

February 7, 2017

Richard Griffin
Director of Economic Development
The City of Frederick
101 North Court Street
Frederick, MD 21701

Re: Downtown Frederick Hotel and Conference Center
200 East Patrick Street, Frederick, MD
Birely Tannery – Determination of Eligibility (DOE) for the National Register of Historic Places

Dear Mr. Griffin:

Thank you for continuing consultation with the Maryland Historical Trust (Trust) regarding the above-referenced proposed undertaking and for providing additional information requested in our prior letter dated August 17, 2015. We appreciate this opportunity to comment on cultural resources in the project area and give guidance on next steps for proceeding with the consultation process.

Given the state funds involved in the planning actions for the proposed Downtown Frederick Hotel and Conference Center, including a 2012 Bond Bill and grants from the Maryland Department of Housing and Community Development (DHCD), the Trust is reviewing the project for its effects on historic and archeological properties, pursuant to the Maryland Historical Trust Act of 1985. One of the first steps in the historic preservation consultation process involves the identification of significant historic properties that may be impacted by the project. To this end the Trust's current correspondence solely addresses the evaluation of the Birely Tannery building and archeological site for eligibility for the National Register of Historic Places (National Register) as illustrated in Attachment 1.

On behalf of Plamondon Hospitality Partners, Kann Partners and Kerns CRM Consultants completed cultural resources investigations to evaluate the extant Birely Tannery building (Maryland Inventory of Historic Properties (MIHP) number FHD-1303) and its associated archeological site (18FR575) for listing in the National Register. The consultants provided the results of those studies to the Trust for review and comment. The Birely Tannery building and archeological site represent the remaining above and below ground components of a single historic industrial complex. Since the Trust's MIHP maintains distinct records for architectural and archeological resources, the Trust separately evaluated the National Register eligibility of these components as discrete resources, recognizing they are, in fact, interrelated elements of the same complex. The Trust completed a careful review of the submitted materials and other available information and has determined the Birely Tannery (FHD-1303 and 18FR575) is *eligible* for inclusion in the National Register, as discussed below.

Birely Tannery building (FHD-1303): The completed Determination of Eligibility (DOE) form for the Birely Tannery building is largely consistent with the *Standards and Guidelines for Architectural and Historical Investigations in Maryland* (Standards) and the *General Guidelines for Compliance Generated DOEs* and has been added to our archives for the benefit of future researchers. The Trust does not concur with the preparer's recommendation that the Birely Tannery building is not eligible for listing in the National Register.

The Trust has determined that the building contributes to the significance of the National Register-listed Frederick Historic District (F-3-39). Frederick was a center of the tanning industry in the Central Maryland region, with as many as eight tanneries in operation in the early 20th century. The Birely operation was established ca. 1830 and remained engaged in leather production until 1952, making it the longest-lived tannery in the city. The existing building, constructed in 1909, retains sufficient integrity to reflect its association with the industrial history of Frederick. The Birely Tannery is a small-scaled vernacular industrial building. It represents the variety of agricultural processing operations that were historically located along Carroll Creek. Although the building has been altered over time, it retains its exterior form and structure dating within the district's period of significance (1745-1941). Thus, the Birely Tannery (FHD-1303) is eligible for inclusion in the National Register of Historic Places under Criterion A and remains a contributing resource to the Frederick Historic District.

Birely Tannery Archeological Site (18FR575): Trust staff reviewed the following draft report, prepared and submitted by Kerns CRM Consultants: *Phase I/II Archeological Investigation and Evaluation of the Birely Tannery Property (18FR575) Frederick, Maryland* (Kerns, October 2016). The report presents documentation on the goals, methods, results, and recommendations of Phase I/II archeological investigations conducted within a portion of the project area. The document generally meets the Trust's *Standards and Guidelines for Archeological Investigations in Maryland*. Attachment 2 lists the Trust's specific comments on the draft itself. We ask the consultant to address these issues in the preparation of the final report and await submittal of two copies of the final report for our Library, when available.

