

### Improvements to Existing Site Data

The state site inventory for Middlesex County could be improved to provide a more accurate assessment of recorded sites. Many site forms at DHR are incomplete, or their information does not conform to current archaeological practice. At least some of the missing data could be supplied by a professional archaeologist working from site reports and field notes. Site checks would also be very useful, since several recorded sites are noted as "soon to be developed" or "no field check." Some of the sites slated for development may no longer exist, while others may now be out of danger. A qualified professional could likely verify which is the case simply by walking over the site location.

Some site inventory forms indicate that artifact collections exist that have not been examined by a knowledgeable archaeologist. It is uncertain whether all of these artifacts are still to be found, since some of the references are more than a decade old. However, since the collections probably contain diagnostic artifacts, Middlesex County may wish to verify their location and use them to complete missing contextual information.

The county might consider doing archaeological reconnaissance surveys along its shorelines where a number of sites have been reported. These areas are also prime candidates for unrecorded sites from every period of the

county's prehistory and history. The erosion factor, 0.8 feet per year on average, is enough to completely destroy an important site in just one generation (Middlesex County, Virginia 1994:89). Sites along Middlesex County's shorelines are also threatened by the attractiveness of waterfront property for commercial and residential development. Other areas where archaeological survey would be greatly beneficial include those being considered for future development, especially along historic roads and paths.

#### **Preservation Recommendations for Prehistoric and Historic Sites**

The preservation recommendations made in this section are based on the document "Establishing Priorities in Resource Protection Planning: James City County, York County, and the City of Williamsburg" by John Metz and Marley R. Brown from the Department of Archaeological Research Colonial Williamsburg Foundation (Metz and Brown 1994).

As discussed earlier, not all archaeological sites are of equal significance. This section is designed to provide planners with a "clearer gauge" of some of the kinds of sites likely to be found in Middlesex County that are most deserving of protection (Metz and Brown 1994:2). This is by no means an exhaustive survey of site types deserving of protection.

Sites from the Paleoindian period are nationally significant. Due to their extreme scarcity, little is known about the Paleoindian on Virginia's Outer Coastal Plain. Any remains dating to the Paleoindian period warrant preservation or intensive study. Small, short-term campsites and kill and butchering sites are the most likely to be found in the Outer Coastal Plain. Base camps could be found, but it is unlikely (Metz and Brown 1994:24).

Archaic period sites are of regional and local significance for their "potential to aid in determining the nature of settlement and identifying the parameters of the area's cultural history" (Metz and Brown 1994:19). Well-preserved Archaic-period sites may be rare on the Middle Peninsula, as they are on the James-York Peninsula, due to the rise in sea level, erosion, and preservation factors. The site types most likely to be encountered are base camps and procurement sites. Sites from the Archaic period should be evaluated based on their contextual integrity and the "ability to contribute information about subsistence and settlement patterns at the regional level." Well-preserved sites are important for their potential for identifying local chronological and functional characteristics. Undisturbed sites, particularly single component sites, should be preserved in place or, if threatened, excavated by qualified professionals (Metz and Brown 1994:21).

Late Archaic through Middle Woodland period sites are significant in the Lower Tidewater "in light of adaptations to estuarine environments and the initiation of trends prior to the establishment of the Powhatan chiefdom" (Metz and Brown 1994:16). Sites from this period, often referred to as the Transitional period, though fairly well represented on the James-York Peninsula, are not well documented in Middlesex County. Sites from the period consist of procurement sites and base camps. Well-preserved and single component sites are especially significant. These resources should be preserved if possible, and if threatened, should be excavated to the highest professional standards (Metz and Brown 1994:17).

Late Woodland period sites are nationally significant in light of interest in the rise of complex political systems and the adoption of domestic plant cultivation. Particularly significant is the study of the development of the Powhatan chiefdom. Property types include the remains of oval structures, single burials, ossuaries, and storage pits. Palisaded villages are found later in the period. Procurement sites consisting of single finds or small concentrations of artifacts are often found along the margins of interior streams (Metz and Brown 1994:13). Late Woodland period sites that can be accurately dated have the potential for addressing significant research questions. Special consideration should be given to structural evidence, human remains, faunal and floral remains, and the presence of datable materials. Well-

preserved sites, particularly those consisting of a single component or a series of discrete components, should be preserved. Sites threatened by development or natural processes should be investigated with appropriate data recovery techniques (Metz and Brown 1994:13).

