

**TEXAS HISTORICAL COMMISSION**

*real places telling real stories*

# **TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM**

## Round X Master Planning Project Grant Manual

*March 2019*



## **I. PROGRAM RULES AND REGULATIONS**

The Texas Historic Courthouse Preservation Program (THCPP) is an unprecedented effort by the state and local governments to preserve historic county courthouses. It has been widely recognized and received numerous national awards for its achievements. To date, more than 63 Texas courthouses have been fully restored through this program.

The THCPP, created in 1999, exists under the authority of the Texas Government Code, Section 442.0081, Historic Preservation Program Grants and Loans; 442.0082, Historic Courthouse Project Requirements; and 442.0083, Funding for Historic Courthouse Preservation Program, Historic Courthouse Preservation Fund Account.

The implementing regulations for the program are described in the Texas Administrative Code, Title 13 Cultural Resources, Part 2 Texas Historical Commission, Chapter 12 Texas Historic Courthouse Preservation Program, as amended. These regulations were developed by the Texas Historical Commission to implement this program and can be found by visiting [www.txrules.elaws.us/rule/title13\\_chapter12](http://www.txrules.elaws.us/rule/title13_chapter12).

The program anticipates another call for grant applications in the fall of 2019 with applications due in early 2020.

## **II. STARTING THE PROJECT**

Congratulations on receiving a Round X planning grant award! Our staff looks forward to working with you toward the preservation of your historic county courthouse. The intention of these planning grants is to provide a comprehensive and current planning document to assist your decision-making and future plans, whether that is further THCPP grant program participation or phased repairs undertaken without grant assistance. THC awarded these grant funds on January 25, 2019 to counties that have an approved Courthouse Preservation Master Plan (Master Plan) for their courthouse on file with THC and therefore eligible under TGC Section 442.0082(a) to receive THCPP grant funds.

We believe this planning project will be an excellent opportunity and provide ample time for establishing a dialogue about the courthouse between local stakeholders, THC and your selected professional consultant. Since each effort will differ, communication is extremely important so become familiar with this Round X Master Planning Project Grant Manual and let us know if you have any questions or concerns. As the previous Master Plan is evaluated, revised and resubmitted by your consultant, please review the decisions and recommendations carefully to ensure that they meet your current goals and establish a strong foundation for the future.

Our first undertaking will be to establish a Funding Agreement based on THC's funding commitment and determination on what work is appropriate to address your current planning needs. Generally, that work will be the development of a new Master Plan containing updated information on the history, existing conditions, recommendations for fully restoring the courthouse and a budget for that project. THC staff will provide a proposed scope for the planning work for your review and approval.

The task of contracting for professional services, that is architectural, engineering, and other construction planning activities, for the development of a new Master Plan should concurrently be undertaken by you. Further information on your contract for professional services is found below. Please note that, as grant recipient, the county holds the primary responsibility for executing this project in accordance with all procedures stated in this grant manual, procuring professional services in accordance with state law, for executing contracts with the professional architects and for paying all costs associated with the project. The grant recipient must also ensure that all necessary THC approvals are obtained, reporting information is submitted to the THC and that meetings are properly coordinated with the THC.

### **FUNDING AGREEMENT**

A **Funding Agreement** (Agreement) which has been prepared for each project by the THC states the obligations of the grant recipient and the THC regarding the grant project. By its execution, the grant recipient commits to carry out the project in conformance with the program requirements and the procedures of this manual. Please review the Agreement language carefully and ensure that the terms and grant recipient's responsibilities under the Agreement are well understood by all parties.

Supporting documents for the Agreement include the following attachments to the Agreement. Attachment A will be developed by THC staff for each project. Attachment A will include a description of the grant-funded project including the funding amounts and shares, the project cost, scope of work and schedule. Attachment B is the contract between the county and their preservation architect, see below.

## **ATTACHMENT A- Project Description**

### **Source of Funds**

Grant awards for these projects were approved by the Commission on January 25, 2019 for an amount up to \$50,000 per project and require a minimum \$5,000 cash match. Note that state funds are distributed on a cost-reimbursement basis. The grant amount will be the project cost less \$5,000, unless the project cost exceeds \$55,000.