The Birely Tannery archeological site (18FR575) was originally identified during planning for the Carroll Creek flood control project during the 1970s – 1980s. The site was determined eligible for the National Register and portions of the site were excavated in 1990 prior to its destruction by the flood control project. The data recovery investigations (Hoffman et al. 1991) examined numerous archeological features and midden areas associated with various aspects of the tannery operations during the 19th -early 20th c. The research revealed that the site retains good subsurface integrity with intact deposits beneath fill, excellent preservation of material remains, and has the demonstrated potential to yield important information regarding the development of the tanning industry throughout this time period.

The current Phase I/II study revealed that the Birely Tannery Archeological Site (18FR575) extends into the tested portions of the present project area. The investigations identified the remains of 13 tannery related features including: four tanning pits, one waste pit, stone paving, and the remains of several structural foundations. The site still contains buried surfaces and features that survive beneath the various fill and disturbance actions that have occurred on the site during the mid to late 20th c. These newly discovered resources represent the site's continuation into the project area, as expected, and contain an important record of the history, development and operations of the Birely Tannery.

In our opinion, the Birely Tannery Archeological Site (18AN575) in its expanded boundaries remains eligible for inclusion in the National Register under Criteria A and D. The site is significant for its association with the pivotal tanning industry and continues to have the demonstrated potential to yield notable information regarding the functioning and evolution the tannery throughout the 19th – mid 20th c. The newly identified portions of the site enable a more comprehensive examination of the tannery site as a whole and its interrelated components, further heightening the site's research potential. The Trust queried its Maryland Archeological Synthesis Project, a comprehensive database of all the Phase II and III archeological investigations conducted in Maryland to date, regarding tannery sites that have been examined within the state. The Birely Tannery site (18FR575) constitutes the sole tannery site in Maryland that has been professionally investigated at the Phase II and III level and found to yield substantive and

comprehensive information regarding this important industry throughout the 19th – mid 20th c. The site warrants careful consideration and treatment in planning for this potential project.

Next Steps: As planning moves forward for this project, further consultation will be necessary among the City, the Trust, DHCD, any other involved state agency, the project sponsor, and other interested consulting parties to complete the project's historic preservation review under the Maryland Historical Trust Act. The Trust will need to see more detailed project plans, designs, and consideration of alternatives in order to make an informed assessment of the project's effect on historic and archeological properties. To facilitate the consultation process, we have outlined some of the key next steps in the historic preservation review under state law and anticipate further contact from the City as project information becomes available.

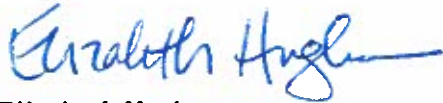
- **Area of potential effects:** To date, the Trust has only seen very conceptual plans for the project, as presented in the City's original consultation from July 2015. At this point we do not have a clear understanding of the current scope of the proposed project so it is difficult to identify the project's *area of potential effects* (APE)- the geographic area within which the project may cause direct or indirect impacts to cultural resources. We await more detailed project information once developed.
- **Identification of historic and archeological properties:** Preliminary project planning has identified several National Register listed and eligible resources located in the project vicinity including: the Frederick Historic District (F-3-039), the News-Post Building (FHD-0473), and the Birely Tannery building and archeological sites (FHD-1303 / 18FR575). The Trust's prior letter, dated August 17, 2017, also alerted the City to the presence of the Eagles Clubhouse (FHD-474) and the project area's potential for containing additional archeological resources, not related to the Birely Tannery site, that have not yet been identified. Once we have a clear understanding of the project scope and can identify a defensible APE, the Trust will be able to provide meaningful recommendations on what, if any, additional efforts will be needed to identify and evaluate historic and archeological resources that may be impacted by the project.
- **Involving the public and consulting parties:** We acknowledge the efforts the City and project team have taken to date to keep the public informed regarding project planning for this undertaking. Several interested organizations and concerned individuals have contacted the Trust to express their interest in being included in the historic preservation consultation for this project. We have copied those entities on this correspondence and the City should use this list as a starting point for identifying consulting parties to include in the consultation process. The City, DHCD, the Trust and project team should continue to consult with the general public and potentially-interested groups about the expected effects of the project and ways to avoid, reduce, and mitigate any adverse effects on historic and archeological properties.

