



Maryland's

HISTORIC DISTRICTS

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CITY OF CUMBERLAND ANNOUNCES NEW COMMERCIAL PROPERTY ADAPTIVE REUSE TAX INCENTIVE PROGRAM

By Kathy McKenney, Historic Planner/
Preservation Coordinator, City of
Cumberland

In 2015, City of Cumberland staff worked with the local delegation to encourage the approval of enabling legislation to help encourage the reuse of existing commercial structures in Maryland. As a result, Section 9-256 of the Maryland Annotated Code Tax Property Article was approved.

In Cumberland, applications are now available for the new Commercial Adaptive Reuse Tax Incentive Program. The program will provide a real estate property tax credit equal to fifty percent of the total of qualifying expenditures for existing commercial structures within the corporate limits of Cumberland. Qualifying expenditures include those related to the costs for elevators, fire suppression systems, means of ingress or egress, or architectural/engineering services related to the installation or rehabilitation of these specific building features.

A minimum expenditure of \$25,000 is required to participate in the incentive program. The tax credits will be distributed equally for a ten-year period and will expire following the tenth year. The amount of the tax credit applied cannot exceed the

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Carman House, City of Lake Oswego, Cultural Resources Survey Field Form, 1988-1989.

OREGON SUPREME COURT ISSUES IMPORTANT DECISION ON REMOVAL OF HISTORIC DESIGNATION

By Jess Phelps, MADHC Board of Directors

In August, the Oregon Supreme Court issued an important decision interpreting the owner consent language contained under Oregon's enabling law. In *Lake Oswego Preservation Society v. City of Lake Oswego*, 360 Or. 115 (2016), a local preservation group, supported by a number of other preservation organizations, including the statewide non-profit historic preservation organization and the National Trust for Historic Preservation, challenged a lower court's decision regarding the removal of a historic designation for a local landmark - the Carman House (c.1856), the community's oldest remaining house.

In 1995, the state enacted legislation requiring local communities to obtain the consent of property owners before designating a historic resource. The statute also provided an opportunity for owners of properties that had already been designated to opt out and remove their designation. This language stated "[a] local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government." Oregon Revised Statutes § 197.772(3).

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

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Oregon Supreme Court Issues Important Decision on Removal of Historic Designation

When this law came into effect, the Carman House was owned by Richard Wilmot, who had owned the house in 1990 when it was designated. Although Wilmot had objected to the designation originally, he did not act in 1995 to remove the historic designation, and subsequently conveyed the property to the acting trustee of the Mary Cadwell Wilmot Trust ("Trust").

In 2013, the Trust sought to remove the historic designation as it wanted to subdivide and redevelop the site. The city council determined that the owners could remove the designation because it was established prior to 1995 (in its view, triggering the removal language). The Oregon Land Use Board of Appeals rejected this interpretation, but the court of appeals subsequently held that "any owner of a property on which a local historic district designation was, or had been imposed, has the right to remove it" - potentially threatening a large number of designated resources across the state. See *Lake Oswego*, 360 Or. at 123-24.

The local preservation society challenged this determination and appealed to the Oregon Supreme Court. On review, the court's decision hinged upon both statutory interpretation principles and legislative intent. In part, the court looked at the term "owner" as utilized throughout the statute and found support for the idea that the legislation was intended to apply only to the owner at the time of the designation; not to all subsequent purchasers with knowledge of the designation. The court also determined that there was substantial legislative history supporting this interpretation and accordingly reversed the court of appeals' decision - leaving the Carman House's designation intact.

Overall, this is an important decision in light of the arguments made with regard to owner consent. In its ruling, the Oregon Supreme Court confirmed the limited nature of this statutory opt-out provision and, in the view of one advocate, this decision "solidifies the designation of many historic properties for generations to come." See Carrie Richter, *Oregon Supreme Court's Narrow Interpretation of Delisting Rights Is a Win for Preservation*, PRESERVATION LEADERSHIP BLOG, <http://forum.savingplaces.org/blogs/special-contributor/2016/09/22/oregon-supreme-courts-narrow-interpretation-of-delisting-rights-is-a-win-for-preservation> (last visited Dec. 20, 2016). ■

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

TOM LIEBEL, THANKS FOR YOUR BOARD SERVICE!

We were honored to have Tom Liebel, architect at Marks, Thomas Architects and chair of the Baltimore City Commission on Historic and Architectural Preservation, on the MAHDC board since 2010. He stepped down this fall but will continue to be involved as instructor for our Sustainability for Historic Preservation Commissions training course. We will miss you, Tom!

