

Zachary Salman
PO Box 106
Berkeley Springs, West Virginia 25411

July 5, 2023

Town of Bath Council
271 Wilkes Street
Berkeley Springs, West Virginia 25411

To the Town Council,

I have written this letter as an individual, and its contents have not been endorsed by the Town of Bath Historic Landmarks Commission.

By participating in the National Park Service's Certified Local Governments (CLG) program, the Town of Bath has a commitment to protect the integrity of the Town of Bath Historic District according to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the national standards universally adopted by state and local governments across the United States and uniformly applied to guide and judge the rehabilitation of historic buildings. However, it is my concern that the Town of Bath is failing to meet these standards and is allowing the integrity of the historic district to continually erode.

The recent rehabilitation of the Train Depot is cause for celebration, and deservedly so. It represents a careful and thoughtful conservation of the physical evidence of local history and the design intent and needs of its time and place. However, it is only one building in a district of more than two hundred sites where historic fabric is in disrepair or has been partially or completely removed, leaving the building or site unable to convey its significance to the history of the Town of Bath. As a student, such a score of 0.5% on an exam would be unacceptable for me.

Since May 2021 – when the Town Council voted not to support initiating the process of allowing property owners to determine whether to institute legal protections for historic buildings – multiple destructive renovations have taken place within the Town of Bath and further threatened the viability of the Town of Bath Historic District's listing on the National Register. When the resurvey of the historic district was conducted in 2021, and even when the original survey was conducted in 2007-2009, the historic integrity of the Town of Bath was already in alarmingly poor condition, with entire blocks of the town having burned or been demolished and numerous high-style Victorian buildings from the town's mid-19th century period of prosperity having been completely stripped of their architectural ornamentation.

In only two years since the 2021 resurvey, historic architectural design and workmanship have continued to disappear from the Town of Bath Historic District at an even faster speed than during the previous decade.

I believe that the issue of legal protections for historic buildings was not given fair, balanced consideration in 2021, and that the continued framing of such protections as tyrannical is ridiculous and wholly unbecoming of a town that purportedly takes so much pride in its history. Protections for historic buildings are a well-established tool that has been used by towns and cities across the entire United States for decades, and their legitimacy has been continually upheld by the Supreme Court – for example, in *Penn Central Transportation Co. v. New York City*, which, if it had been ruled the other way, would have greenlit the partial demolition of Grand Central Station to build a skyscraper. The U.S. legal system has repeatedly affirmed that protecting historic communities from unhistoric renovation and from demolition is a legitimate, democratic provision for any community's promotion of the general welfare (for example

City of Santa Fe v. Gamble-Skogmo, Inc.). Some of the country's most historically rich places, from Charleston, South Carolina to Annapolis, Maryland to New Orleans, Louisiana and beyond, and even more local destinations such as Shepherdstown and Winchester, are able to be enjoyed and appreciated today as places to experience history thanks to such protections. Moreover, they make cities and towns much more attractive to prospective buyers interested in restoring a historic property, because they will be assured that their investment will have a secure and long-lasting impact on the community – and the Town of Bath is in serious need of such restorative and reconstructive movement.

It is important to remember that the primary purpose of historic preservation is to conserve the physical evidence of our history, whether it be the workmanship, the artistic vision, or the utilitarian needs of the past, so that current and future generations of residents and visitors will be able to enjoy and learn from it. Every piece of authentic material or design intent that gets removed from the Town of Bath Historic District degrades that historical narrative and threatens the town's viability as a destination for experiencing history.

The failure to critically respond to these renovations sets the adverse example that this type of disregard for the conservation of the historic district is acceptable and that the Town of Bath is unable or unwilling to hold itself to any meaningful standard of historic preservation. Therefore, the Town of Bath Council and the Town of Bath Historic Landmarks Commission need to treat the preservation of our precious historic buildings seriously and not remain silent while historic fabric continues to get removed from the town.

