

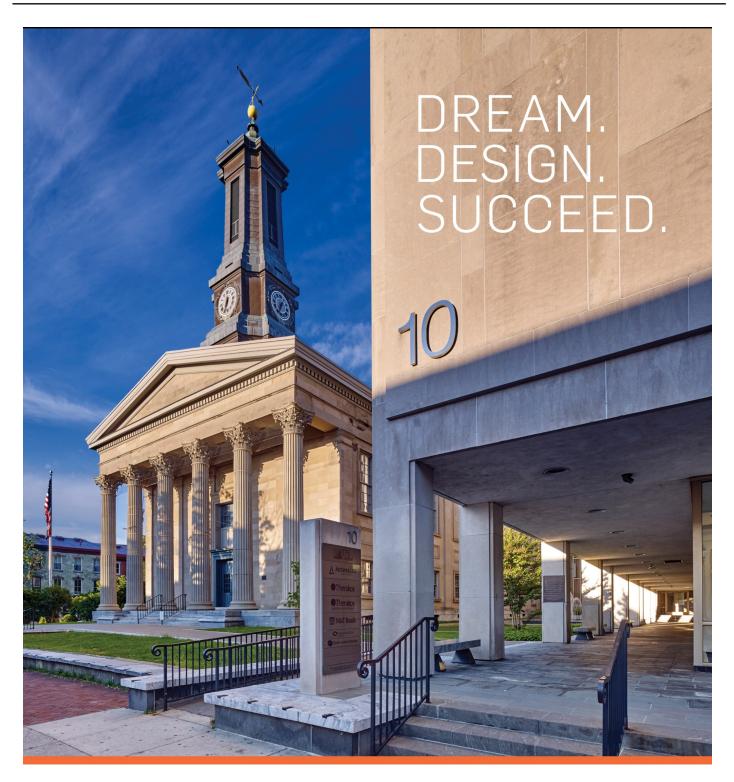
Chester County Ledger

The Newsletter of the Chester County Historic Preservation Network www.cchpn.org

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Preservation in the Balance





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James B. Garrison

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LOOK FOR THE NEXT CHESTER COUNTY LEDGER!

The next *Ledger* will be published in March 2021!

THE PRESIDENT'S LETTER:

For all of us, this year started with a different outlook than the one we find ourselves with now. At the Network, we were looking forward to renewing ties with our local sites and organizations as part of a Cultural Heritage Coalition. This would involve refining our mission statement and looking forward to an enhanced level of programming.

With the onset of the pandemic, there was an immediate pivot away from in-person gatherings and toward simply surviving these very challenging times. That all changed again with the murder of George Floyd at the end of May, which caused the spotlight to shift yet again to the persistent matter of inequality in society. The history of prejudice came to the forefront, again, more in visceral demonstrations than in important conversations about how we think about history.

Yet, the historical record in all of its manifestations became a very important touchstone for discussions regarding race, equality, and opportunity. Our cultural landscape in Chester County contains a history in structures, institutions, and people that are all important in understanding who we are now, and how we got here.

Slavery existed in this county, and for long after most people thought it had gone away. The Mason-Dixon Line has a key relationship to the history and geography of the region, along with the Underground Railroad, whose terminus wasn't "across the line," but Canada. One hundred and fifty years later, there are still lines and boundaries. The issues related to equality and civil and human rights persist, and will outlast this pandemic.

History, and its surviving artifacts and cultural landscapes, are vital means to developing a more nuanced understanding of current events. Much of the vitality in history comes from our ability to derive different interpretations from the past and make conversations, rather than recitations, possible. This is an important concept for historic preservation to embrace. Much of the public, and even some professionals, look at the term "preservation" as enshrining or codifying a single interpretation of the past, one which may no longer be relevant.

We can't change events or the lives of people in the past, but we can increase our understanding and use it to make better decisions about how we live now and construct a path to the future. The pandemic is a terrible thing. It has upset the lives of many persons around the globe, but, in time, it will pass, and we will be changed. Inequality has a much longer history and has stubbornly resisted change. The stunning rapidity of change brought on by the pandemic has revealed that other things can also change, and in a positive direction. Remember, in the midst of all these changes, the historic cultural landscape of Chester County is an authentic record. It embodies the best and worst of human nature, but it also stands as a testimony. Let's preserve that witness.

James B. Garrison, President

CCHPN MISSION STATEMENT

The mission of CCHPN is to connect local governments, organizations, and individuals in their efforts to protect, preserve, and promote the historic resources and cultural landscapes of Chester County through communication and education.

Chester County Ledger Directory

The Ledger Staff

Jane E. Dorchester, Editor Candice Strawley, Graphics Editor Dawn L'heureux, Copy Editor Ann Bedrick, Staff Illustrator James Buczala, Staff Photographer

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A WORD FROM THE EDITOR:

The theme for this issue of the Ledger is "The Legal Ramifications of Preservation." The articles herein give information about the preservation laws and tools at our disposal and how to use them effectively in order to preserve our historic resources. Given our theme and the times we are living in, I thought it would be appropriate to write about why we need to preserve our historic resources. Because, the fact is, historic preservation is not a luxury, it is a necessity. We need to preserve the physical evidence of our history not just because historic resources enhance the quality of our lives, but, more importantly, because they help us define and remember our identity as a society. That identity is defined by history. The study of history is a necessity because without a firm understanding of our history, we have no identity and no guidance for the future. Historic resources are the physical evidence of that history: Tear them down, and we begin to lose touch with our history and, therefore, with our identity. If this seems to be a circular argument, it is. History happens, so we need to preserve all the physical evidence of our history so that we can learn from and understand history.