TACTICAL PRESERVATION: PHASED APPROACH IN PRESERVING LARGE HISTORIC BUILDINGS

By Maha Tariq, Senior Planner, M-NCPPC, Prince George's County

All across America, historically significant buildings are being abandoned as they lose their original function. Public schools, post offices, warehouses, and mills have been particularly affected by advancing technology, a growing population, and the changing needs of society. These underutilized properties soon become an economic burden and their physical deterioration serves as a threat to the stability of the surrounding neighborhoods. As a result, these endangered buildings may be razed by developers to make use of valuable land, or become victim to demolition by neglect.

In the long term, tearing down these buildings is socially, environmentally, and economically unsustainable. The combined costs of demolition and new construction surpass maintenance and repair costs of existing structures. Furthermore, the identity and collective memories of the community embedded in these buildings are also lost. Adaptive use of the buildings is a form of sustainable urban regeneration which extends a building's life, avoids demolition waste, makes use of embodied energy, and provides significant socio-economic benefits to society. However, it brings with it a host of challenges, including costs for repair and maintenance. Historic house museums with small budgets and a corps of volunteers that struggle every day for their continuity and survival are an example.

To mitigate the risk of demolition an upcoming, more feasible



"Union Market after hours" (CC BY 2.0) by Alex Barth

approach is Tactical Preservation. The term is extracted from Tactical Urbanism, which is a phased approach to instigate change and make local neighborhoods more vibrant. It features low-cost, temporary changes to the build environment such as incubator spaces and pop-up shops. These short-term commitments lower the demolition risk by generating revenue for maintenance, until a long-term vision is conceived by a developer. Such socially-driven, economically viable uses enliven a place with people and activity, providing safety and vibrancy that is sorely missing in an abandoned or underutilized site. One such example is Union Market in Washington, DC which was transformed from a warehouse to an incubator space that helps new food startup

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"Union Market during DC Scoop" (CC BY-ND 2.0) by tbridge



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Tactical Preservation: Phased Approach in Preserving Large Historic Buildings

companies. This large thriving restaurant has become a social gathering place with numerous food stalls housed in one large warehouse.

Instead of imposing one dominant use to historic buildings and turning them into unprofitable or underutilized house museums, multiple programmatic uses should be considered that would not only mitigate risk but also diversify funding sources. The abandoned Wiley H. Bates High School in Annapolis, which sat vacant for 20 years, is currently a successful example of adaptive use that has been creatively converted into a multi-use complex. Former classroom wings were converted into apartments for low-income seniors. The remaining portions of the building were converted into a Boys and Girls Club and a senior center. The program, which targeted low income residents, was realized by aggregating an extraordinary variety of private and public funding sources. Public funds include an allocation of 9% Low-

income Housing Tax Credits (LIHTC) and secondary loans from Maryland Department of Housing and Community Development (MD-DHCD). Private sector financing consisted of a construction loan from Sun Trust Bank.

Tactical Preservation is the future of preservation that will help retain historic fabric and address community needs at the same time. Concerns could arise if these immediate uses were seen to conflict with the resource's historic significance or threaten the integrity of the historic structure. For example, the Wiley Bates School which exemplified the African American struggle for equal education has now become senior living quarters that don't augment this legacy. However, the outcome is a sustainable financial model that support uses, and manage higher maintenance costs. When these programmatic uses can be balanced with the historic legacy of the buildings, Tactical Preservation could very well be a beacon of hope for preservationists. ■

Wiley H. Bates High School, July 2009



2016 ANNUAL REPORT

In 2016 the Maryland Association of Historic District Commissions (MAHDC) has fulfilled our mission to provide advocacy, training and program support for Maryland's commissions and local governments through training workshops, a symposium, networking events, publications, and advocacy.

TRAINING FOR COMMISSIONERS AND STAFF

We believe that education is the foundation of a strong historic preservation commission, so over the year we brought nine training events to Maryland's preservation commissions, including workshops on Law and Procedures, Ethics & Defensive Decision Making, Design Review, Connecting with Your Community, and Sustainability. Our cadre of knowledgeable instructors had a busy year! The workshops were offered throughout the state in Calvert County, Cumberland, Frederick, Montgomery County, Rockville, Salisbury, St. Mary's County, and Talbot County. More than 75 commissioners and staff were trained. Our Training Committee is in the midst of planning two new modules: Archaeology and Historic Preservation Commissions and Replacement Materials for Historic Preservation Commissions that are planned for 2017.

