



# FREDERICK COUNTY GOVERNMENT

## DIVISION OF PLANNING & PERMITTING

Livable Frederick Planning & Design Office

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County Executive

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### MEMORANDUM

**TO:** Historic Preservation Commission  
**FROM:** Amanda Whitmore, Historic Preservation Planner  
**DATE:** April 19, 2021  
**RE:** Section 106 Consultation on MDOT SHA's MD 75 Sidewalk, Curb & Gutter Project

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#### **Issue:**

Does the Historic Preservation Commission (HPC) concur with the Maryland Department of Transportation (MDOT), State Highway Administration (SHA)'s letter, dated April 7, 2021, that proposed Project No. FR721C51, MD 75 from I-70 to MD 26 Sidewalk, Curb, and Gutter Construction and Replacement, will have no adverse effect on historic properties?

#### **Background:**

MDOT SHA has initiated the Section 106 review process as described in Federal regulations 36 CFR Part 800 *Protection of Historic Properties*. Section 106 of the National Historic Preservation Act requires Federal and State agencies or the recipients of their assistance to take into account the effects of their undertakings on historic properties. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal and State undertakings through consultation among the agency and other parties with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties that are listed, eligible, or may be eligible for the National Register of Historic Places potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. 36 CFR 800.16 defines effects as *alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register*. The HPC has a consultative role in this review process per 36 CFR 800.2(C).

MDOT SHA is planning to construct or replace sidewalks, curbs, and/or gutters in three locations along Maryland Route 75. MDOT SHA has defined the Area of Potential Effect (APE) to be the area of construction disturbance as indicated in their APE map (Attachment 1). The APE is defined in 36 CFR 800.16 as *the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist*. The three locations and proposed work are:

- MD 75 and Arlington Mills Road: Construct new curbs and gutter on the east side of MD 75 and replace curbs and gutter on the west side.

- Libertytown, south of South Street: In-kind replacement of curbs, gutters, and sidewalk (including ADA ramp) on the east side of MD 75.
- MD 75 and MD 144: Replacement of curbs and gutters.



**Photograph 1:** *Libertytown Survey District looking south. General area of work outlined in red. Photograph provided by SHA.*



**Photograph 2:** *MD 75 at Arlington Mills Road looking southwest. General area of work outlined in red. Photograph provided by SHA.*



**Photograph 3:** MD 75 at Arlington Mills Road looking southeast. General area of work outlined in red. Photograph provided by SHA.

MDOT SHA's review found one historic resource, the Libertytown Survey District (F-8-63), that has been determined eligible for the National Register of Historic Places (NRHP) under Criteria A and C. Libertytown is significant as a turnpike town from 1782 to 1941 with extant architectural examples spanning this period. The Maryland Historical Trust Internal NR-Eligibility Review Form states "the transportation routes to and from the town are integral to the qualities which qualify Libertytown for the National Register, since the town was founded as a result of the turnpikes." MD 75 is a contributing resource to the district.

MDOT SHA's archeology review found no existing archeological surveys or recorded sites in the APE. Based on this information and since the proposed work will be in areas previously disturbed by such activities as road, utility, and drainage construction, they concluded that the proposed project is unlikely to affect any intact or potentially significant archeological resources.

### **Discussion:**

Staff has reviewed the letter and the proposed areas of work and concurs with MDOT SHA's defined APE for the three projects and that the Libertytown Survey District is the only historic property with the APE.

Review of aerial photographs shows there are no historic resources within the APE or in the vicinity at MD 75 and MD 144. MD 75 and Arlington Mills Road has one historic house in close proximity to



the APE, 8338 Green Valley Road, which has not been evaluated for National Register eligibility (Photograph 2). However, the replacement of the existing curbs and gutters do not constitute alterations to the character of this property that may make it eligible for the National Register.

The proposed work in the Libertytown Survey District is an in-kind replacement of existing concrete sidewalks, gutters, and curbs. The majority of sidewalks, gutters, and curbs in Libertytown are concrete with a few areas consisting of brick sidewalks and stone curbs. Since the project is replacing in-kind existing sidewalks, curbs, and gutters in Libertytown and since the other two project areas have no historic properties in the APE, staff concurs there are no adverse effects.

The MDOT SHA is requesting comments from the HPC by May 7, 2021.

**Recommendation:**

Staff recommends that the Commission concur with MDOT SHA's findings that proposed Project No. FR721C51, MD 75 from I-70 to MD 26 Sidewalk, Curb, and Gutter Construction and Replacement, will have no adverse effects to historic properties.

**Attachment:**

Attachment 1: MDOT SHA Letter with Attachments (April 7, 2021)