People talk about "cultural" heritage. I've never been sure what they mean by that. Heritage is the interpretation of history that we inherit from our individual and collective ancestors, so each individual human being has his or her own heritage. In other words, heritage is subjective. But history, which is the basis for heritage, belongs and relates to everyone. That is why preservation is called "historic" preservation not "heritage" preservation. History is not subjective, it knows no color, gender, age, nationality, religious, or ethnic boundaries. It has no boundaries. It happens to all of us; it is a part of all of us, whether we know it or not and regardless of our race, gender, age, nationality, religious, or ethnic background. However, traditionally, history has not been interpreted to include the racial, ethnic, and religious diversity that has always been a part of our national identity. And the preservation movement has not been concerned with the preservation of historic resources related to that diversity. Its track record has been of advocating for the preservation of monumental buildings and the highlighting of resources that are significant to a white, Anglo-Saxon, protestant, male interpretation of history. Only in very recent times have the contributions of women and African-Americans even begun to be acknowledged, let alone studied in-depth. And there are countless other groups that have been and continue to be overlooked. Consequently, far fewer resources relating to underrepresented groups have been preserved.

Our goal as a society should be to preserve as many of our historic resources as we can, with the laws and tools at our disposal, in order to insure that as much of the physical evidence of our collective and diverse history survives so that our interpretation of our history becomes more accurate in order to be able to teach us who we really are.

Jane E. Dorchester, Editor jeditorhspv@gmail.com.

CHESTER COUNTY LEDGER Mission Statement

As the official newsletter of the Chester County Historic Preservation Network (CCHPN), the purpose of the Chester County Ledger is to raise awareness of Chester County's history and historic character, to encourage the public to preserve the physical evidence of that history, and to educate the public and members of municipal historical organizations in best preservation practices.

About Our Illustrations:

The cover shows what we hope will be standard practice in the future with the preservation of our historic resources weighing more in the scales of justice than their demolition. Specifically, the resource shown is Loch Aerie, East Whiteland Township, which has been preserved twice; most recently, it has been sensitively rehabilitated into an events venue. On the demolition side, the illustration shows Loch Aerie if it had not been preserved. If you are interested in the Loch Aerie event venue, please visit lochaeriemansion.com. would like to thank John Gregory for the scales of justice idea. The rest of the illustrations are of resources that represent preservation victories.

FROM THE BOARD: Witness to History

I came of age in 1968. Like this generation, I witnessed the violence perpetrated by the police and public officials, and the public unrest and demands for equality and answers. We were an angry and divided country. I left my home, in a community where it was legal to sell real estate only to people of a desired color, in order to march against the war. I witnessed agitators turn peaceful demonstrations into unwanted acts of violence. I sat in confused silence as my friend of color and I were refused service at a truck stop in Missouri. But I also was introduced to innovative and exciting new ideas. When I rejoined the mainstream, my father told me I had witnessed history.

As you who are reading this column already know, a democracy is healthy only when all of its citizens are consistently involved in the process of government. You are all part of that process. Historic preservation in Chester County depends upon your grassroots participation. I have no idea what will happen next, just as I would never have imagined that the summer of love would turn into the junk bonds and the excesses of the 1980s, that burning bras would free women from the steno pools to become CEOs, or that sit-ins would yield an African-American President. I do know, however, that we will only succeed if we embrace our role in the process and take pride in our chosen path.

Preserving the stories and lessons that our built structures and landscapes represent by identifying them and enforcing protective zoning codes; supporting the new Chester County Heritage Task Force (CCHTF), which is seeking to fund and support historic infrastructure maintenance; and developing Agri-Cultural Heritage Tourism are my contributions to the new activism. It may seem a small contribution in light of today's events, but I am proud to participate in my own way. At the same time, I also am witnessing history with the resurvey of the Mason-Dixon Line, which is preserving the stones that mark the exact place where a fugitive slave could cross into freedom.

CCHPN is a unique grassroots voice; your contribution will be appreciated for many generations to come, but we are missing critical voices. As CCHPN seeks to expand historic preservation to include cultural and agricultural heritage by supporting CCHTF, and as our historic sites and institutions desperately seek new funding sources, we must redouble our efforts to encourage the voices of diversity. I am currently working with the Hayti Historical Society, encouraging them to embrace local governance and challenge their municipal leadership's desire to demolish a National Register-eligible school that witnessed the transition from segregation to desegregation. There are many more witnesses to history; we must find and provide the platform for them to speak.

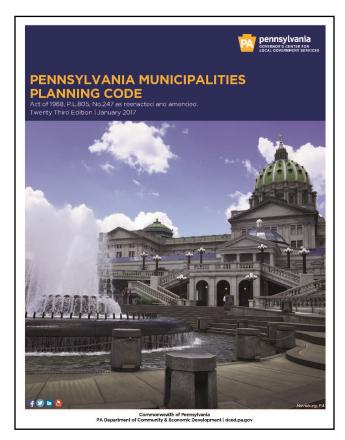
I would like to close with the wise words of my first mentor in historic preservation. "It is better to travel hopefully than to arrive." Take care and be safe as you strive to embrace your community and share as a witness to history.

Karen Marshall, CCHPN Board Member

FROM THE ARCHIVES:

A Brief Overview of the Intersections of Planning and Historic Preservation

by Susan Still Elks, ACIP, Community Planning Director, Chester County Planning Commission



Cover of the 2017 edition of the *Pennsylvania Municipalities Planning Code*.

Over the past century and a half in the United States, planning and historic preservation have grown from largely unknown concepts to national movements with local, state, and federal programs and initiatives across public and private sectors. The histories of planning and historic preservation – how we have come to be where we are – are useful to understand, particularly the extent of federal activity and the relative lack of early statewide legislation. Always in operation within their own path, planning and historic preservation often overlap and intersect, and indeed the success of each requires the overlaps and intersections.

When searching for the start of "planning" in the United States, a timeline may include the grid layout of Philadelphia in 1682, and skip ahead to the Northwest Ordinances of the 1780s, which established procedures for the settlement and political incorporation of the Old Northwest (today's Midwest). In the 1800s, as the United States extended itself westward and settlements pushed across additional land populated and controlled by indigenous people, there was increased activity that fed into the broad history of planning in the U. S.

Significant federal legislation includes the Homestead Act of 1862, which opened land for settlement, and the Morrill Act of 1862, which provided land grants to the states and a process to establish land-grant colleges (such as Penn State). Federal action led to completion of the first transcontinental railroad (1869) and establishment of the United States Geological Survey (U. S. G. S.) in 1879 to

survey and classify public domain lands. While planning as understood today was not the impetus for these actions, they had significant implications for planning with respect to settlement patterns, economic development, and more.