In June MAHDC hosted a Legal Symposium on Creating, Defending, and Enforcing a Strong Historic Preservation Ordinance. Held in Annapolis, the event was a resounding success. We had 43 participants from 14 different jurisdictions who participated in a full day of sessions and discussions on the important issues surrounding preservation ordinances.

We represented Maryland's commissions in Mobile, Alabama at the National Alliance of Preservation Commissions 2016 Forum.

NETWORKING AND LEARNING AT SOCIAL HOURS

In April, we hosted a regional social hour in Cecil County at the historic Wellwood Club in Charlestown, MD. Our social hours are informal events for our commissioners and preservation partners to network and exchange ideas. Several more are in the works for 2017.

TECHNICAL ARTICLES AND TRAINING OPPORTUNITIES IN MARYLAND'S HISTORIC DISTRICTS

MAHDC's quarterly publication, *Maryland's Historic Districts*, has again featured many technical articles and case studies in each edition such as review of public art, treatment of confederate monuments, and utility encroachments in historic districts - and guided commissioners and staff toward commission-specific training opportunities offered by MAHDC and others. We are active on our Facebook page and our website blog (www.mahdc.org/news-events) where we feature weekly news from Maryland's commissions.

GROWTH OF THE MARYLAND HISTORIC RESTORATION CONTRACTOR DIRECTORY

As a service to our commission community and preservation partners in Maryland, we continued to grow our directory of preservation craftspeople and consultants. The Maryland Historic Restoration Contractor Directory now includes roofers, engineers, architects, architectural historians, archaeologists, tax credit specialists, and carpenters who have experience working with historic buildings.

FINANCIALS

Our primary source of revenue this year came from annual membership dues, board of director contributions, training workshop and symposium fees, our Crab Feast fundraiser, and a fee from the Maryland Historical Trust for administering the Certified Local Government educational and training grants.



Annual meeting at Montpelier Mansion in Laurel on November 3.

THANK YOU TO OUR 2016 BOARD!

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- Kirsti Uunila, Calvert County
- Patricia (Tish) Weichmann-Morris, Cambridge

We are looking forward to another great year! ■



UPCOMING TRAINING OPPORTUNITIES

■ TRAINING CALENDAR

January 20, 2017

Out-of-the-Box Thinking: New Survey Methods, Unique Integrity Considerations
Live Broadcast

January 28, 2017

Montgomery County History Conference
Germantown, MD

February 9, 2017

Wood, Concrete, Plaster, and Stone: A Materials Primer
Live Broadcast

March 2, 2017

Emerging Technologies for Cultural Resources
Mount Vernon, VA

March 3, 2017

GIS Symposium for Historical Resources
Mount Vernon, VA

March 16–19, 2017

Middle Atlantic Archaeological Conference
Virginia Beach, VA

April 25, 2017

Seminar: Preservation Planning and Policy Development for Historic Roads
Washington, DC

■ OUT-OF-THE-BOX THINKING: NEW SURVEY METHODS, UNIQUE INTEGRITY CONSIDERATIONS

LIVE BROADCAST • JANUARY 20, 2017

Attendees will be introduced to the survey, documentation, and evaluation of large scale cultural landscapes. In the afternoon, attendees will weigh the differences between the historic integrity of a structure and the existing conditions. Attendees will be introduced to the seven aspects of integrity and the level of existing conditions and gain an understanding of the relationship between the two. Unique examples will illustrate the wide range of methods and survey considerations. This is an ideal workshop for new and mid-career professionals looking to perfect their understanding of integrity and historic resources surveys. It will also serve historians who face settings other than built resources, including districts, cultural landscapes, and nontraditional cultural resources.

■ MONTGOMERY COUNTY HISTORY CONFERENCE

GERMANTOWN, MD • JANUARY 28, 2017

Hosted annually by Montgomery History, this day-long gathering includes workshops, presentations, and panel discussions covering a wide range of topics within the realm of local history. A personal story of a Montgomery County man's service in World War I will start the day, followed by breakout sessions featuring such varied topics as the architectural history of the Jewish community, the unique Warren Historic Site, Latino immigration, archaeological work at Oakley Cabin, the pivotal election of 1962, and a retrospective on historic preservation efforts.