Protohistoric period sites are also of national significance. The Lower Tidewater is the earliest region in the United States to witness sustained Native American-White interaction outside the sphere of Spanish influence. The Protohistoric period encompasses a phase of influence prior to direct contact with Europeans, followed by a phase characterized by direct contact without the presence of any permanent settlement. Property types for the period include villages, hamlets/farmsteads, single-dwelling sites, temporary campsites, special purpose sites such as quarries, religious compounds, and burials/cemeteries (Metz and Brown 1994:8).

The concept of Powhatan chiefdom settlement is being refined. Scholars now believe that a single village would have consisted of clusters of households distributed over an area of several hundred acres rather than the previous notion of more compact settlement. This dispersed settlement concept has led to a more areal analysis of Powhatan chiefdom land use (Metz and Brown 1994:8).

All Protohistoric period resources are highly significant and warrant preservation if possible. If these sites can not be preserved, they should be subjected to complete data

recovery including provisions for report production, conservation of recovered material, and maintenance of the artifact collection (Metz and Brown 1994:8).

Seventeenth century sites from ca. 1630-1700 in the Chesapeake region are of national significance. The unique institutions of the Chesapeake played a major role in shaping pre-revolutionary America. It was a time of crucial development for the colonies. Property types associated with the period include "large plantations, ...domestic properties, small to middling farms, tenant farms, "slave/servant" sites, ...churches, cemeteries, public buildings, commercial sites, industrial sites, ...taverns, ordinaries, ...landings, and wharves" (Metz and Brown 1994:10).

All of these sites should be preserved in place if at all possible. If this is not feasible, the sites should be

excavated according to the highest professional standard. The data resulting from these investigations should be fully analyzed and reported on in a timely manner, and the results should be made widely available. The recovered assemblages should be conserved and maintained in accessible collections facilities that meet present museum standards (Metz and Brown 1994:12).

Small to middling planter sites from 1689-1783 are of national significance for their "potential to yield data relevant to a large sector of the population during a time of great social and economic change." These sites may be hard to identify because structures associated with them were probably less substantial than comparable structures on large plantations. However, well-preserved examples that can be

identified should be preserved in place if possible, or excavated to the highest professional standards if necessary (Metz and Brown 1994:15).

Late eighteenth through early nineteenth century rural sites are of regional significance for what they can tell about the "recovery and readjustment to an agricultural system based on the production of wheat and corn." Property types include small to middling farms, free black agricultural communities, slave occupation sites, and tenant farms. The primary goal with respect to these sites are the selection of a sample for preservation and study (Metz and Brown 1994:18-19).

Late nineteenth century farmsteads are of regional significance for the larger patterns detectable in a sample of structures and buildings. Structures from this period include two-story I houses and one-and-a-half story dwellings with an added ell. Other property types are domestic and agricultural outbuildings built contemporaneously and those built earlier and immigrant farms. A representative sample should be preserved in place with emphasis on site integrity, the representativeness or uniqueness of the site, and architectural style (Metz and Brown 1994:21-22).

## Management Options for Archaeological Resources

There are numerous ways in which local governments can manage their archaeological resources. The following list is not exhaustive, but introduces those preservation strategies available to municipalities in the Commonwealth of Virginia that may prove most useful to Middlesex County.

### Comprehensive Planning

The Code of Virginia, as amended, requires every county, city, and town to have a "Comprehensive Plan." The plan is intended as a guide for physical development within the locality. The law further requires this plan to be updated at least once every five years (Code of Virginia 1950, as amended:Section 15.1-446.1). The 1993 Amendments to the Code specifically require localities to include historic resources in their comprehensive plan. These documents can be very valuable in historic preservation because they cover private lands.