### **Project cost**

The cost for professional services associated with development of the Master Plan should be clearly shown in the fee proposal and/or contract executed between the County and its selected Architecture/Engineering Consultant and sub-consultants. They must relate to the THC's approved Scope of Work as shown in Attachment A. Costs which are known or estimated at the time this Agreement is executed are eligible for reimbursement are included in the Project Cost. Allowances or unknown costs such as travel or reimbursable expenses of the Consultant will be reimbursed by the Commission with bilateral amendment as funding permits.

### **Scope of Work**

Following the general grant orientation meeting on-site or by phone, the THC will provide a Scope of Work for professional services associated with the Master Plan. Since this grant opportunity was intended to address outdated master plans by re-evaluating in consultation with THC, any relevant sections of the approved master plan, and the associated construction documents if available, may require consultation. This effort must be undertaken by an architect or architectural firm with some experience in historic preservation that has ample time and appropriate skills to execute the project in accordance with its needs and these procedures. The scope of the architect's responsibilities is defined in an architectural services contract or fee proposal and should be expanded as necessary to address the Agreement and these procedural requirements.

The THC will provide a fairly specific list of services provided and/or work undertaken that will be tailored to the needs of each project. Generally, the deliverable is an approved master plan containing current information. In some cases, a more detailed cost estimate is expected, for example based on the available plans and specifications. In other cases, the historical and architectural significance of the property may be a key focus area in determining and justifying a restoration date. Some projects will involve sub-consultant services such as updated engineering recommendations. For a complete list of the master plan requirements, please see Section III of this manual.

### **Project Schedule**

The THC will develop the grant recipient's Project Schedule which lists major project milestones. It must take into consideration the work to prepare, execute and obtain approvals for the program documents and proposed final documents. Please note that the schedule may be changed or extended. Currently, the THC recommends that a 95% complete draft is submitted no later than December 1, 2019 to enable these master plan resubmittals to be approved prior to development of the Round XI THCPP grant application cycle. The timeline for Round XI will not be established until August 2019 and may extend the typical grant cycle timeline by 3 or more months if the THC determines that the extension would facilitate more complete grant applications.

## **ATTACHMENT B - Contract for Services**

The grant recipient will negotiate a contractual arrangement with a licensed architect or architectural firm following the orientation meeting. The Contract between the Owner and Architect (usually AIA Document form B141) should specify the services that will be provided by the project architect for this grant funded project. Essential elements of the architect's contract are the scope of services, deliverables, fees, and schedule. These are also the subjects of attachments to your Agreement with the THC, so the architect should ensure that their professional services contract is consistent with their responsibilities under this Program. We recommend that a professional services contract is not signed until the THC and grant recipient have determined the scope of services necessary for the individual project, see above, and codified as Attachment A to the Agreement.

The contract for services, or fee proposal should be specific enough to document all parties' expectations for the project. It should describe the scope of the architect's services and include all deliverables such as master plan copies to be provided to the grant recipient and the THC. We prefer that reimbursables of the consultant such as travel and photocopying are estimated outside of a lump sum fee.

Note that several site visits will be made to the courthouse by the project architect for field measuring and investigations. Also, the grant recipient may wish for the project architect to make interim presentations before the architect proceeds to the next stage of development. THC staff should be contacted prior to any on-site meetings to maximize beneficial communication.

If the grant recipient needs to identify an appropriate architectural consultant to hire or confirm its decision, please refer to *Finding and Hiring Qualified Historic Preservation Consultants*, available upon request from the THC or its web site ([www.thc.texas.gov](http://www.thc.texas.gov)). To select the best preservation architect for the job, it is recommended that you interview several candidates, ask other property owners or professional societies for references, and review résumés and examples of completed projects for successful and relevant preservation projects. A statement of your selection criteria or process must be submitted to the THC with your architectural contract for services.

### **Execution of the Funding Agreement**

Execution of the Agreement will take place after all parties have reviewed the Agreement and the attachments. The county judge and THC Executive Director are signatories to the agreement.