■ WOOD, CONCRETE, PLASTER, AND STONE: A MATERIALS PRIMER

LIVE BROADCAST • FEBRUARY 9, 2017

Dig into conservation methodology, manufacturing, and material history at this hands-on, all-day workshop. You will better understand techniques and challenges faced by craftspersons, architects and conservators. Learn how to identify wood, sensitively repair plaster, evaluate and identify problem spots in concrete or structural components, and repair historic stone. Topics may include restoration of historic windows, masonry restoration (stone and brick), wood repair, and finishes and interior plaster. You will focus on building materials common in the Chesapeake Bay area. Understand these materials to ensure stewardship and long-term maintenance and protection of these resources.

■ EMERGING TECHNOLOGIES FOR CULTURAL RESOURCES

MOUNT VERNON, VA • MARCH 2, 2017

Review best means of integrating new technologies with existing CRM practices as they relate to the documentation, preservation, and/or creative mitigation of cultural resources. Learn about the use of unmanned aerial vehicles (UAVs or drones), digital documentation (photogrammetry), and virtual reality (new media methods). Discuss ways to integrate these technologies with more familiar forms of technology, such as geographic information systems (GIS), and explore how information gathered can be used for public outreach.

■ GIS SYMPOSIUM FOR HISTORICAL RESOURCES

MOUNT VERNON, VA • MARCH 3, 2017

More details coming soon.

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Upcoming Training Opportunities



■ **MIDDLE ATLANTIC ARCHAEOLOGICAL CONFERENCE**

VIRGINIA BEACH, VA • MARCH 16-19, 2017

The yearly conference of archaeologists, both avocational and professional, working in the Middle Atlantic region: a place to meet, discuss problems and issues, present recent work, and socialize with our colleagues. Anyone interested in the archaeology of the area from New York to Virginia, and from the Atlantic coast to West Virginia, is welcome.

■ **SEMINAR: PRESERVATION PLANNING AND POLICY DEVELOPMENT FOR HISTORIC ROADS**

WASHINGTON, DC • APRIL 25, 2017

Explore the current tools and techniques used for the identification, preservation, and management of historic roads. As an emerging area of historic preservation, planning and policy for historic roads presents new challenges for the historic preservation professional. Learn how to apply transportation policies to historic roads, balance safety and function with historic preservation objectives, and build awareness and new constituencies for the legacy of highway design in the United States. ■

THANK YOU, NEW MAHDC ASSOCIATES

ORGANIZATION

- University of Maryland - College Park

BUSINESS

- Retrospect, LLC - *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](#).

City of Cumberland Announces New Commercial Property Adaptive Reuse Tax Incentive Program

annual amount of real estate property taxes owed for each year. Property owners must receive all required permits and submit Part I of the application prior to the commencement of work.

The City of Cumberland also continues to provide the Historic District Tax Incentive Program that allows property owners of structures located within the locally zoned historic district or individually listed on the National Register or located within a National Register of Historic Places District to receive a real estate property tax credit equal to ten percent of approved capital expenses for rehabilitation as well as a property tax assessment freeze for up to ten years.

For more information, please contact: Kathy McKenney, Department of Community Development, City of Cumberland, 57 North Liberty Street, Cumberland, MD 21502, 301-759-6431, 301-759-6432 (fax), or kathy.mckenney@cumberlandmd.gov ■

RENEWAL TIME FOR RESTORATION CONTRACTOR DIRECTORY LISTINGS

Is your listing up to date? Watch your email in mid-January for the link to keep your business' page active for 2017.



NEWS FROM THE COMMISSIONS

Have you visited www.mahdc.org recently? Here are some of the news items you may have missed:

- In Frederick historic district, placement of utility boxes poses problems
- Baltimore County Landmarks Preservation Commission to hold hearing on Presbyterian Home of Maryland
- Annapolis mayor invites citizens to apply to serve on HPC
- Appeal Board overturns Berlin HDC business sign decision
- City of Frederick HPC denies the request to demolish 56 S. Market St.
- Annapolis City Council to vote on landmarking Parole Hospital
- Montgomery County HPC to hold public hearing on relocation of Community Hardware Store
- Salisbury HPC approves graffiti park
- City of Frederick HPC votes to postpone decision on demolition of 56 S. Market St. until next public hearing
- Chestertown HPC recommends designation for Radcliffe Cross
- District Court postpones hearing on Annapolis mural

Please share your commission's news with MAHDC by emailing director@mahdc.org.



2017 COMMISSION TRAINING PROGRAM CURRICULUM

To learn more and schedule a training in your community, visit 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 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.