A revised Comprehensive Land Use Plan for Middlesex County has been adopted as of fall 1994 (R. Nicholas Hahn, personal communication 1994). This plan takes better account of the county's cultural resources than did the 1988 plan. However, the new plan still falls short of recommending the full variety of preservation options Middlesex could pursue.



One of the 1994 plan's objectives is to "preserve, protect, and enhance the historic, scenic, cultural and architectural character of the County" (Middlesex County, Virginia 1994:13). Part One, Section III of the plan is devoted to implementation strategies. It includes a number of strategies for "Historical/Archaeological Resources." They are as follows, with suggested corrections in brackets;

An inventory of historic buildings should be conducted. Additionally, an archaeological potentials study should also be developed. [should say "archaeological assessment study"]

Adopt an ordinance under Section 15.1-503.2 of the Code of Virginia enabling Middlesex County regulating activities which might compromise the integrity of a historic building or archaeological site. The ordinance would identify the historic/archaeological resources and the boundary of a district encompassing these resources. An architectural review board appointed by the Board of Supervisors would administer this ordinance after review of the results of the historic buildings inventory/archaeological potentials survey. [should say "historic resources review board" and, again, "archaeological assessment survey"]

Certain areas of Middlesex County are of multi-generational cultural significance (farming) which, when combined with the existence of farmhouses and farm structures, may qualify as "rural historic districts." These areas should be identified in the historic buildings survey.

The Virginia Division of Historic Resources has cost-share grant programs which enable communities to apply for funds to do the aforementioned studies. Since the division has very sketchy files for Middlesex, it is quite possible that Middlesex could benefit from such funding. [should say "Virginia Department of Historic Resources"]

Currently, the Board of Supervisors can create corridor protection districts, as per Section 15.1-503.2 of the Code of Virginia in order to protect

"significant routes of tourists access to the county...or to designated historic landmarks, buildings, structures or districts therein..." This should potentially include Route 227 and any other corridors leading to Urbanna and routes 33, 3, and 17 (Middlesex County, Virginia 1994:39).

The plan could also discuss preserving cultural/archaeological resources as a priority in those sections which call for economic growth. Only by making it clear that preserving the rural character of the county and its cultural/archaeological resources is an important part of any proposed development will the plan be as effective as possible in preventing the careless destruction of these resources.

### Tourism

It is important for the county to recognize, as well, that promoting its cultural resources can be a large part of the effort to attract tourism and retirees. Colonial Williamsburg is a prime example of how historic resources can be used to attract tourism. While Middlesex may never promote historic resources on such a grand scale, their promotion on a smaller scale can attract people who enjoy history, architecture, and archaeology to the county's bed and breakfasts, museums, dining establishments, and other businesses. Also, many retirees seem interested in historical resources and may be more inclined to settle in a county which actively seeks to preserve its history. The recently

published heritage tour development for Middlesex County is a step in the right direction, but the county may seek to include more archaeological sites in any such tour (Chowning 1994).

#### Certified Local Government Program

The Certified Local Government program established through the National Historic Preservation Act of 1966, as amended, provides a way for local governments to take an active, comprehensive role in preserving their cultural resources. Some of the benefits to a local government upon attaining CLG status are:

Special grants from State Historic Preservation Officers.

Local historic preservation expertise recognized by State and Federal agencies.

Technical assistance and training from State Historic Preservation Officers.

Participation in nominations to the National Register of Historic Places.

National historic preservation assistance network: publications, professional assistance.

Information exchange with State Historic Preservation Officers.

Participation in statewide preservation programs and planning.

Virginia is presently a very good state in which to attain CLG status. To date, only 15 CLG's exist in the Commonwealth. The National Historic Preservation Act of 1966,

as amended, specifies that each state grant at least ten percent of its annual federal grant under the Act to certified local governments. The Act further specifies that each state is to insure that no CLG receives a disproportionate share of the ten percent. With only 15 CLG's in Virginia, each one which successfully applies for funding in a given year currently receives in the neighborhood of \$5,000.00.

