

Elizabeth Brabec
Oral History Interview with Catherine Morrissey and Kimberley Showell
Waterford National Historic Landmark District Oral History Project
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Catherine Morrissey (CM): All right, can you state your name, age, and occupation?

Elizabeth Brabec (EB): Elizabeth Brabec. I am 63, and I am a professor of Landscape Architecture and Regional Planning at the University of Massachusetts Amherst.

CM: Wonderful, all right. Were you ever a native of the Village of Waterford or Loudoun County?

EB: No.

CM: And are you familiar with the preservation efforts in Waterford?

EB: Yes, from a period probably between 1989 and thereafter.

CM: Which protective measures were you directly involved in developing or carrying out?

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EB: I was directly involved in creating the landscape protection measures and the landscape preservation measures. It had to do with the Waterford Compact, that was a right of refusal for individuals who were farmers, particularly at that time. I believe there were five major landowners, and they could sell the right of first refusal to the Waterford Foundation. Because there were really no effective control measures that Loudoun County could implement in that national historic landmark, and so as development pressure was moving out from D.C., it was threatening the landscape character of the village itself.

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CM: I'm so glad you brought up the Waterford Compact. We haven't been able to discuss this with anyone. Based on all of our research, we could never tell if this was something just proposed or implemented, but it sounds like from your experience it was actually implemented?

EB: Well, so here's where my actual knowledge and where, I think so, intersect. So, what we were hired to do was to develop the plan that would be implemented, if an individual sold their right of refusal to the Waterford Foundation, and that was a limited development plan. So, the Foundation could recoup the amount of money they were paying to the individual landowner in the development process.

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And there were a couple of ways that this could be implemented. One is that the Foundation would buy the right of first refusal and then purchase the land outright. The Foundation could purchase the development rights to the land. Or they could go into a partnership with the landowner and co-develop the land according to the landscape plan that was created by our firm and Dodson Associates. And so those were a couple of different options.

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Our brief, essentially, was to do this from a landscape character assessment so that viewsheds and important characteristics of the landscape around the village would be protected, but that the landowner and/or the Foundation could recoup some of the costs of not developing the open space with some development units. And we were trying to balance the value of limited development with the value of the entire farm parcel. And of course, that was a little bit difficult to do. Now, I do know as a fact that the Foundation purchased at least one right of first refusal. I'm not entirely sure how many more.

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CM: Do you recall the name of that parcel or land?

EB: No, sorry. It's in my files, but I can't. And the lawyer that drew up the Waterford Compact, I'm thinking, might have been Bob Lainer.

CM: I don't know if we know him.

EB: Someone who might know—now, I'm not sure how accessible he is. Is he still alive? Yes, I think. Tersh Boasberg, you've probably heard of him, maybe. He was a very active preservation attorney at the time. I worked with him on the Brandy Station Battlefield site.

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It was the same kind of project in mind, but he did not write the Waterford Compact, which was basically the right of first refusal with the landowners. I'm remembering the name Bob Lanier. I might be wrong.

CM: How were these measures received by the residents of Waterford, if you know?

EB: I think they were positively received, but here's the limit of my knowledge in this particular case. Usually, my firm did a lot of public participation work, and when we did a landscape plan, it was usually with a lot of public meetings. That was not part of our work at the time.

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And so we had very little contact, actually, with the residents of the village or the landowners, per se. We had the right to walk the landowners land, which we did intensively to pass the development strategies, so from that perspective they knew of the project. They were aware of the project. They knew what we were doing. They knew we were connected to the Waterford Compact. But they

must have felt positively about it or they would not have let us basically walk anywhere we wanted to. But beyond that, I'm not sure. Do you have a copy of the Waterford Compact?

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CM: Yes.

EB: Okay.

CM: Yes, I think we found, maybe in the *Washington Post* or the *New York Times*, some big national newspaper, but I think it wasn't the *Post* because a lot of Waterford stuff showed up in the *Post*. But talking about the Waterford Compact and how it was the first in the country. But we couldn't find any kind of documentation anywhere, even at the Foundation, that it was actually implemented or that anyone ever chose to participate in the program, so—

EB: Yeah.

