourage today's students of preservation to explore synergies between heritage conservation and the fields of architecture, urban planning, and real estate development. While a "Preservation MBA" program may be far-fetched, a required course or two in business or accounting would be a valuable asset for those preparing to enter the profession.

The consequences of inadequate financial planning for historic properties are all too clear here in Maryland. In Prince George's County alone, over a dozen privately-owned sites have been designated by the Historic Preservation Commission as "properties of concern," with a good many others identified as being underutilized, abandoned, or vacant. The total number of historic resources confronting some type of preservation issue, whether it be a threat to structural integrity or simply the degradation of character-defining features, extends far beyond any official list maintained by the County. While imperiled historic sites are found across the urban-rural continuum, those located in less-developed contexts are arguably at greater risk because they are less visible and may be in areas targeted for suburban growth. At the same time, rural historic properties also generally have the advantage of considerable acreage on which some form of income-producing activity can occur. It is in these situations where business-minded preservationists can work creatively with property owners to develop financial sustainability plans that leverage a site's attributes in a historically sensitive way.

(Continued on page 4)

*Poplar Hill on His Lordship's Kindness,  
one of the three case study properties.  
Credit: M-NCPPC*





## Preserving Rural Sites with Dollars and Sense

A Master's thesis project now in progress for the University of Maryland's program in Historic Preservation explores how rural historic property owners can assess options for onsite income production in order to meet both short- and long-term preservation needs. Three case study properties—two in Maryland, one in Ohio—are being analyzed in terms of site-specific factors and owner attributes to determine whether any generalizable lessons can be learned. The three subject properties have pursued some combination of agriculture, event hosting, and interpretive programming in order to generate income, and each has attained some level of success in doing so. That said, the owners of all three properties admit to a lack of confidence that their business models will ensure the long-term preservation of their properties' structures and historic settings. Two of the case study sites are currently undertaking some form of strategic planning exercise and their owners are eager for guidance. Initial research indicates that in no case has income produced onsite been sufficient to cover all necessary capital investments and ongoing maintenance costs.

This research effort, which is scheduled for completion in December 2016, may or may not yield information that is useful for every property owner. Indeed, the experience in Maryland and elsewhere

of historic sites sliding irreparably into ruin suggests a certain intractability to the problem that a single Master's thesis is unlikely to overcome. Still, the issue is worthy of any attention it receives. The academic literature on the subject of rural preservation economics is underdeveloped, and what does exist is generally outdated or too abstract to be of use in creating site-specific financial sustainability plans. The continued absence of concrete guidance discourages private activity in rural heritage conservation and increases the risk that historic structures will be neglected, abandoned, or demolished in favor of new development. If we as preservationists are concerned with the consequences of inaction on the part of private historic property owners, it is incumbent on us to help them take action—and to expand our own set of capabilities to do so.

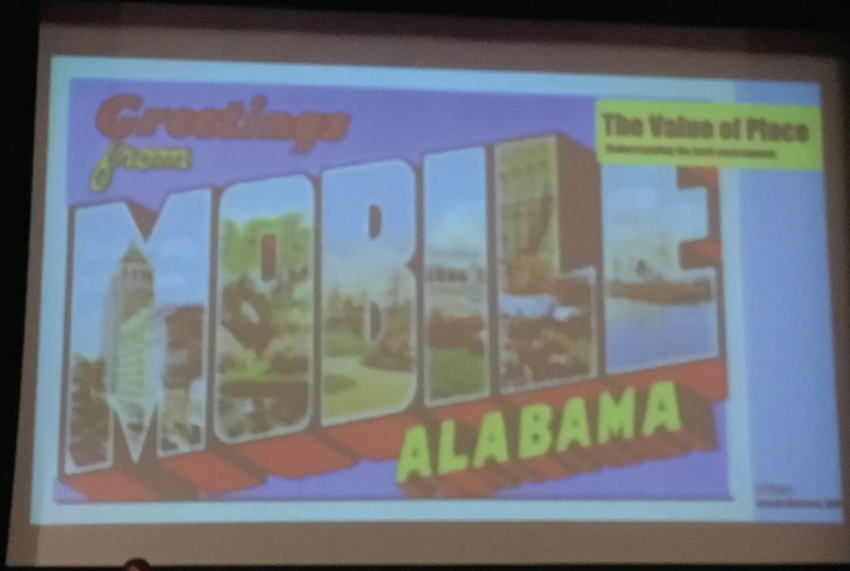
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*Thomas Gross is a graduate student at the University of Maryland-College Park pursuing Master's degrees in Historic Preservation and Community Planning, graduating in December 2016. He is currently an intern in the Maryland-National Capital Park and Planning Commission, working with the Historic Preservation Section of the Prince George's County Planning Department.*