The grant recipient will provide two original signed copies of the Agreement to THC for signature. Upon execution by the THC, one copy of the Agreement shall be returned and one will be retained by THC. The Agreement must be signed by both parties prior to reimbursement and should be submitted by June 1, 2019. If the county does not wish to proceed, they should send a letter rejecting the grant award.

### III. PROJECT EXECUTION

A THCPP Master Planning Grant supports the reconsideration of the previous planning work for the project. It will be tailored to the specific needs and conditions of the project based on the availability and priority of THC grant funding.

At the outset, THC staff will work with the county to establish the Scope of Work for the Project as described in Attachment A. For most projects, the project will include the development of a new, updated Master Plan that conforms to the Recommended Outline included in this grant manual, see next section.

The grant recipient should take an active role in engaging with the project architect to direct the course of the document and its contents. Assignment of the offices, consultation with county staff on preferences for building communications and security systems are just a few ways that the county will develop the project in accordance with its needs.

The THC staff will ensure that the historical narrative is accurate, the existing conditions are completely documented and that the proposed recommendations meet the appropriate treatment within *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Note that **restoration** is defined as “the act or process of accurately depicting the form, features, and character of a property as it appeared at a **particular period of time** by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical/electrical/plumbing systems and other code required work to make the property functional is appropriate within a restoration project.” **Rehabilitation**, by contrast, does not involve the removal of historic features and no specific date is represented.

Several drafts of the document will be developed and submitted for interim review and approval by both the THC and the grant recipient. THC staff will require approximately two to four weeks from the date of receipt for review and comment. At any time, THC staff may request an on-site meeting to familiarize themselves with the project and discuss the status of the proposed plans. After review and comment on the latest draft, the THC may request a meeting with the architect and grant recipient representative(s) to resolve substantive concerns regarding any aspect of the proposal. The grant recipient should ensure that the project architect implements the THC-recommended revisions into the plans and completes the plans in a timely manner.

The submittals should meet the approved **schedule** for project planning established in the Funding Agreement. Failure to meet the schedule should prompt a written extension request from the grant recipient documenting the nature of the delay. The extension request should be submitted prior to the due date for that submittal.

The goal is to have sufficient communication and complete submittals from the project architect at all stages of the master plan development to ensure that the final draft can be easily and quickly approved.

For projects developed to the construction document level, please note that any cost estimates provided in the master plan must be prepared by an outside independent consultant to ensure that no undue advantage is provided to any general contractor in a future bidding process. The cost estimate will be used for budgeting and future Texas Historic Courthouse Preservation Program grant applications.

## Recommended Outline for a Courthouse Preservation Master Plan

### I. Introduction

The introduction section provides a synopsis of the contents of the current master plan, why and how it was developed, and who was involved.

- A. Executive Summary
- B. Current statement of master plan goals and purpose
- C. Methodology used for master plan development and revision
- D. Identification of current master plan participants with contact information

### II. Historical and Architectural Development

Section II will place the courthouse into a historic and architectural context. It should describe the events leading to the construction of the courthouse, identify important events or persons associated with the building and document historic courthouse photographs or drawings. It will include an architectural description of its original design and establish a period(s) of architectural significance for the building. Finally, it should explain, in narrative and graphic formats, the major physical changes made to the building over time which brought it to the appearance it has today.

- A. List all previous county courthouses and related buildings (jails, annexes, storage buildings, etc.)
- B. Record significant historical events that occurred at current courthouse or on grounds.
- C. Provide a narrative description of the building's architecture and stylistic elements that justifies a time period of its highest architectural significance. Include documentation for existing building(s) in its original condition, original drawings and historic photographs, if available, and information on the architect and contractor. If original drawings are not available, produce line drawings showing original plans and elevations to scale.
- D. Document later modifications with a narrative description and annotated drawings including dates for the alterations and historic photographs, if available.
- E. Describe the building's current historical designations and preservation easements as applicable.