Once we have progressed through the steps discussed above, we can make an informed assessment of the project's effects on historic and archeological properties and work to find effective solutions that sensitively incorporate project need and historic preservation initiatives. We look forward to ongoing consultation with the City, DHCD, project sponsor, and various consulting parties to successfully complete the historic preservation review of this undertaking, as planning proceeds for this important project. If you have any questions or need further assistance, please contact Beth Cole (regarding archeology) at beth.cole@maryland.gov \ 410-697-9541 or Amanda Apple (regarding historic buildings and landscapes) at amanda.apple@maryland.gov \ 410-697-9533.

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Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth Hughes
Director / State Historic Preservation Officer
Maryland Historical Trust

EH/BC/ARA/201605455

Attachment 1 – Birely Tannery Surveyed area for architecture and archeology

Attachment 2 – Trust comments on draft Phase I/II archeology report

cc: Kevin Baynes (DHCD)
Amy Seitz (DHCD)
Joe Briglia (Plamondon Hospitality Partners)
Mimi Giguère (KANN Partners)
Michelle Kerns (Kerns CRM Consultants, LLC)
Lisa Mroszczyk Murphy (City of Frederick Planning)
Christina Martinkosky (City of Frederick Planning)
Scott Winnette (City of Frederick HPC)
Kara Norman (Downtown Frederick Partnership)
Anthony Moscato, Jr. (Frederick Preservation Trust)
Nicholas Redding (Preservation Maryland)
Elizabeth Scott Shatto (Heart of the Civil War Heritage Area)
Becky Morehouse (MHT/JPPM)
G. Bernard Callan
Jack Lynch
Peter Samuel

Attachment 1
Birely Tannery Surveyed Area for Architecture and Archeology



Attachment 2
Trust Comments on Draft Phase I/II Archeological Report – Birely Tannery 18FR575

1. The title should include the name of the associated project, *Downtown Frederick Hotel and Conference Center* and correct the site inventory number to 18FR575.
2. The Abstract and Introduction should be corrected to note that the project is being reviewed under state historic preservation law, the Maryland Historical Trust Act of 1985 (Sections 5A-325 and 5A-326 of the State Finance and Procurement Article), given the City's use of state funds to assist in project planning. To date there has been no federal agency involvement in this project, thus it is not presently subject to review under Section 106 of the National Historic Preservation Act.
3. The report should consistently use the Trust's accurate name – *Maryland Historical Trust*.
4. The Research Design chapter needs to present a more detailed discussion of the actual goals and methods for the research/testing/processing/analyses rather than just referring the reader to the project's brief Scope of Work in an appendix. While the Trust's *Standards and Guidelines* notes that authors may refer to a formal scope of work in an appendix "to avoid lengthy repetition" in a research design chapter, that situation does not apply in this instance since the scope itself was not a detailed document and the actual methods employed differed from those presented in the scope. This section should also include the methods employed for artifact processing, packaging, and analyses.
5. The report should clarify that the present study only entailed Phase I/II investigations of a portion of the project area likely to include the extension of the Birely Tannery archeological site (18FR575). The archeological potential of remaining sections of the larger project area covered by pavement and extant structures remains unaddressed and was not included as part of the scope.
6. The results of the background research and project consultation should have been used to inform the selected field test methods. The prior investigations clearly demonstrated that the site is buried beneath extensive fill and modern disturbances and the Trust's letter of August 17, 2015 reiterated this condition.
7. The disposition of the artifacts and associated records needs to be definitively resolved and stated in the final report. Since the Trust's Maryland Archeological Conservation Laboratory (MAC Lab) is curating the collection from the prior work at 18FR575, we strongly encourage the City to utilize the Trust's repository for the newly excavated materials. This will ensure that the collection remains together where it will be appropriately curated and made available for future research as well as interpretation. The City or other legitimate entities may certainly utilize the results and artifacts for exhibit purposes as part of this or other projects, consistent with our loan policies. Assuming the City agrees, the consultant should ensure the materials are prepared and delivered to the MAC Lab in accordance with their *Standards and Guidelines* and procedures.
8. The author should double check all figure references to ensure that the text accurately notes the related figure number. For example, the figure references on page 19 are inaccurate and off by one number.