A Certified Local Government agrees to take on a number of responsibilities related to historic preservation. In Virginia, these include:

1. A local historic preservation ordinance containing, among other items, provisions for- a statement of purpose; criteria and procedures for identifying and establishing historic districts; clearly delineated boundaries for all districts; and review by the review board of all exterior alterations, relocations, or new constructions visible from a public right-of-way and any proposed demolition within the district boundaries.
2. A local review board meeting these requirements, among others-all members having a demonstrated interest, competence, or knowledge in historic preservation; at least one architect or architectural historian in the membership, (unless this requirement is specifically waived by DHR); and at least one additional member with professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning (unless this requirement is specifically waived by DHR).
3. Maintenance of a system for survey and inventory of historic and cultural resources which is coordinated with that of the Department of Historic Resources.
4. Provision for adequate public participation in the local historic preservation program.
5. Satisfactory performance of those responsibilities delegated.

Becoming a CLG requires a long-term commitment by the local government to cultural resources planning. However, many of the requirements of the Virginia CLG program are items which a concerned local government may already have in effect; for example, the historic preservation ordinance and corresponding review board. Also, grant money may be obtained prior to becoming certified which may then be used to assist in the process.

The Certified Local Government program in Virginia now has 15 participating localities. They have used the program to reach a number of important goals. Among the projects undertaken by Virginia CLG's are the archaeological and architectural surveys and survey reports which are critical to managing other aspects of the CLG program. These surveys and reports are often the first major projects undertaken by new CLG's (Ann Miller Andrus, personal communication 1994). A list of some of the useful publications prepared by Virginia CLG's appears at the end of this assessment as Appendix E (Appendix E).

Other historic/archaeological projects undertaken by CLGs in Virginia include the publication of informational brochures, creation of public information programs, and commitment of resources to public education. One Virginia CLG, Clark County, is now working on an audio-visual presentation using a data base of standing structures. The presentation includes a driving tour. In addition, almost all

Virginia CLG's now have developed a set of design review guidelines for historic districts (Ann Miller Andrus, personal communication 1994).

CLG status would give Middlesex County a place in the process of nominating sites to the National Register of Historic Places and would give the county the power to object to listing on the National Register. Further, Middlesex County would join in partnership with the Commonwealth of Virginia and be able to receive the benefits of this relationship as aforementioned.

### Zoning

Zoning laws are the most powerful preservation tool available to local governments. The Historic District Zoning Ordinance (HDZ Ordinance) is the most comprehensive type of zoning available for use in preservation planning. The authority to create HDZ's in Virginia comes from Title 15.1, Chapter 11 of the Code of Virginia. Section 15.1-489 gives local governments the power to enact zoning ordinances, while Section 15.1-503.2 allows these ordinances to protect historic resources. This type of zoning is known as "overlay zoning" because it applies in addition to existing land use regulation (Brown and Cox 1991:4). As of 1992, at least 55 local governments in Virginia had adopted historic district ordinances (Department of Historic Resources 1993:19).

The DHR, in its 1992 report, recognized the HDZ Ordinance as "...vital for historic preservation across the Commonwealth," but faulted them for addressing "...primarily architectural resources, ignoring archaeological sites and districts" (Department of Historic Resources 1993:19). In that year, the City of Alexandria had the only HDZ Ordinance in Virginia which dealt comprehensively with archaeological resources (Department of Historic Resources 1993:19). The DHR found that the use of the term "architectural review board" in Section 15.1-503.2 to describe the type of board which could be created to administer the HDZ Ordinances contributed to the problem. The legislature took notice and in March 1993 amended the Code of Virginia to eliminate the term "architectural review board" and replace it with the broader term "review board" (Code of Virginia 1950, as amended:Title 15.1, Chapter 11). Presently, it seems the term "historic resources review board" is preferred and will be used hereafter in this discussion (E. Randolph Turner, personal communication 1994).