CM: That's a great recollection.

EB: I might be wrong, but I do remember there were negotiations with at least one landowner on right of first refusal, and I'm pretty sure that one was purchased, but you know a deed search would probably eliminate that because that would have been filed with the deed. Yeah.

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So, I think what you just said brings up two firsts for the Waterford project and Waterford landscape. One is this right of first refusal for development rights in the landscape of a national historic landmark, and the other one is the application of a limited development strategy, which had not been done in any cultural landscapes at this point. And the limited development strategy was really developed in both Harry Dodson's and my work in the Connecticut River Valley in the

project dealing with change in the Connecticut River Valley that we did in 1986-87 and was first time published in 1987.

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And so that strategy was one that we had developed for a broad region and included a number of different legal mechanisms for implementation, so you've got these great design ideas, how do you implement them? And this was one particular implementation strategy, which was right of first refusal and then an existing development plan that the landowner and the Waterford—yeah, we must have, or at least the Foundation, must have talked to the landowners. I don't remember talking extensively or negotiating with them about the development plan, but this was a cornerstone of what we did.

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The landowner and the Waterford Foundation had to be happy with the development plan going forward. So that cornerstone of this kind of preservation strategy was the first time it was implemented.

The other thing I think that is an important sort of connection from 30 years later is the fact that, at the time, cultural landscapes were just beginning to be explored as a broad large agricultural landscape entity. And so, there were two. One was Ebey's Landing on the west coast, and then the Waterford National Historic Landmark on the east coast. And those were the two that were being developed at the same time, in very different circumstances and with very different methodologies.

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But that was the initial exploration of, what we do when we don't have just a garden or a park that is already publicly held and protected land? That basically, we already have a preservation mandate, what do we do with these sites that are under private ownership, that we have very limited tools at that point for dealing with land conservation.

CM: And when you spoke about Ebey's Landing and Waterford being kind of the first two cultural landscapes and trying to manage them, what time period are you referring to?

EB: I'm referring to the late 1980s, early 1990s.

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When it was really about, so there had been a lot of discussion about cultural landscapes as designed landscapes. But this was about vernacular landscapes and large landscapes, and how do you manage that with multiple private landowners and trying to find a way that would effectively not deny them of all their property value?

CM: And since we're talking about this, obviously, the creation of the National Park Service bulletins on evaluating both cultural landscapes and even rural historic districts postdates this creation of all of this, landscape preservation efforts in Waterford. Do you think that the village of Waterford and the Waterford NHL was seen as a model for rural landscape preservation?

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EB: It was, because the National Park Service published it as a document, as a case study of what we're doing, how we're developing this idea. And so, in that respect, it got a lot of, it was very accessible to people, the strategy was accessible to people, and the visibility of it was high. It was used in quite a number of cultural landscape programs at different universities in the U.S., at the time. Because there [laughter] wasn't anything else available, but not to undersell it but because it was really the cutting edge of what was going on in cultural landscape management.

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So, it's really not so much about preservation as it is about managing the landscape to maintain its historic character, maintain its historic value and not degrade the overall national historic

landmark, particularly in the Waterford situation, but not degrade the cultural resources that you have in that area.

CM: Can you speak more about how Waterford was used as a teaching tool in kind of like landscape programs across the country, including your own work?

EB: Yeah. So, at the time, I was a consultant. I had my own firm, Land Ethics, and was doing work for a whole range of clients—national nonprofits, states, and local jurisdictions—all around these questions of, how do we do land conservation?

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And so later on, I joined the faculty at the University of Michigan in 1997. That's when I started teaching, and I started teaching cultural landscapes and have continued to do that to the present day. And I still talk about Waterford and the fact that it was at the cutting edge of this movement to look at vernacular, not just designed, and to look at large landscapes, rather than just small gardens and parks. And in its model of really how you do the land conservation work, and I think it came out, someone asked me recently, it might have been you, that asked me how this came about.

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How did we develop these ideas about land conservation in heritage landscape management? And it came mostly out of previous land conservation work on both the part of Harry Dodson and I. His firm and my firm worked together for a good 10 years around that period doing this type of work, but we both had very strong ecological resource conservation backgrounds. And for me, the tools that were being applied to ecological conservation could very easily be applied to cultural resource conservation in the same way because, you know, we talk about nature-culture now, but of course we weren't talking about nature-culture impacts then and interactions then.