My request to the leadership of the Town of Bath is to:

1. Gain an intimate familiarity with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (the "10 Commandments" of historic preservation) and *How to Apply the National Register Criteria for Evaluation*, specifically section VIII, *How to Evaluate the Integrity of a Property*;
2. Make it a topic of discussion when any current or proposed renovation or demolition project of any size within the Town of Bath runs counter to the aforementioned guiding documents;
3. Revisit the topic of legally protecting historic buildings without prior biases, and open up communication about the topic with the State Historic Preservation Office and with other communities that have successfully implemented such protections; and
4. Keep research material such as historic photographs, Sanborn fire insurance maps, the Warm Springs Echoes book series, and books such as, for example, *A Field Guide to American Houses* by McAlester or *Restoring your Historic House* by Hanson on hand and easily borrowable by residents interested in Town of Bath history and/or in rehabilitating or reconstructing a building.

Yours,
Zachary Salman

**Recommendation to Revoke the Contributing Status of Two
Properties in the Town of Bath Historic District**

Zachary Salman

for the

Town of Bath Historic Landmarks Commission

Berkeley Springs, West Virginia

July 12, 2023

Preface

As the commission tasked with protecting and preserving the physical evidence of local history, it is the duty of a Historic Landmarks Commission to take action when the integrity of the community's historic fabric is threatened, damaged, or destroyed. By participating in the National Park Service's Certified Local Governments (CLG) program, the Town of Bath has a commitment to protect the integrity of the Town of Bath Historic District according to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the national standards universally adopted by state and local governments across the United States and uniformly applied to guide and judge the rehabilitation of historic structures.

Since May 2021, multiple destructive renovations have taken place within the Town of Bath and further threatened the viability of the Town of Bath Historic District's listing on the National Register. To continue to recognize these properties as contributing sets the adverse example that this type of disregard for the conservation of the historic district is acceptable and that the Town of Bath is unable to hold itself to a meaningful standard of historic preservation.

Therefore, I am proposing that the Historic Landmarks Commission take action and affirm its commitment to preserving the historic district by revoking the contributing status of two properties that, by any measure used by the National Register of Historic Places and the historic preservation field in general, no longer retain enough historic integrity to convey their significance.

On the following pages are breakdowns of how the *Secretary of the Interior's Standards* apply to the renovations in question. I will also refer to National Register Bulletin 15: *How to Apply the National Register Criteria for Evaluation*, specifically section VIII, *How to Evaluate the Integrity of a Property*, which defines seven crucial aspects of historic integrity: location, design, setting, materials, workmanship, feeling, and association.

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Quoting verbatim

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Seven Aspects of Integrity, from the National Register Criteria for Evaluation

(National Register of Historic Places Bulletin 15: How to Apply the National Register Criteria for Evaluation)

Relevant passages quoted verbatim, including italic emphasis

Location is the place where the historic property was constructed or the place where the historic event occurred... Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved.

Design is the combination of elements that create the form, plan, space, structure, and style of a property... Design includes such elements of organization of space, proportion, scale, technology, ornamentation, and materials. A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing...

Setting is the physical environment of a property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space. Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies... A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site... It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques. Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

Association is the direct link between an important historic event or person and a historic property. A property retains association if it *is* the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

Property 1: 151 First Church Street (also addressed as 79 South Green Street)

The McBee House, once an elegant and well-crafted Victorian villa built by P.R. Lawyer in 1896, a renovation in 2021 destroyed its craftsmanship, covered it in plastic siding, and completely removed it from the historic context of Berkeley Springs.

The entire Queen Anne-style wraparound porch has been demolished. Nearly all millwork on the rest of the house, including Greek-pedimented window lintels, has been removed. The original windows have been replaced with non-matching and incorrectly-sized vinyl replacements, some windows have been replaced with doors and vice-versa, and multiple window openings across the structure have been filled in. The Gothic arched attic windows have been obliterated by rectangular windows. The original lap siding has been covered with vinyl. Aside from some bits of decorative shingles left exposed in the gables, practically none of the original house remains.

