



Maryland's

HISTORIC DISTRICTS

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

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WEBSITE REBUILD COMPLETE

By Melanie Lytle, Executive Director

Over the winter, MAHDC undertook a major website overhaul to make it far more useful to you and easier to navigate. Check out what's new:

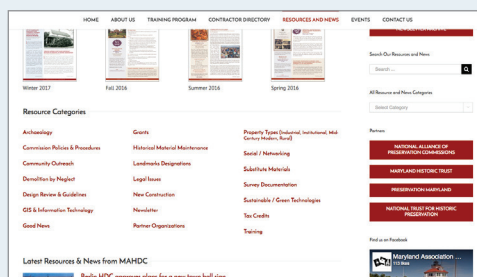
COMMISSION HELP DESK

The Commission Help Desk is a single point of contact for dues-paying commissions and their staff to get quick and expert assistance on commission matters. Our team of troubleshooters has expertise in every area of commission policies and procedures, design review and guidelines, legal issues, substitute and replacement materials, community engagement, and more.

Submit your problem or question [online](#), and MAHDC's experts will follow-up by email or phone within one business day to help you resolve the issue. If needed, we can schedule an on-site consultation (a benefit of MAHDC commission membership).

RESOURCES

Consider the [Resources](#) page your online guide to commission matters. You can search by topic area, from historical material maintenance to sustainable/green technologies, or by location to access



(Continued on page 2)

The Maryland Association of Historic District Commissions

invites you to a

SOCIAL HOUR

FRIDAY, MAY 5, 2017 • 5:00 PM – 7:00 PM

at the recently rehabilitated

MULBERRY LOFTS

22 North Mulberry Street • Hagerstown, MD 21704

[GET TICKETS HERE](#)

A factory for more than seventy years, the Southern Shoe Manufacturing Company built the Mulberry Lofts building in 1927 and expanded it significantly over the years. Recently rehabilitated, funded in part by an interest-free loan from the city of Hagerstown, it now offers offices and flats with city-subsidized rents to encourage business owners to come to downtown and contribute to the historic city's revitalization.



[Mulberry Lofts](#)

Maryland's historic preservation commissioners, local government staff and elected officials, and preservationists are welcome for this casual social networking event in the Hagerstown National Register-listed historic district.

Drinks and light refreshments will be served. Dr. Robert Savitt, Washington County Historical Society Board of Directors, will speak on *The Golden Age of Industry in Washington County*.

OUR SPONSORS:

MULBERRY LOFTS
OFFICES & FLATS

dmg



To become a partner or sponsor, contact [Melanie Lytle, Executive Director](#). ■

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

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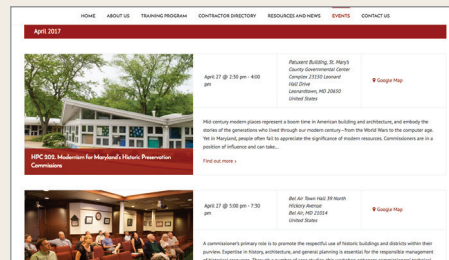
Melanie Lytle
Executive Director
director@mahdc.org

(Continued from page 1) Website Rebuild Complete

related resources and news. Over the next year, we'll be adding to the page by digitizing and categorizing technical advice articles from decades of back issues of [Maryland's Historic Districts](#).

EVENTS CALENDAR

The new [Events Calendar](#) makes it easy to see regional upcoming training opportunities offered by MAHDC or other organizations so you can keep your expertise up to date and expand your skills. ■



AROUND FREDERICK

■ SKY STAGE TRANSFORMS FIRE-DAMAGED 18TH-CENTURY BUILDING.

An eighteenth-century stone warehouse in the Frederick Town Historic District that was severely damaged by fire in 2010 has been reinvigorated by artist Heather Clark and the programming of the Frederick Arts Council. The temporary installation has transformed the vacant shell with spiraling greenery rising on wooden framework and bleachers and marquee-style sign.