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And so, this idea that we could use both the tools of ecological resource conservation and ecological resource land conservation was kind of revolutionary, to apply it to cultural resources on the landscape. And that's really where it came from, and it came out of that ecological resource work rather than the historic preservation field at the time. And so it was a mixing of those two fields and kind of pre-shadows the nature-culture work that started actually later in the '90s, when you follow that thread through.

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That I've recently been doing with some of my colleagues on the International Council on Monuments and Sites. They were talking internationally about these issues of the interface between natural and cultural resources, but that hadn't really entered the consciousness of historic preservation in the United States at that point.

CM: Did the Waterford Historic District nomination, and I'm especially thinking of the really inclusive boundary lines for the district that was done in 1970, did that play a role in influencing any kind of national landscape preservation policies, any kind of national literature about how to recognize landscapes or cultural landscapes?

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EB: That's a really good question and unfortunately not one that I can answer. So, your question is, at the time that it was designated, did it influence?

CM: [affirmative]

EB: And it was certainly an outlier. You know, they were hardly doing large site boundaries on much smaller—garden, park, building, structure—work. And oftentimes, you only if you had—always talked about it this way with my classes, when I started teaching—that to some extent in the historic preservation world in the United States, if you took the designated National Register

structure and you put an asphalt parking lot around it, it would not lose its significance according to the National Register, which is patently absurd because the landscape is the context of that structure.

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And so, in many ways, I think that the inclusion of very large expansive boundaries in the 1970s was revolutionary. And it gave people like me who were much more about vernacular and how do we maintain character and vernacular resources, it gave us a touchstone to really start to think about what this meant and how to develop that.

I started working in historic resource preservation in 1984, when I first came to the United States, and I was working in a regional planning commission.

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And so that was almost 15 years after the designation of Waterford, and it still was not in the vocabulary of cultural resource conservation, cultural resource management, at the time. This idea of landscape was not there. And the very first cultural resource, cultural landscape conference that was held by the American Society of Landscape Architects was held in 1985.

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So that's 15 years after Waterford is designated that we had just gotten to the point of that discussion in the field, that we felt we could have a day-long conference, so that puts the forward thinking-ness of the Waterford designation in context. So, if it wasn't the absolute first, it was really close to the absolute first. And I would challenge anybody to find another site in the United States that had been designated with those type of boundaries.

CM: And Kim knows more about this than I do because she really dug in on this piece of research, but we cannot find another one that's earlier, and part of the issue is some of the original national historic landmarks, especially, didn't have to have boundaries when they were nominated.

EB: Right.

CM: And so, some of them, and, Kim, you can jump in, but some of them have kind of similar boundary strategies, but we think they are actually, they [the boundary definitions] post-date their nominations and designations.

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EB: Yeah. Do you know who did, I should know this, but who did the original nomination and who decided that boundaries were a good idea?

CM: So, the gentleman who wrote the nomination, I believe, was with the National Trust at the time. I can't remember his name, but the person who did the boundaries was Brown Morton.

EB: Oh right. Yeah.

CM: For the Trust and he was preservationist at, professor at William and Mary, or no, Mary Washington. The Marys confuse me. And so, it was his strategy to do this, and we're actually still trying to set up an interview with him and his wife, but when we did our first public workshop in the village, he went up and spoke. And one of my other colleagues recorded him, and he said he put his back to every building in town, and as far as his eye could see, he drew the boundary over the river [South Fork Catoctin Creek] or over the kind of fall of the topography. But [laughter] we do also think—

EB: Yeah.

CM: We may be the first one, and we're just trying to see if anybody has any recollections [laughter] about that.

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EB: So that was probably, this would be a good question to ask him, but it was probably influenced by Ian McHarg's ideas of viewshed and viewshed analysis. And those were just coming into the mainstream at that time. So that's my best guess for where that would have come from, so it really is, you know, right from the designation, this was an outlier and the first and all of the things that are associated with that.