X 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

X 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

X 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

X 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The McBee House no longer retains integrity in design, materials, workmanship, or feeling, and its integrity of association is severely compromised.



Property 2: 175 Wilkes Street

175 Wilkes, the Conn House, is among the oldest standing structures in Berkeley Springs. Its original style was a simple Georgian, the type of Neoclassical design mode brought to the Colonies by the British. A brick rear wing was built probably sometime during the 19th century. The original front porch, removed over half a century ago, was a small and narrow two-story porch with two sets of paired Tuscan columns on the first story and two singular Tuscan columns on the second story. The house had a unique entry door, possibly a later-19th-century installation, with original sidelights, and a second-story door with no sidelights.

Though the renovation in 2022-23 removed non-historic aluminum siding and a non-historic porch, it also removed large portions of the original siding and all of the windows to install larger, modern windows, including massive floor-to-ceiling windows on the façade. The entry door and sidelights have all been removed and replaced, and the second-story door has been replaced with a modern door with sidelights. The entire façade has been given a large two-story porch spanning the full width of the house. Two large dormers have been prominently added to the front of the roof. The original window trim molding has been replaced with non-historic molding that has been added over the entire house, including on the brick ell where there has never been such trim before. The roof eaves on the gable ends have been extruded outward.

The 2022-23 renovation of 175 Wilkes has removed a large quantity of authentic historic material and replaced it with an entirely different architectural design that never existed on the site. This not only removes the house from its original context within the Wilkes Street neighborhood and within Berkeley Springs, but also alters the visual historical narrative of the surrounding neighborhood and the house's relationship to it. The added modern windows and dormers have required the removal of original craftsmanship. The modern windows and the addition of trim molding over the entire house obscures the historical progression that had been legible before.

Though the Conn House is still technically one of the oldest standing structures in the Town of Bath, the architectural context to support that narrative is gone.

X 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

X 3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

X 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

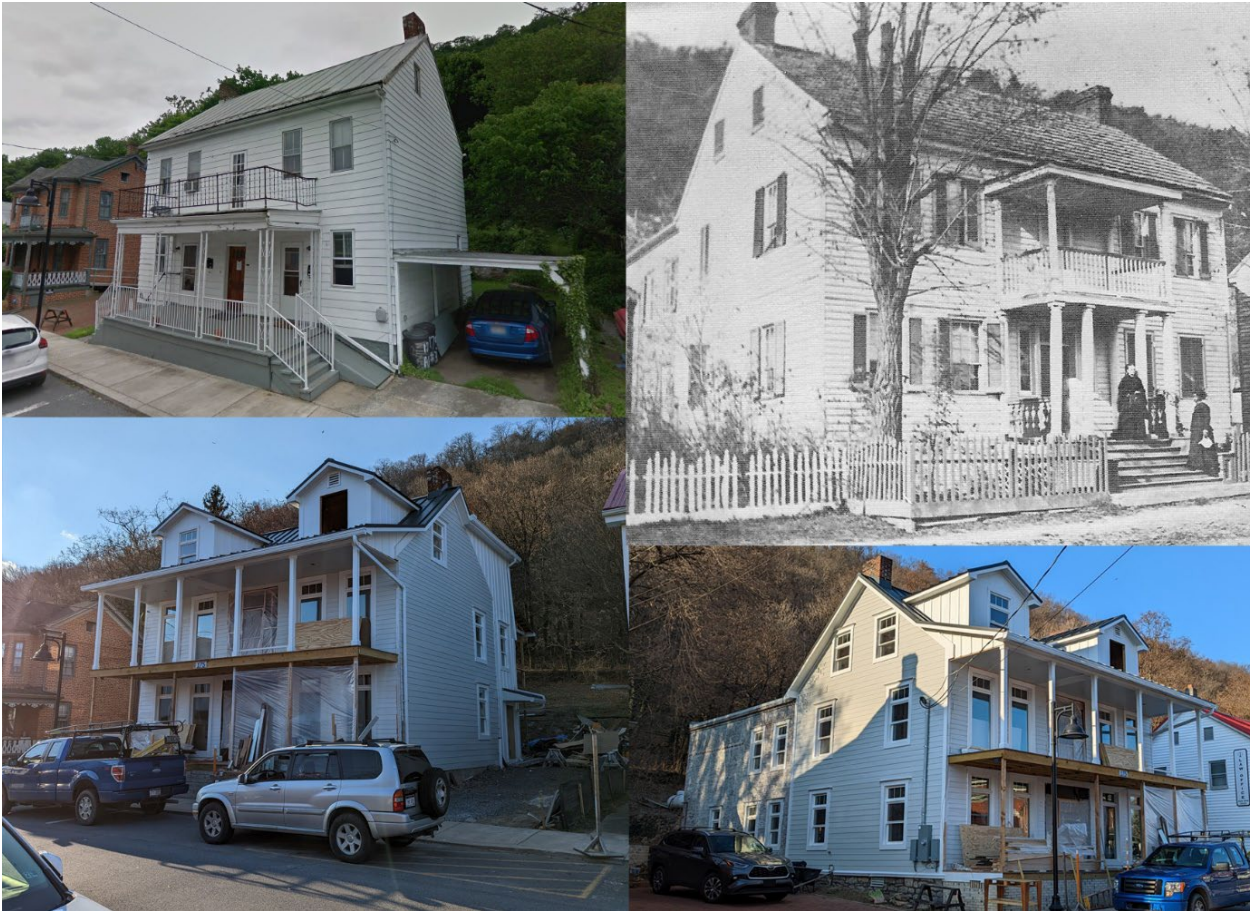
X 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