The governing body of a county may adopt an HDZ Ordinance which sets forth historic landmarks within the county "...as established by the Virginia Board of Historic Resources, and any other buildings or structures within the county or municipality having an important historic, architectural, archaeological, or cultural interest, and any historic areas within the county or municipality as defined by Section 15.1-

430(b)..." Further, the county may create a historic resources review board to administer the HDZ Ordinance. The ordinance may provide that prior to the alteration or destruction of an historic resource, application must be made to the board by the property owner. The review board may then accept or reject the application following the procedure prescribed by the Code of Virginia which includes a mechanism for appeal first to the local governing body and then to a circuit court (Code of Virginia 1950, as amended:Title 15.1, Chapter 11).

The Historic District Zoning Ordinance is the most comprehensive type of zoning available for use in preservation planning, but others exist. One of these is the Transition Overlay District. This type of district is established within a historic district to "...encourage a compatible mixture of residential, retail and office uses within the designated transition area in a manner which complements the scale, siting and design..." of the district. This legislation is in effect in the Old Town Fairfax Historic District (Brown and Cox 1991:A-53).

The Middlesex County Zoning Ordinance and Subdivision Ordinance reflect the need for a cultural resources management plan. The Middlesex Zoning Ordinance mentions cultural resources only twice: in the General Provisions for the ordinance it states, "This ordinance is designed to: ...5. protect against destruction of or encroachment upon historic



areas." Then, on page 70, "environmental, historic and vegetative preservations" is included in a lengthy list of review criteria for site plans required for certain projects (Middlesex County, Virginia 1992a:70). The Subdivision Ordinance makes no reference at all to cultural resources (Middlesex County, Virginia 1992b).

Another type of zoning which may be useful is "incentive zoning," also called a proffer. As defined by the Code of Virginia, "incentive zoning" means "...the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features or amenities desired by the locality within the development" (Code of Virginia 1950:Section 15.1-430). These bonuses can be given for archaeological preservation activities undertaken by a developer. They offer local governments a relatively low-cost way to see to it that archaeological surveys are done. Currently, James City County has the strongest archaeological proffer program in Virginia (E. Randolph Turner, personal communication 1994).

In addition to strengthening its zoning ordinance with respect to historic/archaeological resources, Middlesex County should amend its Subdivision Ordinance to include protection of archaeological sites and other cultural resources when developers and subdividers lay out lots, blocks, and streets. In 1990, between 15 and 25 seventeenth-century graves were destroyed in a recently subdivided tract in Ledyard,

Connecticut. The destruction occurred because the subdivision ordinance did not consider impacts on archaeological sites (Henry 1993:34). It is important that such an incident is not repeated in Middlesex.

### Easements

A slightly different kind of preservation tool is the historic preservation easement. The DHR defines a historic preservation easement as

...a right or limitation, set forth in a legal instrument or deed, which allows the donor to retain ownership and possession of an historic landmark, while granting a government agency or a qualified non-profit organization the authority to protect the historic, cultural, architectural, or archaeological characteristics of the property (DHR 1990).

Easements are usually held by the DHR, but a local non-profit group can co-administer an easement if the easement is part of a locally reviewed district (Brown and Cox 1991:A-54). The DHR requires that an easement be granted in perpetuity. Further, in order to be accepted, a "...property must be listed in the Virginia Landmarks, either individually or as a contributing property in a registered historic district" (DHR 1990).

Middlesex County may provide information and encouragement to property owners to grant historic preservation easements, where appropriate, as part of its preservation effort. Benefits to the donor include tax

incentives and the knowledge that the resource will be protected in perpetuity. The owners enjoy the use and possession of their property during their lifetimes, though they are limited somewhat in how they may modify their property. These agreements are often appealing because the donors can negotiate the specific terms of the easement with the DHR.