Activity outside federal purview included the planning of a suburban community in Riverside, Illinois beginning in 1868, debut of a Dumbbell Tenement (named for its shape and notorious for poor living conditions) in New York in 1879, and the building of a model industrial town by George Pullman beginning in 1880. The World's Columbian Exposition in Chicago in 1893 is another significant event and is credited with helping to spur the City Beautiful Movement and urban planning more generally.

Throughout the 1900s, federal action and legislation routinely had significant implications for planning, with housing and transportation being most recognized. Federal guidance for zoning and planning was issued by the U. S. Department of Commerce through the Standard State Zoning Enabling Act (1924) and the Standard City Planning Enabling Act (1928). Some states acted quickly, with the 1926 version of the Zoning Enabling Act noting that nineteen states had passed enabling acts based on the federal act. In Pennsylvania, the first statewide planning enabling legislation, the Municipalities Planning Code, passed only in 1968, with amendments specific to historic resources in 2000. Urban areas had implemented land use controls at the local level prior to 1968, but many rural and suburban areas had not. Compared to when the related federal acts were issued and the U. S. Supreme Court upheld the legality of zoning in 1926 with the Village of Euclid v. Amber Realty decision, 1968 was a rather late entry into state planning legislation.

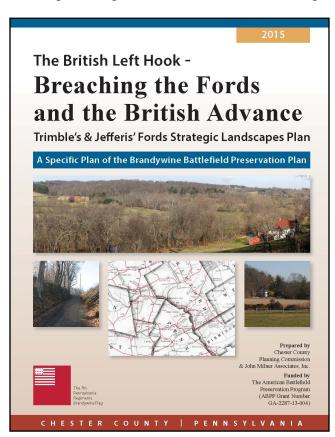
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FROM THE ARCHIVES: Planning and Historic Preservation, Continued

The legal foundations of historic preservation also seem to have lagged behind planning at the national level with respect to the amount and extent of relevant legislation, although the two areas became intertwined quickly. The U. S. Supreme Court ruled in 1896 that the acquisition of land in Gettysburg was a valid public purpose – language which is often found in planning court cases. Other federal milestones in historic preservation with a tie to planning are the Antiquities Act of 1906, the Historic Sites, Buildings, and Antiquities Act in 1935, the National Historic Preservation Act in 1966, and the Penn Central v. City of New York Supreme Court case in 1978 that found historic preservation and planning overlapping yet again, with the case validating historic preservation controls and the concept of transferring development rights. On the state level, early milestones were the creation of the first historic preservation commission in New Orleans in 1921 and the designation of the first historic district in Charleston in 1931. In Pennsylvania, legislation focused on historic preservation didn't started until 1961 with the enactment of the Historic District Act.

Within this context, individuals and organizations at the local, county, and state level have worked diligently to advance historic preservation across our Commonwealth. Within Chester County, the countywide inventory of historic resources conducted from 1979 – 1982 stands as a critical effort, although adoption of historic preservation policy would wait for adoption of the original *Landscapes* comprehensive plan in 1996. Historic preservation policy continued with *Landscapes2*, and is now found largely within the Appreciate goal area of *Landscapes3*.

County-led initiatives that intersect planning and historic preservation include assisting municipalities with updates to their mapping and inventories through the Historic Resource Atlas Project, leading the Brandywine Battlefield grant projects with the National Park Service, and the annual Town Tours and Village Walks program. The Heritage Preservation Coordinator position coordinates with multiple organizations while providing technical assistance to municipalities and the public.



The County's Vision Partnership Program has supported historic preservation projects in municipalities since its inception in 1996, and continues to do so today. Updates under *Landscapes3* added resource stewardship and heritage interpretation as eligible projects, in addition to historic resource surveys. Past municipal projects funded through the Vision Partnership Program have focused often on historic resource surveys or ordinance provisions. More recently, projects have worked to integrate planning and interpretation of historic resources with natural resource and public recreation efforts. Such projects illustrate planning that succeeds in integrating multiple resources, and we are eager to see additional projects and implementation in this framework.

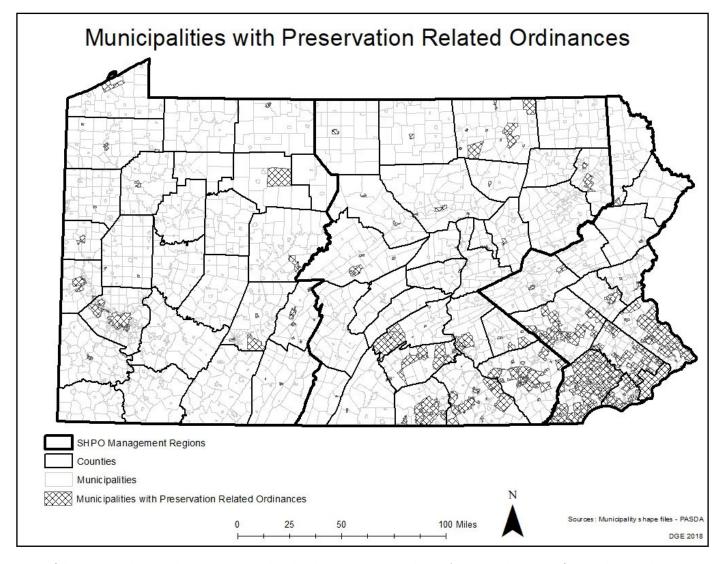
The paths for planning and historic preservation will continue to intersect, and the path forward is clearly more effective when based on a framework that integrates historic preservation with other community objectives, respecting the heritage and context of historic resources, and the evolution of our built environment and communities. Through *Landscapes3* and the work of Chester County's municipalities and historic preservation partners, such a framework has been created and is being advanced. As with our historic structures and landscapes, this framework will continue to evolve over time to best address community needs.