### III. Evaluation of Existing Conditions

Section III will fully identify and evaluate the courthouse and its grounds as they exist currently. This section is not simply a physical description of the building's appearance and character-defining features, but a full and thorough evaluation of the current condition of all building and site elements. Such evaluations should be conducted with a historic preservation emphasis balanced with concern for life-safety, functional and technological needs (both present and anticipated), accessibility for the disabled, security and energy efficiency. Space needs must be evaluated within the context of all county-owned buildings to determine the current adequacy of existing facilities. Findings must be presented both in narrative and graphic form to ensure the plan is as clear and understandable as possible.

- A. Evaluate the current conditions on the site.
  1. Develop a site plan showing adjacent buildings, vegetation, site furnishings and monuments.
  2. Provide a narrative and/or graphic condition assessment of site drainage, vegetation, vehicular and pedestrian circulation, parking, public spaces, lighting, utilities and archeologically sensitive areas.
- B. Evaluate the building's current existing conditions and identify all deficiencies.
  1. Annotate all floor plans and elevations to provide general and location-specific information about the building including an identification of historic versus non-historic fabric.
  2. Produce a narrative description and condition assessment of architectural features such as roof and roof drainage systems, tower or cupola (if any), masonry, doors and windows, or arcades (if any), metal hardware and accessories, lighting, interior wall, floor and ceiling

- finishes, millwork, stair elements, and architectural furnishings. Information should be represented in current photographs and/or keyed to measured drawings.
3. Provide current evaluations of all building systems by qualified professionals, including structural, mechanical, electrical, plumbing, security and fire protection systems.
  4. Describe special conditions or materials that require further analysis or testing prior to initiating any rehabilitation work and perform these analyses if appropriate, i.e. asbestos testing, lead paint analysis, mortar analysis, paint color identification, investigative selective demolition, etc.
  5. Evaluate functional considerations, including life/safety issues, compliance with applicable building codes and Texas Accessibility Standards, archival documents and records storage, data processing, communications, security, energy efficiency and anticipated acoustical limitations.
  6. Describe and evaluate adequacy of current space use, including other county owned or occupied facilities, and develop a square footage projection of future space needs, including properties potentially acquired by the county.

#### **IV. Restoration and Rehabilitation Recommendations**

Section IV provides specific recommendations for the restoration and rehabilitation of the building based on the current condition assessment in Section III. All recommendations should be in conformance with the *Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties*. Recommendations should be prioritized into logical scopes of related work and preliminary cost estimates for each included. Describe a phased plan for the entire project based on priority and balanced with the county's financial resources.

- A. Provide a summary of recommendations for the building(s) and site, prioritized according to need.
- B. Give detailed recommendations addressing all major building deficiencies, space use, systems upgrades and restoration of significant architectural features and spaces. Provide alternative recommendations where appropriate. Recommendations for all character-defining features and significant or primary spaces should generally be consistent with the SOI Standards for Restoration. Recommendations for secondary spaces should generally be consistent with the SOI Standards for Rehabilitation.
- C. List items requiring further analysis or testing in connection with the development of construction documents (hazardous materials, masonry conservation, conservation of decorative finishes, etc.).
- D. Provide preliminary cost estimates, or "opinion of probable cost", for all recommendations and in addition, for any separate recommended phases of work, each projected to FY 2020-21 construction.
- E. Develop a phased scope of work for the project, as needed, based on the recommended priorities and projected funding availability. Identify potential funding sources for each phase.
- F. Outline a plan and regular schedule for building maintenance.

#### **V. Required Appendices**

Section V provides any additional information descriptive or explanatory information not contained in the previous sections. Such information might include relevant technical articles or publications, codes, contacts, excerpts from county records, and other items as listed below.

- A. Bibliography
- B. Endnotes or bibliographic citations for information presented in Section II
- C. Commissioner's Court minutes, as applicable to construction or alterations
- D. Historic photos and plans
- E. National Register nomination/designation file
- F. Previous plans or studies of courthouse (may be an attachment or separate volume)
- G. Reports prepared by consultants or testing agencies (may be attached separately)
- H. *The Secretary of the Interior's Standards for Restoration and Standards for Rehabilitation*
- I. A copy of any Preservation Easement(s) granted to THC, if applicable
- J. Section 442.008 of Texas Government Code (TGC) concerning protection of county courthouses
- K. Section 442.006 of the TGC on Recorded Texas Historic Landmarks, if applicable

### **Master Plan Format**

The master plan must be presented as single document, preferably presented as a continuous document addressing all information as it currently is understood. It is not intended to be used in conjunction with a previous master plan document, it must be a stand-alone document inclusive of all required master plan sections and appendices. It should present the information clearly and in manner that facilitates its use and understanding.