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EB: It's funny, it's fun that you're filling in some of the background for things I didn't quite know.

CM: It's been a fun project, and I think in some ways it's always, especially for people involved, a little bit weird that you're like, I would like to recognize your work as historic now.

[laughter]

EB: Right.

[laughter]

CM: But—

EB: [affirmative]

CM: This feels like such a very critical nationally significant, to us at least, piece of the landscape preservation story in the United States.

EB: Yeah, yeah. I would absolutely agree.

CM: Can you discuss your involvement in the creation of *Linking the Past to the Future: A Landscape Conservation Strategy*?

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EB: Sure. So, I was the lead firm, the lead landscape architect, on the project at the time. And as I said before, we were contacted by Catherine Ladd because of work with dealing with change in the Connecticut River Valley. That was just becoming very public, very popular, and she felt that there were good connections to be made between that work and the Waterford Compact. It was sort of the missing piece that would make the Waterford Compact possible.

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And so, we were hired on a National Endowment for the Arts grant and worked for, I think it was about a year and a half on developing the strategies for the individual properties. And so, in the same way that Brown Morton stood with his back to the buildings and said, what can I see? We did the same thing, and looking out from the village, what can I see? But then also walking each acre of that landscape and saying, what can we see back to the village? And also, where are the areas of the landscape that can absorb some development, without negatively impacting the landscape character?

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And we did a number of different scenarios, where there was a little bit of impact, so you could see some rooftops; no impact; and of course, the number of units that you could put in the landscape changed between those scenarios. We also did drawings of the site under current development strategies, which I think was shocking to people in the village and also the landowners. So, what the current laws allowed is what we're looking at, and of course that just covers the landscape with new house lots. And I think that shock value of the reality of what the

laws allowed really developed a lot of support for the Waterford Compact and for this limited development strategy that we were moving forward with.

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The other thing that made this project imminently important was that along the northeastern portion of the [Waterford] National Historic Landmark, there were beginning to be a couple of houses built, that were within the view shed, that were of an inappropriate character, landscape, extremely visible, the placement was wrong, and people in the village looked at that and said, oh, that is really what's going to happen here. And so, there was an imminency to this, and there was a lot of development pressure, of course, in the Washington, D.C., region at that time.

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And so that imminency of development and seeing what the first house lots looked like, I think really provided support for the project. Not sure if I answered your question. I might have went off on a tangent.

CM: [laughter] No, that was good. Do you think that this effort with the limited development plan was ultimately a successful preservation tool used in the village?

EB: And it's funny because I was thinking about it last night. I thought, darn, I should have gone on the aerial photographs to see what is in place today, and I just didn't have time.

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So last time I was in Waterford was a number of years ago. And at the time, I was very pleasantly surprised to see that it had really protected the landscape, so in that respect, I think it was successful. I think the more—is it more important?—success than protecting one landscape is the conversation that it opened up. And the conversation about, how can we deal with cultural landscapes, how we can deal with cultural resources in an effective way when we're dealing with

large landscapes? And so, from that perspective, it almost, well, of course, it did matter if it was successful because if it wasn't successful, it wouldn't have become a model. But the more important aspect of it was its add-on effect around the country with other sites of this kind of importance.

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CM: Do you know of any that did use this as a model that—

EB: Yeah. I do, sort of. [laughter] Oh, my god, you're really scraping memory banks.

CM: [laughter]

EB: Yikes.

CM: We can always augment the transcript later too, if things come to you outside of the interview time today.

EB: Yeah, I think we'll have to augment, I'm drawing a blank right now.

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CM: One of the things that we're currently wrestling with is coming up with a strong justification for ending our period of significance in the 1990s. And obviously hearing from you today has really, in my head, strengthened this, especially with the fact that the Waterford Compact was the first, and this limited development plan was also the first for historic vernacular landscape in the country. Do you think that Waterford is a nationally significant cultural landscape? Why or why not?

EB: Is it a nationally significant cultural landscape? So, what you're asking is, if the village was just a village, yeah. Any kind of village, not a Quaker village with these wonderful structures and this wonderful pristine placement and lack of intrusions. Would the landscape itself?