■ HPC-APPROVED NEW ADDITION AT FORMER CITY HALL.

One of Frederick's most prominent buildings is the Italianate former City Hall, Opera House, and City Market dating from 1873. Now home to a popular downtown restaurant, the recently completed addition features a modern, industrial look and adds significant dining space and a rooftop terrace.

■ UNION MANUFACTURING CO. FACTORY TO BE REDEVELOPED.

A long-vacant individual City landmark, the late-nineteenth and early-twentieth century hosiery mill is set to undergo the section phase of redevelopment. The mill, which was responsible for successfully knitting the first pair of nylon hosiery in 1937, is being adapted for office and retail uses, the project includes a steel and glass addition, roof deck, and all new windows. ■





Advocacy Victory:

Preservation Funding Increase in Maryland By Preservation Maryland

With final approval of the Maryland state budget, grant funding for historic preservation will see its first appropriation in nearly a decade.

Thanks to the support of members, partner organizations and legislative champions, Preservation Maryland is pleased to report that funding once considered lost forever is now officially back.

The funding will impact historic preservation across the entire state and Preservation Maryland is proud to have played a leading role in making this appropriation a reality. Inclusion of funding in the final budget would not have been possible without the work of a statewide network of grassroots advocates and the bipartisan support of Governor Hogan and legislators in the General Assembly.

Maryland Historical Trust Director Elizabeth Hughes explained, "[We are] thrilled to see the return of grant funding for both research and survey and capital historic preservation activities in the coming year. This outcome would not have been possible without the steadfast support of our many partners – particularly Preservation Maryland – whose advocacy in Annapolis made all the difference."

THE FUNDING DETAILS

The Maryland Historical Trust's Preservation Grant Fund will see an infusion of over \$800,000 in the upcoming state fiscal year beginning this July. Preservation Maryland testified in support of the appropriations in both houses of the legislature and worked closely with the Conference Committee to see that funding was included for the critical non-capital grant program in the final approved budget.

The two grant programs selected to receive funding include:

THE MARYLAND HISTORICAL TRUST NON-CAPITAL GRANT PROGRAM: \$200,000

■ This program funds architectural and archaeological research, survey and documentation, public education, and planning

and feasibility projects. This program directly supports local governments' efforts to preserve places important to their constituents.

THE MARYLAND HISTORICAL TRUST CAPITAL GRANT PROGRAM: \$600,000

■ This program supports capital (bricks-and-mortar) upgrades and repairs to certified historic structures owned by non-profits or local governments.

WHAT HAPPENS NEXT?

The \$43.5 billion state operating budget was [given final approval](#) by the Maryland General Assembly on Tuesday, March 28th and does not require the governor's signature to become law. The capital budget, with its \$600,000 appropriation for preservation grants, was approved on Wednesday, March 29th.

The [Maryland Historical Trust](#), an agency of state government that oversees the grant programs, will develop criteria, applications and will announce deadlines for the new grant funding later this spring. Preservation Maryland anticipates working closely with the Trust to help find excellent potential projects around the state.

Preservation Maryland continues to work on final passage of [HB1513/SB1069](#), which would set a base level of support for these grant programs in the future at \$1.5 million annually. The legislation, which was sponsored by Speaker Pro Tem Adrienne Jones in the House and Senator Bill Ferguson in the Senate has passed the House (134-5) and 'crossed-over' to the Senate for their consideration. Passage of this bill is a critical priority and will make victories like this a regular occurrence for preservationists. ■

COMMISSIONS:

Start thinking about all your survey and research projects that could benefit from this funding. MAHDC will let you know as soon as you can apply!

WHERE LAND AND WATER MEET IN CALVERT COUNTY

By Kirsti Uunila, RPA, Historic Preservation Planner

Calvert County, a small sock-shaped peninsula in Southern Maryland, is surrounded and dissected by tidal waters. The county contains 220 square miles and 101 miles of shoreline. The Chesapeake Bay defines Calvert's eastern edge and the Patuxent River is its boundary to the west. At its widest, the county is nine miles across. Along its 30 miles of length, it harbors many tidal creeks. Calvert's citizens enjoy, appreciate, and respect the water around them. Calvert's planners consider the effects that rising and dynamic water may have on the land.