A proposal for how the master plan contents are presented, if it varies from a complete and new presentation of all information, must be approved in advance by THC.

### **Deliverables**

For each submittal or draft of the master plan document, a digital version of the document in Adobe Acrobat must be provided to the THC and County for review, unless a paper copy is requested.

The following will be provided by the project architect upon final approval by THC.

1. Two final printed copies in three ring binders, complete with appendices including photographs, must be provided to THC and one complete copy must be provided to the county.
2. A PDF of the complete master plan on a thumb drive.
3. All digital images and digital version of all historic photos on a thumb drive.
4. Color digital images printed at 300 dpi may be used in the body of the document.
5. Final photographic documentation should be in the appendix. High resolution digital images at 6 megapixels or larger in size (200x3000) are required of:
  - a. Each elevation
  - b. Any significant public space(s) affected by the proposed work
  - c. At least one historical image.

Note: Version 3/2019. Significant revisions to earlier versions of this document are shown as underlined.

## REIMBURSEMENT

THC maintains an excellent record in the administration of state and federal grant funds. The terms set for this financial assistance are to distribute funding on a **cost-reimbursement basis**. We recommend maintaining a clear record of eligible expenditures. A grant recipient's expenditure of money reimbursed under this program is subject to audit by the State Auditor in accordance with Chapter 321 of the Texas Local Government Code.

**The grant recipient shall be responsible for developing a method for paying all project-related expenses as they come due, then requesting reimbursements from the THC. Professional services can be billed monthly or upon approval of each deliverable, e.g. 60% submittal of the master plan, which ensures that the goals are met before invoices are paid.**

Due to the very large number of current grant projects, THC intends to reimburse all eligible costs up to \$50,000 upon successful completion of the Master Planning project. At that time, THC staff will work with your County Auditor to prepare a complete Reimbursement Request form with paid invoices. If the approved funding amount was under \$50,000 and there were additional eligible project costs such as reimbursables or additional services, the funding may be increased (or decreased) with bilateral amendments to the Funding Agreement. Only in cases of demonstrated hardship, the THC may consider an interim reimbursement based on an approved deliverable, such as 60% submittal, based on staffing constraints.

This grant funding is not bound by fiscal year legislative appropriation but we anticipate completion of most projects by the end of 2018 or early 2019. The grant recipient should receive a payment check from the THC for all approved eligible expenses within 30 days of receipt of the final request.

These items must be fulfilled for a planning project to be considered complete:

- The scope of services contained in the contract and the Agreement has been performed.
- Three paper copies of the approved Master Plan are provided: two for the THC and one for the grant recipient. One digital copy of the Master Plan must also be provided.
- Final invoices have been paid by the grant recipient.
- Final reimbursement is made to the grant recipient by the THC.

**We look forward to working with you! Please contact the THC staff member for your project, see next, if you have any questions.**

## **TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM STAFF**

The **THC** will be your partner during the planning and execution of the grant-funded work.

Your **Project Reviewer** is a licensed preservation architect and will assist you in achieving a quality preservation project and facilitate execution of the Agreement, attachments and the reimbursement of funds. This individual will work closely with you through the master planning project.

The **Courthouse Program Specialist** is available to assist you with grant administration or reimbursement questions.

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## **The Secretary of the Interior's Standards for Restoration**

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

1. A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period 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.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. 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.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

### **Restoration as a treatment**

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

## **The Secretary of the Interior's Standards for Rehabilitation**

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Other appropriate treatments are defined in the Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, (Available through the Texas Historical Commission or [http://www.nps.gov/history/local-law/arch\\_stnds\\_8\\_2.htm](http://www.nps.gov/history/local-law/arch_stnds_8_2.htm)).

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 shall 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 a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.