FOR THE RECORD:

A Quick Look at State Enabling Laws for Local Preservation

by Cory Kegerise, Community Preservation Coordinator, Pennsylvania State Historic Preservation Office

File this little factoid away for future cocktail party conversation – Pennsylvania is a Dillon's Rule state. At least when it comes to planning, zoning, and historic preservation. What is Dillon's Rule and why does it matter? The concept is named for 19th Century Iowa Supreme Court Justice John Dillon, who issued a legal opinion that municipal governments are creatures of the state and have only the powers and authorities granted to them by the state government. The opposite of Dillon's Rule is Home Rule, which allows municipalities to do things however they would like so long as it is not prohibited by the state. In reality, Pennsylvania is a little bit of both, since cities like Philadelphia, Pittsburgh, and Scranton enjoy wide Home Rule latitude for many things, and other municipalities have the option of adopting Home Rule charters to create different forms of government and taxation. When it comes to land use issues, however, Dillon's Rule is the name of the game for everywhere except the biggest cities in the Commonwealth. So what does this have to do with preservation?



Map of the municipalities with preservation related ordinances in Pennsylvania (Source: The Center for Rural Pennsylvania, courtesy of Cory Kegerise).

FOR THE RECORD: Laws for Local Preservation, Continued

In most Dillon's Rule states, including Pennsylvania, the state legislature adopts enabling legislation that spells out the rules and parameters local governments must adhere to when exercising certain powers. There are two pieces of enabling legislation for local historic preservation programs in the Commonwealth – the Historic District Act and the Municipalities Planning Code. Each of these laws does different things, with their own strengths and challenges, so it is important for all those working in preservation at the local level to understand what the legislation says and how it influences what your community can and can't do. The laws may also explain some of the quirkier or frustrating aspects of your ordinances.



A preservation triumph: The Chandler Mill Bridge, Kennett Township, by Ann Bedrick.

The Historic District Act

The Historic District Act (HDA) was Act No. 167 of 1961 and is often referred to as Act 167. I tend not to use that abbreviation because a 1978 piece of state legislation regulating sewer systems was also Act 167, so the numbers can get confusing. There are two important things to note about the timing of the HDA's passage. First, the HDA was passed five years before the National Historic Preservation Act of 1966 (NHPA) and before there was a nationally recognized vocabulary and framework for historic preservation programs. Second, the HDA preceded the Municipalities Planning Code (MPC) of 1968 by seven years, meaning that the rules for municipal planning and zoning programs in Pennsylvania were developed after the rules for historic districts. While the NHPA and MPC have been amended and updated many times over the years, the HDA has not, so if some of its provisions seem a little unusual, you're probably right. Pennsylvania's enabling legislation is also relatively early compared to other states, meaning that the framework established in other states may seem more modern or progressive by comparison.

At its core, the HDA allows townships, boroughs, and cities of the Third Class (all cities except Philadelphia, Pittsburgh, and Scranton) to designate areas of the municipality as historic districts, require property owners to get approval before making changes to the exteriors of properties in those districts, and establish Boards of Historical Architectural Review (HARBs) to review those proposals and make recommendations to the governing body about whether those projects should be approved. The law limits the scope of review to changes visible "from a public way, only." Municipalities may establish what projects do and don't require approval in their specific ordinance, so each community's districts may have slightly different requirements. The law sets the professional qualification requirements for HARB members, requiring an architect, real estate broker, and building inspector, along with at least two other members.

Municipalities Planning Code

The MPC was first enacted in 1968 and has undergone several rounds of amendments since its initial passage. The law is expansive in its scope and lays out the rules for county and municipal comprehensive plans, zoning ordinances, subdivision, planning commissions, zoning hearing boards, and a variety of other

FOR THE RECORD: Laws for Local Preservation, Continued

land use issues. Historic preservation is only mentioned in a few places, principally Chapter 6, the zoning chapter. These references use slightly different phrasing, but generally say that municipalities may or shall use their zoning powers to preserve historically significant places. Unlike the HDA, however, the MPC does not provide details on how municipalities should do that, so communities are left to their own devices to figure out what that authority allows for.

Communities that have ordinances that apply to individual or scattered resources or that require reviews for subdivision or land development projects that impact historic places are drawing upon the MPC authority. Aside from review and regulation, the MPC authority also allows communities to provide zoning and development incentives to encourage rehabilitation and adaptive use, such as parking and setback relief, density bonuses, and conditional uses or special exceptions for historic properties. The Pennsylvania State Historic Preservation Office (PA SHPO) doesn't know precisely how many municipalities in Pennsylvania have regulatory or incentive-based zoning ordinances for historic properties, but the Center for Rural Pennsylvania funded a research study on this topic in 2016 and concluded that there were nearly 300 municipalities in Pennsylvania with some sort of ordinance on the books (see the Map on page 8).

What this means for your community

I get a lot of questions from local leaders about who's doing what where and whether they can change some aspect of their ordinance. Often they're seeking to change something about their community's program that is determined by the enabling legislation, so that's always my starting point. Everyone involved in their community's preservation program should familiarize themselves with the enabling laws at work in their community and what they allow and don't allow. There may be room for flexibility in some areas, and other items you find challenging may require a change of the state law. Either way, you'll be a much better advocate for your community if you know the rules of the game and how to use them effectively.

The Battle for Preservation: Can Local Regulation Help You?

by John D. Snook, Preservation Planner still at work, retired from full-time work at the Brandywine Conservancy

The Battle goes on. Demolition, alteration, and incompatible development present a continual threat to Pennsylvania's historic legacy. Yet our toolbox is not empty. A number of contributors to this newsletter have written about preservation tools. In addition, the Pennsylvania Land Trust Association (PALTA) has for several years been adding to its "Conservation Tools" website, which includes the tool, "Local Regulation for Historic Preservation (link: https://conservationtools.org/library_items/1018-Local-Regulation-for-Historic-Preservation). This tool includes a comprehensive summary of historic resource regulation. Check it out!

Benefits of Local Regulations

Pennsylvania's historic resources richly endow residents with a sense of place and quality of life rooted in the lives and work of our forebears. While state and federal historic preservation regulations cannot govern the impacts of most private actions on historic resources, local regulation can effectively mandate and create incentives for resource protection and continued viability.