When funds have allowed, the county has done more intensive engineering studies to mitigate specific problems for historic architectural resources. For example, the historic Lore Oyster House in Solomons, part of Calvert Marine Museum, experiences so-called nuisance flooding so frequently that it must close for a period on nearly half the days that it is open. In this case, an engineer found that installing a valve to restrict the inflow of water from the adjacent creek and other measures would dramatically decrease flooding in the building. This solution cannot address flooding from other sources such as may occur from storm events or unusual high tides, but it will mean the building may be open for educational tours more often. Mitigation of archaeological sites is not so clear.

Threats to archaeological sites cannot be assessed merely by reference to projected inundation levels. Ongoing erosional processes in addition to increases in wave height owing to sea-level rise and subsidence of the land make sites far above surface water susceptible to loss. Shore-erosion inhibiting structures and data recovery are the principal means of mitigating threats to archaeological sites.

In the last two years, using CLG grant funds administered by the Maryland Historical Trust, Calvert County has conducted shoreline studies to address the vulnerability of archaeological sites to rising water, storm surge, wave action, and, when possible, changes in

the water table. In 2016, 13 new sites were recorded on Battle Creek and previously recorded sites were assessed. This spring, the Hunting Creek watershed is the subject of a comparable shoreline survey. In addition, a project is underway to assess the vulnerability of architectural and archaeological resources within 500 feet of mean high water throughout the county. This project uses numerous data sets in a GIS format to index threats to a given property.

Jurisdictions that are affected by tidal waters can benefit by working together to study common problems and compare approaches to develop sound best practices while there is still time. ■



Cove Point Lighthouse and Keeper's House after Tropical Storm Isabel came through in 2005.
Courtesy Calvert Marine Museum

Calvert County environmental planners have worked on hazard mitigation and preparedness plans and integrated them into as many larger-scale plans as possible. They have crafted vulnerability assessments for residential communities using grant funds administered by the Department of Natural Resources. Within the past two years, staff assessments have begun to consider cultural resources within those communities. County-wide, at least 78 structures on the Maryland Inventory of Historic Properties are threatened by inundation of 0-5 feet and more than 125 archaeological sites have been recorded in areas that are vulnerable by the same measure.

DC COURT OF APPEALS WEIGHS IN ON APPLICATION OF CITY'S SPECIAL MERIT EXCEPTION

By Jess Phelps

In December, the D.C. Court of Appeals issued a potentially important decision exploring the nature of the special merit exception under the District's Historic Landmark and Historic District Protection Act ("D.C. Preservation Law").

In *Friends of McMillan Park v. District of Columbia Zoning Commission*, 149 A.3d 1027 (2016), Friends of McMillan Park (FOMP) along with variety of other non-profit organizations challenged a series of orders and permits relating to the proposed redevelopment of a twenty-five acre parcel located on the McMillan Reservoir and Filtration Complex. This city historic landmark, also listed on the National Register of Historic Places, includes a variety of unique structures (both subterranean and surface) originally designed to filter the city's drinking water. In the late 1980s, the federal government sold this parcel to the city, which eventually selected Vision McMillan Park (VMP) to redevelop the site. VMP's plan included a 115 foot tall health care facility, a mixed use structure with a supermarket and 280 residential units, 146 rowhouses, along with a six acre park, and would have resulted in the loss of many of the historic structures. Before this project could be approved, the Mayor's Agent had to issue demolition and subdivision permits, which were granted under the city's special merit exception to the D.C. Preservation Law.¹

To briefly explain what this entailed, under the D.C. Preservation Law, the Mayor's Agent has the authority to issue permits to either demolish or subdivide a designated landmark, if it is "necessary in the public interest." D.C. Code § 6-1104(a),(e); § 6-1106 (a), (e). Both actions can meet this standard if they are "necessary to allow the construction of a project of special merit." D.C. Code § 6-1102(10). Special merit is further defined as a project that "provides significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services." D.C. Code § 6-1102(11). A project's potential special merit must be balanced against the impacts to the historic preservation values that would be lost as a result of the project approval.