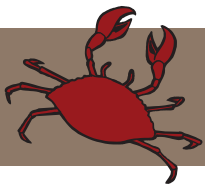


### NAPC FORUM 2016

Board members Tish Weichmann-Morris and Saralyn Salisbury-Jones, and executive director Melanie Lytle represented the organization at the National Alliance of Preservation Commissions (NAPC) Forum in Mobile, Alabama in July. A number of our Maryland commissioners and staff also were able to make the trip, using Certified Local Government educational grant funds. The conference was outstanding, with an excellent line-up of speakers and sessions that covered topics such as running a commission without staff, engaging with young people, annual planning and reporting, sea level rise, streetscapes, advocacy, and public outreach. Plan to attend the next NAPC Forum in Des Moines, Iowa in 2018!







# CRAB FEAST 2016



Thank you, City of Cambridge Historic Preservation Commission and J.M. Clayton Seafood Company for our best Crab Feast yet on September 10th! We raised over \$2,200 for the organization at this fun event, held at the world's oldest operating crab processing plant.



## THANK YOU, NEW MAHDC ASSOCIATES

### BUSINESS

- Allen Construction & Restoration, Inc. – *New!*
- Bleak Hill Restorations, Inc. – *New!*
- Charles Paul Goeble, Architect, Ltd. – *New!*
- Coastal Archaeology & History Research, Inc. – *New!*
- Sila Heating & Air Conditioning – *New!*

Thank you for your support.

## MARYLAND HISTORIC RESTORATION CONTRACTOR DIRECTORY

We need your help growing the [Maryland Historic Restoration Contractor Directory](#). We are searching for all types of historic preservation specialists, but especially craftspeople that can help our historic district residents repair and maintain their properties.

Do you know of a skilled mason, building contractor, engineer, carpenter, plasterer, or window conservator? Forward this newsletter on to them and tell them about the benefits of an MAHDC Business Associate membership, which includes listing in our online directory and access to our statewide membership. They can [complete the application](#) on our website to join MAHDC as a Business Associate for just \$50. We ask that they read and agree to abide by our [Directory Policies](#).



## UPCOMING TRAINING OPPORTUNITIES

### ■ TRAINING CALENDAR

**October 21, 2016**  
**Bmore Historic 2016**  
Baltimore, MD

**November 1–2, 2016**  
**Historic Windows: Managing for Preservation, Maintenance, and Energy Conservation**  
Mount Vernon, VA

**November 3, 2016**  
**MAHDC Annual Meeting & Commissioner Social**  
Laurel, MD

**November 9, 2016**  
**Sputnik Science & Engineering Buildings: Bain or Boon?**  
Webinar

**November 15–18, 2016**  
**PastForward – National Trust for Historic Preservation Annual Conference**  
Houston, TX

**November 16–17, 2016**  
**Historic Bridges: Management, Regulations, and Rehabilitation**  
Richmond, VA

#### ■ BMORE HISTORIC 2016

**BALTIMORE, MD • OCTOBER 21, 2016**

Bmore Historic is back for the fifth annual unconference on preservation, public history, and cultural heritage in Baltimore and the region. This annual event is an affordable opportunity to connect with a diverse group of colleagues and neighbors who share your interest in local history, historic places, and community. Scholars, students, professionals, and activists are all welcomed and encouraged to participate.

#### ■ HISTORIC WINDOWS: MANAGING FOR PRESERVATION, MAINTENANCE, AND ENERGY CONSERVATION

**MOUNT VERNON, VA • NOVEMBER 1–2, 2016**

Historic windows are both critical components of a building's weather envelope and valuable character-defining features worth retaining for architectural and environmental reasons. Learn about the rich history and variety of wood, steel, and aluminum windows and construction methodology. Explore the maintenance and rehabilitation techniques that allow windows to have long and sustainable service lives. Review energy conservation and economic issues as factors facing managers in the restore-or-replace debate and regulations relating to preservation of these assets.