Local regulation to protect historic resources can:

- Fulfill the mandate of the Pennsylvania Municipalities Planning Code (MPC) that "zoning ordinances shall provide for the protection of natural and historic features and resources," a mandate consistent with a variety of court rulings that have clearly established historic preservation as a legitimate public purpose for local government;
- Augment limited state and federal protection for historic resources with regulatory approaches tailored to specific local objectives;
- Stem the loss by demolition or irrevocable alteration of historic resources and their landscape settings;

FOR THE RECORD: Battle for Preservation, Continued

- Establish incentive provisions for rehabilitation or adaptive reuse of historic structures;
- Promote new construction compatible with historic precedent and complementary to the historic land-scape;
- Contribute to community cultural and economic vitality, stabilize property values, foster pride and appreciation of the historic built environment, and consequently contribute to community quality of life;
- Foster new "life" in older neighborhoods, while minimizing the dislocation of current residents, through preservation, rehabilitation, and reuse of existing buildings and structures;
- Promote opportunities for historical interpretation and live, hands-on educational experience, linking the present to the past;
- Build and secure the character of a community, making the community a more attractive place to live and work and discouraging migration to green field development.

What You'll Need

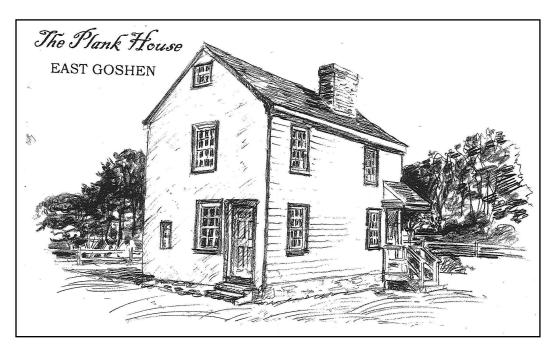
The most important precursor to successful local regulation is community consensus regarding the value and importance of historic resources and the political will to subject historic resources to regulation for the benefit of the community. Consensus may require educational efforts. Local regulation of historic resources should be flexibly tailored to specific community resource protection objectives and social, economic, and political realities.

The most important element in a successful local regulatory program is a clear inventory of historic resources, ideally identifying for each property those specific structures and other resources that contribute to historic integrity and thus should be subject to regulation.

Obstacles and Challenges

There are a number of obstacles and challenges for successful local regulation. These include:

- Resistance to historic resource regulation by property owners who perceive it as intruding upon and diminishing their property rights or costing them undue time and money in order to comply. Such resistance can thwart political will to enact effective regulation even while, in the abstract, the community at large views historic preservation as a valid community objective.
 - Lack of an adequate inventory of historic resources. This lack can lead to uneven regulation relative



to actual historic values, leave locally important resources unregulated, and potentially lead to legal challenges due to a lack of a clear and comprehensive basis for historic designation.

 Weak or inconsistent observation and enforcement of administrative, procediscretionary dural. or standards. This inconsistency can undermine effective regulation, whether due to the nature of the implementing ordinance itself, lack of political will, or inadequate resource inventory.

FOR THE RECORD: Battle for Preservation, Continued

Lessons Learned

The importance of the Historic Resources Inventory cannot be overstated! As noted, a very specific key to adequate and reasonable local regulation of historic resources is a good inventory. Historic resources can be buildings, structures, objects, sites, landscapes, or archaeological artifacts that have been identified as historically significant in their community context. Many such resources are deemed of national historic significance. The official federal list of such resources, reflecting the nation's cultural heritage, is the National Register of Historic Places, maintained by the National Park Service (NPS). In addition to individual historic properties and the resources they contain, the National Register lists historic districts, areas that pos-

sess a significant concentration, link -age, or continuity of historic buildstructures. ings, objects, or sites designated by the NPS as worthy of preservation. Such historic districts may include individual historic resources that may not have been deemed of national significance their own but that considered are "contributing" resources to the integrity or significance of a district. Most historic dis-



tricts also include A preservation triumph: The Guthriesville General Store, East Brandywine Township, by Ann Bedrick. "non-contributing"

resources within their boundaries. To the extent that local resources are listed on the National Register or considered contributing, there will be scant argument as to the worthiness of regulation.

While the NPS maintains the National Register, listing is based on recommendations forwarded from the State Historic Preservation Office (SHPO) at the Pennsylvania Historical and Museum Commission (PHMC). The SHPO makes a recommendation of a "determination of eligibility" (DOE) for the National Register prior to forwarding it to the NPS. The distinction between listing on the National Register and receiving a DOE is important, since formal listing requires approval by the landowner or, in the case of a historic district, by at least fifty percent of the owners of properties within the district. Yet, while landowners may object to formal listing, a DOE will nevertheless invoke the same degree of federal or state purview under the National Historic Preservation Act.

For every resource or district listed in the National Register or having received a DOE, there may be many more of local or regional significance. To the extent that such resources have been documented and nominated for National Register consideration, pertinent documentation will be maintained by PHMC. Otherwise, no consistent or comprehensive inventories of Pennsylvania historic resources exist. Since 1979, however, County Historic Sites Surveys have been completed in counties across the Commonwealth, and, more recently, PHMC has undertaken a substantial web survey of historic resources throughout the state. The local key is adequate documentation of local significance. Professional assistance in this aspect of the inventory can be very helpful.

FOR THE RECORD:

The Importance of Legally Viable Historic Ordinances

by John C. Gregory, Jr.

Raised in a family where history and tradition were revered, I was honored to accept Sandy Momyer's invitation to serve on the Schuylkill Township Historical Commission some ten years ago. Knowing I was a lawyer, Sandy asked me to help draft a new historic ordinance. How could I refuse?

Unfortunately, due to a poorly conceived previous attempt at a historic ordinance, Schuylkill Township lost the battle to save a house that was considered to be a valuable historic asset. The case went all the way to the Pennsylvania Supreme Court, where the Justices opined that it was the fault of the Township for having an

ambiguous ordinance, thereby not providing means to effectively rebut the demolition proponent's expert testimony that the subject building was not historic. It was a wake-up call with an unwelcome legal ramification.