Here, the Mayor's Agent found that the project had special merit and granted approval for the demolition of certain historic structures and subdivision of the site. In the Mayor's Agent's view, the totality of the planned redevelopment created the special merit. FOMP challenged this determination on several grounds. First, FOMP argued that the orders did not explain with sufficient clarity which "specific features of land planning" actually contributed to its special merit. The court agreed with FOMP's position as if this type of analysis were to allow for broad consideration of the totality of the project's benefits (without more narrow consideration and identification of which features actually met the special merit standard), it would, in the court's view, essentially result in replication of the function of the zoning commission.

Second, FOMP objected to a statement in the order that consistency with the comprehensive plan helped to provide the basis for a determination of special merit. The court disagreed, explaining that these factors can be considered and can be important to the Mayor's Agent's analysis, but explained that it should be explicitly stated which specific policies and actions meet this high burden, which the court viewed as lacking in the underlying order.

Third, FOMP challenged the Mayor's Agent's consideration of the inclusion of a park and retention of historic features as contributing to its special merit. The court agreed; concluding that the Mayor's Agent's role is to consider the loss of historic resources measured against the special merit of the project. If the retention of historic features is considered in both the loss and the special merit columns, this could skew the balance and create a flawed analysis (in short, justifying demolition,

at least in part, on the fact that some historic features are being retained). Based upon these flaws, the court vacated both the demolition and subdivision approvals.

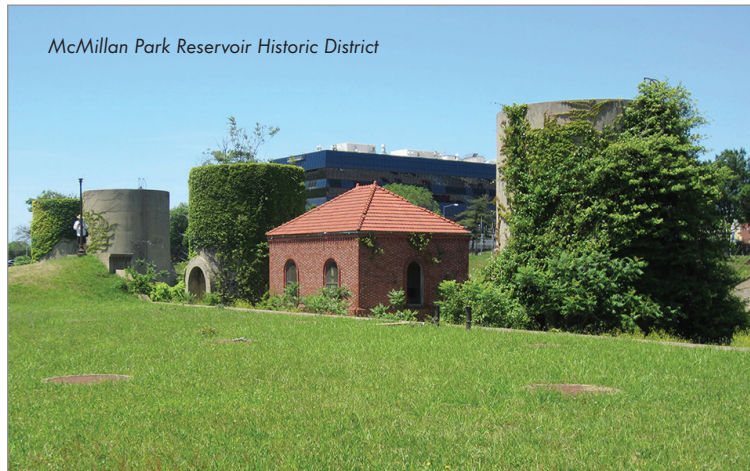
For future analyses, the court provided some additional factors that it viewed as potentially impacting special merit determinations. On the balancing of special merit against historic impacts, the court noted that the unsettled nature of the future of historic structures (which the Mayor's Agent noted would be evaluated by

the historic preservation review board) precluded final determination of the project's impacts. The court also briefly considered FOMP's argument whether the developer had failed to show that "all reasonable alternatives were considered" and gave some instruction on how this aligns with the necessity standard.

To summarize, FOMP was able to successfully challenge the Mayor's Agent's analysis of this project on special merit grounds and to vacate both the subdivision and demolition orders. In the short term, it will be interesting to see what the decision means for this site. Over the longer term, it will perhaps be even more interesting to see how this decision might shape future analysis, review, and practice under this important provision of the D.C. Preservation Law. ■

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.

¹ Outside of the historic preservation context, FOMP also successfully challenged an order by the D.C. Zoning Commission that, in its view, failed to consider various factors for consistency with the comprehensive plan. The court vacated the approval of the planned unit development and provided additional considerations to be addressed on remand.