X 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

X 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

X 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Conn House no longer retains integrity in design or feeling, and its integrity of materials, workmanship, and association has been significantly impaired.



Conclusion

When the resurvey of the historic district was conducted in 2021, and even when the original survey was conducted in 2007-2009, the historic integrity of the Town of Bath was already in alarmingly poor condition, with entire blocks of the town having burned or been demolished and numerous high-style Victorian buildings from the town's mid-19th century period of prosperity having been completely stripped of their architectural ornamentation. In only two years since then, historic architectural components have continued to disappear from the Town of Bath Historic District at an even faster speed than during the previous decade.

It is important to remember that the primary purpose of historic preservation is to conserve the physical evidence of our history, whether it be the workmanship, the artistic vision, or the utilitarian needs of the past, so that current and future generations of residents and visitors will be able to enjoy and learn from it. Every piece of authentic material or design intent that gets removed from the Town of Bath Historic District degrades that historical narrative and threatens the town's viability as a destination for experiencing history. Therefore, the Town of Bath Historic Landmarks Commission and the Town of Bath Council need to treat the preservation of historic buildings seriously and not remain silent while historic fabric continues to get removed from the town.

Continuing to recognize these properties as contributing to the historic district sets the adverse example that this type of disregard for the historic integrity of the Town of Bath is okay, and that the town is not able or willing to hold itself to a standard of historic preservation. Revoking the contributing status of the above two properties to the Town of Bath Historic District will be an important step in setting a higher standard of care for the Town of Bath.

Zachary Salman
PO Box 106
Berkeley Springs, West Virginia 25411

August 16, 2023

Town of Bath Council and Historic Landmarks Commission
271 Wilkes Street
Berkeley Springs, West Virginia 25411

I have written this letter to hopefully clear up remaining questions and confusion regarding my previous letters to the Town of Bath Council and HLC regarding the Historic District, as I know there were some questions at the August 3 Historic Landmarks Commission meeting about why I would propose to remove the “contributing” status of properties in the historic district.

With aesthetic value and economic development being primary motivators for recognizing and maintaining a historic district (which is not a bad thing), it can be easy to forget that we are stewards of the story of our community, stewards of a historical narrative. It should go without saying that a high degree of factuality and accuracy is expected in any historical narrative, especially when it is being published and endorsed by the state and federal government and is used as the basis for providing grants and tax credits by government and nonprofit organizations.