Where to start? Lesson number one: elicit the help of experts. Bob Wise and David Sweet, with the help of Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission, and Bill Brennan, the Township Solicitor, contributed their expertise as we set out to rewrite the Township's historic ordinance. The process resulted in a revised historic ordinance based on a zoning law that utilized a historic properties overlay map which designated historic assets as Class I (listed or eligible for the National Register of Historic Places)



The Anderson Barn before its partial demolition by neglect, photograph by Khalil Hihi from c. 2013.

or Class II (historically, architecturally, or locally significant) properties. In this regard, one is well-advised to utilize outside experts for the identification and codification of these types of properties as that would help withstand any court challenges which might arise.

Having said that, the thinking on the use of these classifications is changing. At the CCHPN Spring Workshop in March of this year, an alternative means of defining historic resources was introduced. The basis for this movement is to create consistent "Chester County" criteria among disparate ordinances. An exciting new means for creating a tiered system using common criteria was put forth. A property would be ranked by tier based on the number of criteria it met. The result would be a more easily understood and objective ranking system which residents could better understand and which could be tied to regional planning and beyond. It is hoped this absence of subjectivity would have the added benefit of leaving less to interpretation if challenged.

Why is all this important? As all of us who toil to preserve and protect our historic resources know, demolition and demolition by neglect are enemies to preservation. In Schuylkill Township, no historic resource can be demolished unless approved as a conditional use by the Board of Supervisors (BOS). By ordinance, the Township's Historical Commission must be notified when application is made to demolish or modify a historic property. This allows the Historical Commission to be part of the process and review and submit its findings and recommendations to the BOS before they take any action.

As for demolition by neglect, the historic ordinance prohibits any protected building or structure to fall into a state of disrepair which may result in the deterioration of any facade or exterior appurtenance or architectural feature which, in turn, would have a detrimental effect on the historic character of the resource in the opinion of the Zoning Enforcement Officer.

FOR THE RECORD: Legally Viable Historic Ordinances, Continued

In Schuylkill Township, we have been successful in educating and eliciting the assistance of the Zoning Enforcement Officer to act under his or her authority to investigate a property and to issue citations in the amount of \$500 per violation where the degree to which demolition by neglect has occurred is in danger of destroying the property. The intended result is not to enrich the Township's coffers, but rather to get the owner to take appropriate action to preserve the property.

In the one instance where the owner objected, the matter went to the Chester County Court of Common Pleas that kicked it back to the Zoning Hearing Board (ZHB) on appeal of the citation. Our ZHB denied the appeal that the cita-



The Anderson Barn in 2020 showing the results of demolition by neglect, photograph by Khalil Hihi.

tion be overturned and denied the owner's request for a variance. Furthermore, in an unpublished written decision, the ZHB stated clearly and unequivocally that one takes a historic property in the state in which one buys it and it is the owner's responsibility to maintain the property and keep it from neglect "... without regards for finances ...". A nice "win" for the Township and the Historical Commission.

In another iteration of this same standoff, by the time the bank, who had repossessed the property (a Class I historic farm), wanted to sell the property, the Township had what amounted to thousands of dollars in judgment liens on the property for the owner's failure to pay fines on multiple citations. This situation played into the Historical Commission's hands to the extent that it guaranteed the Township a seat at the settlement table. Not only did it allow us to recommend to the BOS that they negotiate a compromise of some of those liens so the property could be sold, but, also, it gave us the opportunity to engage the prospective new owner directly in discussions regarding the rehabilitation and preservation of the deteriorating property.



Architectural rendering showing possible adaptive reuse of the Anderson Barn by Hoffman Architects, Inc. (Courtesy of Richard G. Mingey).

As we all know, you win some and you lose some ... but we never give up the fight. We all work hard to create an awareness of history brought to life by our historically important buildings. By virtue of a property being protected, it allows for the Historical Commission to interject itself in any discussions that might compromise the property. Creativity in finding alternative uses and even an able and willing buyer to help save the property can then be the goal. For every demolished Schuylkill Elementary School, there is the preservation of a Meadowbrook Farmstead. We can only hope that our children's children will appreciate the effort, just as we appreciate the first settlement of our Township by settlers from Sweden in 1713.

ITEMS OF INTEREST:

Clyde Scheib: CCHPN Celebrates His 34+ Years of Generous Service to Historic Preservation

by James B. Garrison

Author's Note: Since the Network had to cancel the Volunteer Recognition Dinner this year, we decided to honor one of the award recipients, Clyde Scheib, with this special article. Much of the information and photographs came from a recent book Clyde put together with Brian Wilde. The softbound edition of <u>West Seven Stars and Beyond, Preserving Local History</u> is available from Amazon.

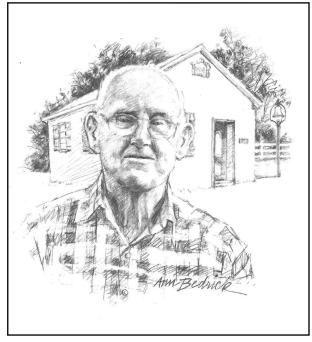
Clyde begins his book with the statement "I don't consider myself a historian – I'm a dairy farmer on a farm one mile west of Kimberton on a farm settled in 1712 by Jonathan Rogers." Clyde's modesty doesn't begin to describe how his keen eye and willingness to share his observations have made a major contribution to our knowledge and understanding of northern Chester County. The two attributes, seeing and sharing, are the reasons we celebrate him and his efforts. As he peels away the layers of change while adding a rich narrative, we feel a greater connection to our cultural and physical landscape.

Clyde Vernon Scheib was born in Birchrunville to Walter and Gladys Scheib on November 10, 1925. His father was the son of German immigrants who came from Wurttemberg to become farmers in Chester County. Walter was born in 1895, and as was customary at the time, left

school after the eighth grade to work on the farm. Clyde began his schooling at the one-room Hickory Grove School in 1931; he Spring City High Swere important to thilden Swithed a



Photograph of Clyde and his wife Alda, c. 1948, (Source: Brian Wilde, courtesy of James Garrison).