■ TRAINING CALENDAR

April 20, 2017

**Maryland Historical Trust
Preservation Awards**
Annapolis, MD

April 25, 2017

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

April 29, 2017

**Coalition for the Protection of
Maryland Burial Sites Annual
Conference**
Lothian, MD

May 10, 2017

**Eastern Shore Historic Tax Credit
Workshop in Chestertown**
Chestertown, MD

May 11, 2017

**Preservation Maryland's Best of
Maryland Awards**
College Park, MD

May 11, 2017

**Going on the Offensive: Telling
the True Story of Preservation
Impact on Affordability**
Webinar

May 12, 2017

**Association for Preservation
Technology Symposium: Energy
Efficiency of Historic Sites**
Mount Vernon, VA

June 10, 2017

**Symposium: Replacement
Materials – *Register Now!***
Rockville, MD

July 12, 2017

Old Line State Summit
Annapolis, MD

July 19, 2017

**Innovative Historic Resource
Survey Tools and Techniques**
Live Broadcast

October 29–November 1, 2017

**Conference: Keeping History
Above Water**
Annapolis, MD

UPCOMING TRAINING OPPORTUNITIES



■ **SYMPOSIUM: REPLACEMENT MATERIALS** - *Register Now!* **ROCKVILLE, MD • JUNE 10, 2017, 8 AM–4 PM**

MAHDC's full-day Replacement Materials Symposium for historic preservation commissioners, city and county staff, historic property owners, and preservationists will tackle the frequently controversial issue of substitute materials in historic places. Attendees will participate in interactive sessions led by leading practitioners in the field to consider:

- Why do preservationists have a tradition of retaining historic materials and how do replacement materials fit in?
- What are the current trends in historic preservation commissions accepting or denying substitute materials?
- How do commissions and staff best incorporate alternate materials into their design review process and guidelines?
- What do these replacement materials look and feel like up close?

A highlight of the day will be a Vendor Hall of leading manufacturers of some of the most popular types of alternate materials such as cementitious siding, door and garage door materials, recycled plastic for porch floors, fiberglass and vinyl porch columns, synthetic slate, aluminum clad and composite/fiberglass windows. Attendees will be able to speak to the vendors while touching and seeing the materials in person.

The symposium is eligible for CLG Educational and Training Funds reimbursement. Professional continuing education credits will also be available (in process). Morning coffee/tea and lunch will be provided. More details to be released. *Registration is now open!*

■ **RESCHEDULED: MARYLAND HISTORICAL TRUST PRESERVATION AWARDS** ANNAPOLIS, MD • **APRIL 20, 2017**

The Maryland Historical Trust annual preservation awards has been rescheduled to April 20, 2017.

■ **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.

■ **COALITION FOR THE PROTECTION OF MARYLAND BURIAL SITES ANNUAL CONFERENCE** LOTHIAN, MD • **APRIL 29, 2017**

The Coalition to Protect Maryland Burial Sites is pleased to announce our 26th Statewide Conference and Annual Meeting in Lothian, in beautiful southern Anne Arundel County, on Saturday, April 29 at St. James Parish Episcopal Church and Cemetery, one of Maryland's original parishes.

■ **EASTERN SHORE HISTORIC TAX CREDIT WORKSHOP IN CHESTERTOWN** CHESTERTOWN, MD • **MAY 10, 2017**

Preservation Maryland is pleased to announce it will be hosting several historic rehabilitation tax credit workshops for property owners on the Eastern Shore. The workshops will be lead by the Maryland-based firm of Encore Sustainable Designs.

(Continued on page 7)

Upcoming Training Opportunities



■ PRESERVATION MARYLAND'S BEST OF MARYLAND AWARDS

COLLEGE PARK, MD • MAY 11, 2017

Preservation Maryland invites you to celebrate the people, projects, and places that make Maryland great! Our Best of Maryland Awards is a party; no long speeches, just a casual atmosphere for congratulating the awardees, networking with movers-and-shakers in Maryland preservation.