#### Resource Protection Planning Process as a Model

Still another means available to the county to facilitate informed archaeological resources planning is using the model provided by the Resource Protection Planning Process, commonly known by its acronym, RP3. The RP3 was prepared in 1980 by the Heritage Conservation and Recreation Service for the U.S. Department of the Interior (U.S. Department of the Interior 1980). It was intended for use by state and local governments to "...integrate the identification, evaluation, and protection elements of preservation programs..." and "...ensure that preservation concerns are fully considered in land use decisionmaking" (U.S. Department of the Interior 1980:Forward). Although the RP3 is no longer preferred by the Department of the Interior, the general approach or portions thereof are still useful. The model recommends the following approach for developing a resource protection strategy:

1. Divide the planning area [municipality] into appropriate resource study units and define eligible/important resources;
2. Identify ideal or preferred conservation, reuse, research, and interpretation objectives for the historic resources included in the study unit;
3. Assess the achievability of the ideal objectives;
4. Prepare an operational plan for the resources included in the study unit which identifies achievable objectives, priorities, and strategies for use in land use planning;
5. Cycle new information back into Step 1 resulting in redefinition of study units and preservation objectives if necessary (U.S. Department of the Interior 1980:2).

An example of a comprehensive RP3 in Virginia is the one prepared in 1985 for James City County, York County, the City of Poquoson, and the City of Williamsburg (Brown and Bragdon 1986). The document has undergone revisions and has had a favorable impact, particularly with respect to encouraging preservation awareness in the local governments (E. Randolph Turner, personal communication 1994).

#### Voluntary Preservation/Stewardship Programs

Finally, Middlesex County should not overlook the utility of encouraging voluntary preservation efforts. Various stewardship programs have emerged around the country, from Arizona and Texas to Kentucky. Some of the programs use volunteer "stewards" to monitor sites for damage, while others are more comprehensive and use volunteers to monitor sites,

record new sites, nominate sites to the National Register of Historic Places, assist professionals and distribute educational material (Henry 1993:46). These volunteer efforts can be coordinated through a local historical society or through a local historic resources review board.

The Virginia Stewardship Program is coordinated by the Department of Historic Resources. Through this program, both private landowners and municipalities are encouraged to preserve, protect, and interpret significant archaeological resources on their property. The DHR will advise and assist landowners in developing a site stewardship plan, designating archaeological sites and zones, surveying and registering sites, and granting preservation easements.

#### Implementation Strategy

The following discussion is intended as a guide for using this archaeological resource assessment and building on the ideas presented in it. This is not to suggest that there is only one reasonable way to go about implementing the protection and management of archaeological resources in the county.

As a first step, the Middlesex County Board of Supervisors may appoint a committee to investigate the best ways to implement the completed archaeological resource assessment. A group of interested citizens may comprise the

bulk of the committee. Alternatively, a citizen or citizens' group may propose the committee's formation to the board of supervisors as one way to use the archaeological assessment. Ideally, the committee would contain a person or persons with archaeological training.

In order to put an archaeological resource assessment to work a locality needs to define its goals with respect to the management of archaeological resources. Middlesex County, in the implementation strategies section of its current Comprehensive Land Use Plan, lists adopting an ordinance under Section 15.1-503.2 of the Code of Virginia that would allow the county to regulate activities which might disturb archaeological sites (Middlesex County 1994). This is the single most important step the county can take at this juncture.

The archaeological resource assessment highlights the fact that Middlesex County is in the unique and enviable position of possessing great undisturbed archaeological wealth. Increased development without archaeological survey is the greatest threat to archaeological resources. While controlled growth is a desirable trait for the county, it need not be accompanied by the loss of irreplaceable archaeological sites. Changes in the zoning and subdivision ordinances now can halt the destruction of these sites and preserve them for the future. Using archaeological resource protection

ordinances from other localities as a model, the committee can draft changes in Middlesex County's ordinance.

Beyond requiring archaeological surveys, implementing options for the management of archaeological resources becomes less urgent. Creating an historic resources review board and conducting the historic buildings survey are two good places to start. The committee should also examine the option of acquiring Certified Local Government status. An increasing number of Virginia localities are turning to the CLG partnership with the state and federal governments for advice and monetary support in managing their cultural resources.

It will be useful to publicize these events with an eye toward public involvement in any future stewardship/volunteer preservation programs. Exhibits, guest lecturers, and films about archaeology in general, and Middlesex County archaeology in particular, are some ways to raise public awareness. These events could be sponsored in conjunction with the local museum and/or library.