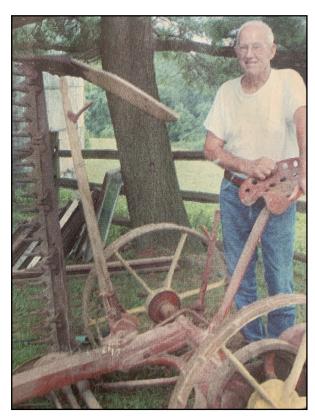
Clyde Scheib, with Hickory Grove School in the background, by Ann Bedrick.

School in 1931; however, he continued through the twelfth grade at Spring City High School. Public education and education in general were important to the family; Clyde is proud to say all of his four children finished college.

In 1948, Clyde married Alda Wenger, and they lived in an apartment in a farmhouse on Seven Stars Road. In 1954, the farm owner gave them half an acre to build their own house, where they still live in East Vincent Township. Having the house for a growing family on a productive farm provided great satisfaction for the next forty years until an accident on the farm caused him to scale back his activities. The farm's owners subsequently sold the land in 2001.

The richness of Clyde's storytelling begins with his vivid memories of elementary school: the teachers' names, the cars they drove, and his mile-and-a-half walk to school. The hardships of the Great Depression are described matter-of-factly and support an overall theme in his storytelling of a community founded on the principles of mutual support and working together.

ITEMS OF INTEREST: Clyde Scheib, Continued



Clyde Scheib shows off a mowing machine (Source: Brian Wilde, courtesy of James Garrison).

As a charter member of the East Vincent Historical Commission, he was involved in having a Revolutionary War cemetery restored and formally deeded to East Vincent Township so the site would be protected and maintained. It was rededicated on July 4, 1997.

It might be said that being a farmer is an act of generosity. The work is hard and the financial rewards are not great. From his own generous well, Clyde gives priceless insights from an eyewitness to history. He has the ability to convey it with clarity and purpose. To him, history is an unfolding story where common themes occur over and over again, but through his retelling there are always new revelations.

Clyde's historical knowledge goes back beyond his own family's experiences. He describes the transformation of farming in the early 19th Century as changing from a subsistence model to a market economy aided by better transportation networks and farming techniques. Roads and bridges were the first step in moving goods within a limited area and were later supplemented by the Schuylkill Canal and railroads whose purpose was to quickly convey farm goods from the country to urban areas.

The context Clyde adds to the story from his first-hand observations and retelling of oral tradition links the stories of families and agricultural and transportation advances into a cohesive narrative. He does so without nostalgia or judgment. The Depression and World War II were challenges met by the community and advancing technology. Mechanization in the late 1940s allowed farms to be more productive with fewer people.

Clyde has been interested in more than just keeping the historical story alive around him: He has also been active in historic preservation. He recounts the story of the arson fire in 1986 at the Kennedy Covered Bridge over French Creek. The 1856 bridge was a tangible reminder of how important stream crossings were for the early road network and the livelihoods of the farmers getting their products to market. He became the chairman of the citizen's committee that was successful in having the bridge rebuilt similar to its original construction.



Kennedy Covered Bridge rededication parade (Source: Brian Wilde, courtesy of James Garrison).

ITEMS OF INTEREST: Clyde Scheib, Continued



Clyde V. Scheib

- * Many Years of Commitment *
 - * Contribution of Skills *
- * Knowledge and Experience *

for and to the

Preservation of History in Chester County



Clyde Scheib is a charter member and Chairman Emeritus of the East Vincent Township Historical Commission in Chester County. of the East Vincent Township Historical Commission in Chester County.

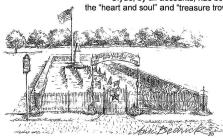
While at the Historical Commission he's been involved with:
rebuilding of the Kennedy Bridge after the fire burned it down, helping to form the Friends of the Kennedy Covered Bridge;
and doing the annual Holiday Luminaries at the Kennedy Bridge;
restoration of the Old Hickory Grove School, and creation of its "Park";
creating the Revolutionary Soldiers Cemetary as it is today, and becoming coordinator of the annual July 4th ceremony;
and the purchase of the historic Parker Ford Tavern.

Clyde is a 70 year member of the Kimberton Grange #1304 at the County, State, and National levels.

The National Grange (the Order of Patrons of Husbandry) established in 1867 upholds the objectives of promoting cooperative purchasing, lowering of railroad rates, and rural free delivery.

Clyde, by all accounts, has become, whether he wants to be or not,

"heart and soul" and "treasure trove" of History in East Vincent and surrounds.



"Revolutionary Soldiers Cemetery"

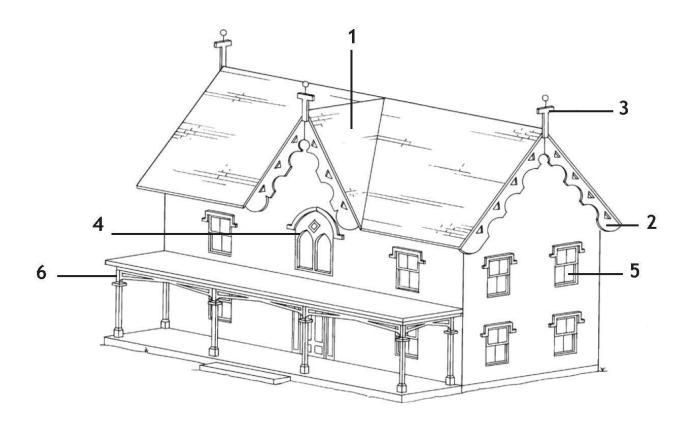
EAST VINCENT

the 24^{th} day of June , 2020At the Annual

Chester County Historic Preservation Network

James B. Garrison PRESIDENTOF the Board of Directors
CHESTER COUNTY HISTORIC PRESERVATION NETWORK

ITEMS OF INTEREST: Architectural Style Guide: Gothic Revival



Gothic Revival: c. 1830-c. 1885

- 1. Steeply pitched gabled roof with steeply pitched cross gables
- 2. Gingerbread at eaves
- 3. Overhanging eaves with exposed rafters, finials on cross gable ridge
- 4. Rounded arch or lancet windows
- 5. Sash windows with 2 panes in each sash, drip molding
- 6. One-story, full-width porch, columns with bracketing and gingerbread trim