■ GOING ON THE OFFENSIVE: TELLING THE TRUE STORY OF PRESERVATION IMPACT ON AFFORDABILITY

WEBINAR • MAY 11, 2017

From Manhattan to Boulder to San Francisco and Pasadena, once popular historic preservation programs are coming under attack. Is preservation actually at fault or a convenient scapegoat? What does the data say? Will proposed alternatives imposed from Sacramento help or hurt local housing and/or preservation programs? Hear what our panel of experts have to say about this developing and controversial issue.

■ ASSOCIATION FOR PRESERVATION TECHNOLOGY SYMPOSIUM: ENERGY EFFICIENCY OF HISTORIC SITES

MOUNT VERNON, VA • MAY 12, 2017

The Association for Preservation Technology DC invites you to attend their 2017 Symposium! The theme of this year's event is the "Energy Efficiency of Historic Sites." Join them at the beautiful Fred W. Smith National Library for the Study of George Washington located at Mount Vernon for a day of presentations and demonstrations on how to best increase energy efficiency in historic structures without compromising their integrity.

■ SAVE THE DATE! OLD LINE STATE SUMMIT

ANNAPOLIS, MD • JULY 12, 2017

Preservation Maryland's Summer School is now the Old Line State Summit! Mark your calendar for Wednesday, July 12, 2017 and plan to join this statewide gathering at the Naval Academy in Annapolis. (Registration fees and associated travel costs are eligible for CLG Education Grant reimbursement.)

■ INNOVATIVE HISTORIC RESOURCE SURVEY TOOLS AND TECHNIQUES

LIVE BROADCAST • JULY 19, 2017

Historic resource surveys are the foundation of all good preservation planning. They provide a comprehensive picture of a city or county's historic properties, are a fundamental tool of project review and permitting, and are an important component of a streamlined planning process. With the rise of new technologies, including cloud storage, open source databases, smartphones and tablets, and unmanned aerial vehicles (UAVs, or "drones"), such surveys are becoming both affordable and efficient. This workshop will look at the latest survey technology, how to use it, and will reflect on what is possible with these new technologies.

■ SAVE THE DATE! CONFERENCE: KEEPING HISTORY ABOVE WATER

ANNAPOLIS, MD • OCTOBER 29-NOVEMBER 1, 2017

Keeping History Above Water is an international gathering hosted by the City of Annapolis in partnership with the Newport Restoration Foundation. Conference discussions will examine the increasing and varied risks posed by sea level rise to historic coastal communities, their built environments and traditional lifeways. ■

MEMBERSHIPS

COMMISSIONS

- Annapolis
- Baltimore County
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- Cambridge
- Cecil County
- Charles County
- Charlestown
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- Chestertown
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- Frederick (City)
- Harford County
- Havre de Grace
- Kent County
- Laurel
- Laytonsville
- New Market
- Oxford
- Port Deposit
- Ridgeley
- Rising Sun
- Snow Hill
- St. Mary's County
- St. Michaels
- Sykesville
- Talbot County
- Washington Grove
- Westminster

RENEWAL TIME FOR RESTORATION CONTRACTOR DIRECTORY LISTINGS

Is your listing up to date? Check your email for a message from MAHDC and a 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:

- Berlin HDC approves plans for a new town hall sign
- Cambridge HPC accepting nominations for 2nd annual awards
- Kent County HPC approves changes to Asbury United Methodist Church
- City of Frederick HPC follows through on desire for open dialogue with city officials
- Chestertown seeks HDC member
- Frederick HPC signs off on rehab of townhouse on W. Fourth Street
- Frederick HPC, utility company, and property owner find workable solution for meter placement
- City of Frederick HPC seeks to improve communication with Mayor and Aldermen
- Berlin HDC to consider new decorative bike racks in district
- Charles County HPC seeks nominations for annual awards

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](#).



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