#### ■ SPUTNIK SCIENCE & ENGINEERING BUILDINGS: BAIN OR BOON?

**WEBINAR • NOVEMBER 9, 2016**

The Sputnik satellite, a looming threat in the late 1950s, effectively spawned the best technology the US has developed as well as many mid-century science buildings. Could these seemingly large and ugly buildings actually be goldmines for adaptive reuse and historic preservation? This session will discuss the pros and cons of retrofitting these structures into contemporary environments.

#### ■ PASTFORWARD – NATIONAL TRUST FOR HISTORIC PRESERVATION ANNUAL CONFERENCE

**HOUSTON, TX • NOVEMBER 15–18, 2016**

PastForward is the National Trust for Historic Preservation's premier educational and networking event for those in the business of saving places. This year, attendees will consider the role preservation can play in securing healthier and more sustainable, just, and attractive cities during the 50th anniversary celebrations of the National Historic Preservation Act.

#### ■ HISTORIC BRIDGES: MANAGEMENT, REGULATIONS, AND REHABILITATION

**RICHMOND, VA • NOVEMBER 16–17, 2016**

Historic bridges represent a significant inventory of America's engineering heritage. Learn bridge typology and history. Discuss impacts on resources, avoidance of adverse effects, and alternatives and solutions. Explore how a collaborative team approach to rehabilitation projects benefits the regulatory and design process through interactive exercises. Discuss rehabilitation techniques that will meet engineering and historic standards. Review how to successfully navigate the requirements of the NEPA, Section 106, and Section 4(f) processes.





## NEWS FROM THE COMMISSIONS

Have you visited [www.mahdc.org](http://www.mahdc.org) recently? Here are some of the news items you may have missed:

- City of Frederick HPC to vote Oct. 13 on Taney bust
- Chestertown HDC considers upgrades to Chestertown Marina
- Report of the Special Commission to Review Baltimore's Public Confederate Monuments Released
- Salisbury HPC to review two demolition requests
- MHT won't be involved in Taney bust decision
- Frederick's Taney bust in the New York Times
- City of Frederick Aldermen reject designation for Fairgrounds
- City of Frederick Aldermen to vote on Fairgrounds designation
- Frederick HPC to weigh in on significance of tannery building
- Salisbury HDC to consider flagpoles in front of City Hall
- Chestertown HDC okays Water Street Project
- Frederick's mayor and aldermen deny preservation overlay of Monocacy Brewing Co. building
- Gaithersburg HDC meetings go online
- Frederick City HPC votes on relocation of controversial Taney statue
- Frederick City HPC approves window replacement
- City of Frederick Seeks Applicants to Fill HPC Vacancy
- City of Frederick Rejects Designation Proposed for Historic Farmhouse
- Berlin HDC Approves Changes to Berlin Butcher Shop

Please share your commission's news with MAHDC by emailing [director@mahdc.org](mailto:director@mahdc.org).



## 2016 COMMISSION TRAINING PROGRAM CURRICULUM

To learn more and schedule a training in your community, visit [mahdc.org/training-programs](http://mahdc.org/training-programs).

- **SELF-STUDY**  
Maryland Historic Preservation Commissions Tutorial and Training Manual
- **FOUNDATIONAL WORKSHOPS**  
HPC 100. Design Review  
HPC 101. Law and Procedures  
HPC 102. Ethics and Defensive Decision Making for Historic Preservation Commissions
- **SKILL SESSIONS**  
HPC 200. Connecting with your Community: Communication, Education, and Outreach  
HPC 201. Sustainability for Historic Preservation Commissions  
HPC 202. Modernism for Maryland's Historic Preservation Commissions



MAHDC depends on the support of our members, dedicated commissioners and individuals who understand that preservation, at its most vibrant and compelling, takes place locally.

### MEMBERSHIP BENEFITS INCLUDE:

- Access to the MAHDC training programs at the discounted membership rates
- Subscription to MAHDC's timely e-newsletter
- Participation in a professional network of historic preservation commissioners, preservation professionals, and grassroots activists
- Influence in advocating for responsible government decisions affecting historic resources

**PLEASE JOIN US!** The membership application and payment can now be completed [online](#).



### JOIN US ON FACEBOOK & TWITTER

Please "like" us on our [Facebook page](#) and follow our [Twitter feed](#) (@mahdcorg) for timely policy updates, news, and training opportunities.