When professional historians in the United States survey a site, we use the *National Register Criteria for Evaluation* to make, among others, two judgment calls in particular:

1. whether the site is eligible for individual nomination to the National Register of Historic Places (NRHP), for example the Hovermale-Mendenhall House or the Berkeley Springs Castle; and
2. whether the site is eligible to contribute to an NRHP Historic District, such as the Town of Bath Historic District.

The first is fairly strict and requires that the site is highly intact from its period of historical significance or is relevant to a person or event of national significance, while the second is far more inclusive of sites that yield and exhibit historical information about the district and the local community, whether it be a building technique, an important person, or a significant event.

This evaluation is completely separate from the physical health and condition of a building, which can understandably cause some confusion when a house that is deteriorating is reviewed more favorably than a house that is occupied and highly polished. The dilapidated Romanus Hunter House across from Hunters Hardware is actually contributing because, despite its disrepair and missing features, it still exhibits considerable original craftsmanship, particularly in the entry door with transom and sidelights, the window sash, and the cornice. Taken as a whole, its architectural and historic significance to the town is still legible and can be read like a book by someone trying to learn experientially about the history of the Town of Bath.

The same goes for the purple house on the other side of Hunter’s, because it retains features such as the tower with a dome and spire, the multi-patterned shingles, and the cornices. Of course,

proper rehabilitations would be preferable to the current conditions of these houses, but renovations that would eliminate or heavily modify these features would render the houses no longer eligible to contribute.

There are multiple properties in the Town of Bath that are old but have already been considered not contributing to the historic district. A good example is the Creekside Creamery building which, due to the totality of its remodeling in the 1970s-90s, was considered not eligible to contribute in the original 2009 nomination and designation of the Town of Bath Historic District. The apartment building at 45 North Green behind the fire hall, which used to be a hotel called Paloalto, was similarly judged unable to contribute. Same with the Mi Ranchito, Helsley Funeral Home, and Tina Byers Law Office houses.

50 North Washington, the former Mountaineer Sports Bar building, was deemed contributing in 2009 but later deemed noncontributing in the 2021 resurvey, because the firm that conducted the original survey did not fully understand the structure's history and the extent to which it was remodeled in the 1950s-60s and around 2002-03. The building displays multiple "historic" features, from a traditionally-styled storefront to a molded cornice, that in fact never existed in these forms before the building's remodeling. Regardless of the quality, attractiveness, or convincingness of these features, to recognize the building as a contributing historic structure would be to present false historical information and hurt the integrity of the historic district.

This is not to imply that new construction and/or design should never be historically styled and inspired, but it does mean that such a newly-conceived design should not be recognized as a historic resource.

To judge a building as ineligible to contribute is not an attack on the owners or renovators of the building; it is based on the reality of whether the site still conveys accurate and factual historical information. To remove a building from the list of contributing structures is important and necessary to ensure the quality of the historic narrative being told through the historic district.

Especially because the Town of Bath Historic Landmarks Commission is limited in its ability to be proactive (i.e. there will be no COA requirements), it is even more a matter of integrity for the Historic Landmarks Commission to be responsive to the changes taking place in the district and to ensure that it continues to support a factual picture of the community's history.

Once again, I must stress the importance of the *Secretary of the Interior's Standards*, included at the end of this document. These standards, recognized across the United States, ensure that historic buildings are repaired and adaptively reused in a manner that allows them to continue to yield and convey useful and truthful information about the history of the site and the community. I implore anyone in the Town of Bath who is in a position of leadership and/or has an interest in historic buildings to familiarize themselves with these standards.

Yours,

Zachary Salman

The Secretary of the Interior's Standards for Rehabilitation

a subsection of the Secretary of the Interior's Standards for the Treatment of Historic Properties

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
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10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.