9. The figure titles throughout the report need to consistently include source citations, scale and north arrow, where appropriate.
10. The report contains many useful illustrations including historic maps/plans showing the development of the parcels under study as well as site plans from the previous archeological investigations. These illustrations are particularly important for understanding the project area's archeological potential and interpreting study results. Further revisions are needed to ensure the clarity, scale, and ensuing readability of all figures in the final report.
11. At a minimum, the report needs to include the range of 19th and 20th c. Sanborn maps of the project area produced to show the full project area bounded by Carroll St., E. Patrick St. and Carroll Creek. Each map should be printed to fill a single page and thus enable the reader to understand its contents. The limits of the current project area and Carroll Creek linear park should be noted on these figures.
12. The discussion of previous investigations is extremely brief, one paragraph, and does not convey the extent of prior work or reflect the site's significance and research potential. The consultant should make use of the cogent site synopsis developed and readily available in the Trust's online Maryland Archeological Synthesis Project as well as the Synthesis Project's related query tools.
13. The section on *Archaeobotanical Soil Analysis* seems misplaced in the text as it precedes the discussion of the actual field testing and reflects specialized analysis of recovered materials.
14. The report should explain the source and relevance of Figure 50 or delete it from the document.
15. Figure 53 is the report's only site plan that illustrates the locations of the archeological test units and identified features. The report needs to include larger scale site plans that clearly illustrate the location of all archeological test areas – including units/trenches and areas mechanically stripped, features, and grid in relation to existing project area conditions. Use of current aerial photographs or a project site plan would be beneficial. Features should be represented to scale and reflect the nature of the feature itself.
16. The report text and figures should clearly discuss and illustrate the location and limits of mechanical stripping.
17. Feature numbers and vat numbers should match between the text and site plans.
18. The report's plan view drawings of features and vats should include grid coordinates.
19. Figure 59 should label Test Trench I.
20. The artifact illustrations should include the lot numbers for the items photographed.
21. The Results or Summary and/or Recommendations chapter need to include figures that overlay the archeological test units and identified features on relevant sections of the Sanborn maps – to clearly relate the archeological discoveries to the cartographic evidence of the tannery development throughout the 19th – 20th c. The report should present more detailed discussion, as well as a table, that correlates the identified structural remains to their likely function, integrating the results of the background research and field investigations.

22. As discussed in the letter above, it is our opinion that the current study has generated sufficient information to conclusively determine that the Birely Tannery Archeological Site (18AN575) in its expanded boundaries remains eligible for inclusion in the National Register of Historic Places under Criteria A and D. The site is significant for its association with the pivotal tanning industry and continues to have the demonstrated potential to yield notable information regarding the functioning and evolution the tannery throughout the 19th – mid 20th c. Based on information from the Trust's Synthesis Project, the Birely Tannery site remains the only tannery site in Maryland that has been professionally investigated at the Phase II and III level and found to yield substantive and comprehensive information regarding this important industry throughout the 19th – mid 20th c. The newly identified portions of the site enable a more comprehensive examination of the tannery site as a whole and its interrelated components, further heightening the site's research potential. Furthermore, given the span of time since the prior work in 1990 (nearly 30 years), further examination of the site may benefit from new technologies and approaches in research and analysis that have evolved in the last 30 years. The report Summary and Recommendations should present definitive discussion of National Register eligibility and fully acknowledge the site's continued importance for its ability to yield valuable information.
23. Any specific recommendations for further investigations should be considered preliminary at this time, since detailed project plans have not yet been developed to fully understand the extent of possible impact to this site or other areas that have not yet been investigated. As planning and the historic preservation consultation process proceed for this project, the involved parties will be able to make more informed decisions regarding what efforts are warranted to avoid, reduce, or mitigate any adverse effects. The report should not discount the need for and value of further data recovery investigations at 18FR575, as discussed above.
24. The References Cited section needs to include McKnight 2016.
25. The artifact catalog should include the lot numbers assigned to the items and the consultant should contact the MAC Lab to obtain the next applicable lot number for this site.
26. The consultant should complete an archeological site form update for 18FR575 to reflect the results of the current study and expansion of the site boundary. The original update should be submitted to Jennie Cosham for entry in the Inventory records and a copy included as an appendix to the report.
27. The appendices should be numbered and the respective numbers added to the Table of Contents and List of Figures.
28. The final report would benefit from careful editing for format, typos, and consistency.