Other Features:

- Brick or wood-sided frame
- Pointed arch windows and doors
- Bay and oriel windows

ITEMS OF INTEREST: 2020 CCHPN Spring Workshop

The Chester County Historic Preservation Network's Annual Spring Workshop was held on March 7, 2020. Over 72 cohorts in the field of historic preservation participated in the event, including representatives from almost all of the County's Historical Commissions. Presenters included Seth Hinshaw ("Chester County's Historic Doors: Architectural Details & Integrity") and Jeannine Speirs ("Defining Historic Resources: Research vs. Regulation"). The event was dynamic, with interaction between the participants and the presenters throughout, including roundtable discussions of resolutions to issues presented by the speakers for comparison. Photographs by *Chester County Ledger* Staff Photographer James Buczala.

Editors Note: We failed to note in the March 2020 issue of the *Ledger*, that *Chester County Ledger* Staff Photographer James Buczala took the photographs of the 2020 Leadership Luncheon, featured on page 18 of that issue. We would like to apologize for the oversight. Thank you very much, Jim!



Jeannine Speirs discusses defining historic resources through research and regulation.



Roundtable discussions took place to resolve a problem presented by one of the speakers.



Seth Hinshaw discusses the architectural details and integrity of Chester County's historic doors.



Jeannine Speirs went over her hand-out with participants during her presentation.

BULLETIN BOARD:

SPECIAL ANNOUNCEMENT!!!

You are cordially invited to join us for a brand new **Chester County Historic Preservation Network Event:**

Appreciate Chester County: Virtual Heritage Series

Starting September 2020

Appreciate Chester County: CCHPN Virtual Heritage Series will highlight the rich culture and heritage of Chester County every month throughout 2020-2021!

Webinars will take place "Live at Five" on the Third Thursday of each month.

Scheduled Programs for 2020 include:

September 17 at 5p.m. - Glimpses of History: Exton & West Whiteland Township

October 15 at 5 p.m. - John Evans Estate, White Clay Creek Preserve

November 19 at 5 p.m. - People's Hall of Ercildoun

December 17 at 5 p.m. - Barns-Brinton House, Chadds Ford

Future programs in 2021 include topics such as: Martin's Tavern Lincoln University **Historic Property Searches** Langoma and Warwick Bondsville Mill and so much more! Stay tuned!

For more information on registration and the 2020-2021 programs, please visit our CCHPN website: **CCHPN.org**.

SAVE THE DATE!!!!!

We hope to see you at these Live Events in 2021! Until then: Stay safe, stay healthy!

Leadership Luncheon ~ February 13, 2021 Spring Workshop ~ March 13, 2021 Annual Dinner ~ June 23, 2021

ATTENTION!!!

If you would like to continue to receive the CHESTER COUNTY LEDGER after you have moved, then please send your **CHANGE OF ADDRESS** to the Editor!! Simply send your old (so we can identify you) AND new addresses to: CCHPN /P. O. Box 174 / West Chester, Pa. 19381 /ATTN: Editor Thank you!

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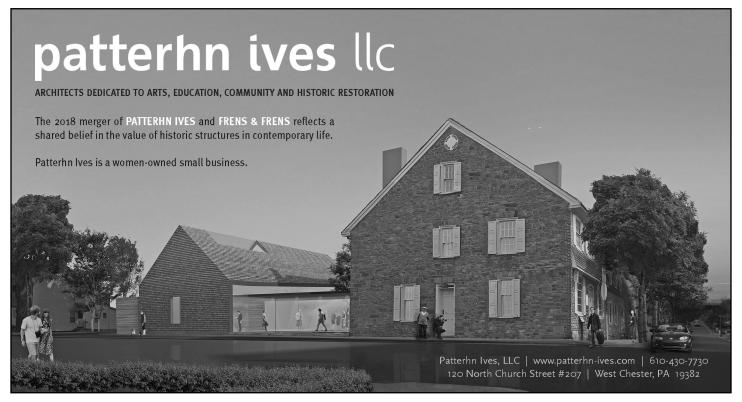


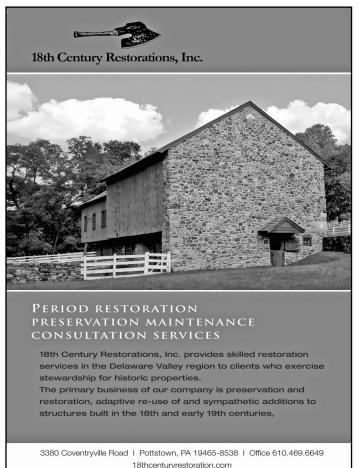






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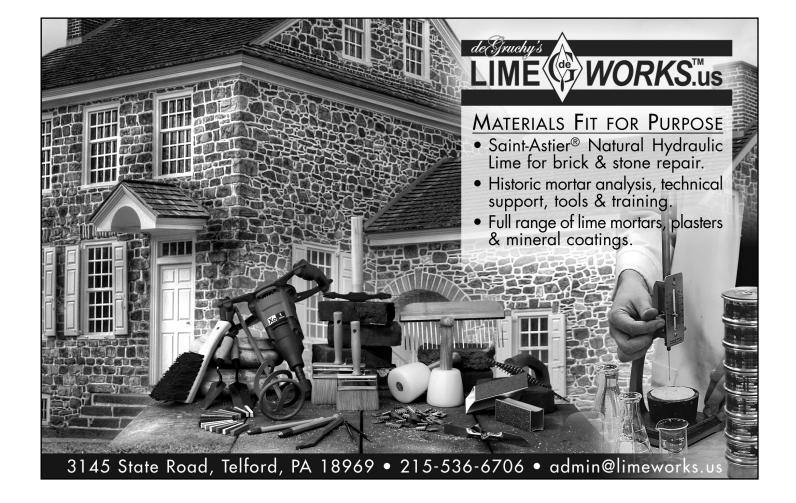
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Chester County Ledger

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Attn: Editor