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The best answer to that is that you cannot take the landscape away from the structures or the structures away from the landscape. And so, the answer has to be, yes, the landscape is a nationally important, it's a national landmark significant landscape because of the embodiment of the history in this site. And if you remove that landscape designation and just brought it back to the village boundaries, there is no context for that village to be there and the life of that village, in its period of significance. So, the landscape surrounding that village is really a necessary part of understanding that heritage and that heritage narrative.

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CM: Do you think that the wider preservation efforts undertaken in the National Historic Landmark District of Waterford, as well as the landscape preservation efforts, make Waterford a nationally significant place?

EB: So, as we've talked about through this interview so far, we've got a couple of different firsts. We've got the 1970 designation, which included a landscape, which was incredibly forward thinking. It not only included a landscape setting, but it included a large landscape setting, which was unheard of at the time.

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Very unique. Then you go to the protection of that landscape setting, which was the first at the time, the first in the country. It was at a period when we were just beginning to talk about larger landscapes internationally and nationally, that they were just beginning to be accepted as opportunities and possibilities for designation and preservation. And then the way that we went

about developing its conservation management plan was significant, as well, that first use of a right of first refusal, the first use of a limited development plan and a cultural landscape context critical to engaging that landscape conservation strategy.

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So those three steps, at a minimum, are what really makes it stand out in this conservation narrative over the long term.

CM: Are you familiar with any other sites or places that recognize the landscape preservation as part of their official designations, either on the National Register or the National Historic Landmark? We found some corollaries for historic preservation and saving buildings, but I don't think we found any other sites that recognize landscape preservation.

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EB: Yeah, no. So, I'm continuing to think about other sites that applied it. We applied this and work in the Brandy Station Battlefield, so that's one where it was applied after the Waterford project. We applied it to the Eastern Shore Land Conservancy Biosphere Reserve Designation, which is a UNESCO designation. And that included cultural resources, as well as natural resources. That was also after the Waterford project, and both of those two spun off from Waterford.

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Now a third one is in work that I did later on in Beaufort County, South Carolina, with the Gullah community on Saint Helena Island. And so those same ideas of landscape conservation, of how to engage that in a community, were instrumental in creating the strategy that worked in that situation, different strategy, but the experience was additive after the Waterford project. And so, those are three that I can think of right off the top of my head.

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But if Waterford hadn't been there, those other sites would not have been possible because they built off of that experience and that knowledge that was created during that work.

CM: And one preservation tool that many of the other interviewees have discussed as being critical to landscape preservation is using open-space easements.

EB: Yeah.

CM: Can you talk about how you feel that's effective or ineffective or how it helped shape Waterford by the time you got involved?

EB: So, you can't do a limited development plan without open-space easements, and so that's really the core of a limited development strategy. Because you're identifying the sites that can be developed, and the other pieces of the landscape need to have a conservation easement placed on them.

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And so, the conservation easement then is a direct link with that limited development strategy. We don't have zoning tools that allow us to do a limited development strategy without this kind of easement structure that's associated with it. So, one of the tools that came out of dealing with change in the Connecticut River Valley was the idea of cluster and cluster ordinances, which I know I talked about in Loudoun County. They adopted one early on. But cluster ordinances are also intimately connected with conservation easements.

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And the problem with cluster ordinances is that communities politically don't have the political will to enact the kind of cluster ordinance requirements that you would need to do the Waterford site with. So, for that site, you would have to have at most 25 percent developable. I don't even

think there's that much developable land. And then 75 percent has to go under easement, and that politically is very, very difficult. It was very difficult to even get 50 percent of protected land out of a jurisdiction that did cluster development or conservation subdivision, as it later became, to be called.

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And I did a number of studies on conservation subdivision cluster development, as well as other academics, as well. And the most that, politically, people would enact was about 25 percent and more likely 10 percent. And that, when you think about what that would do to a landscape like Waterford, it would essentially do nothing to protect that overall National Historic Landmark landscape. And so, you just can't do it with the zoning. You have to do it with a much more innovative tool. And that's why I think this Waterford Compact right of first refusal and limited development strategy that is intimately connected to conservation easements is so critical.

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CM: And now that, I guess, we're almost 30 years later, from the [laughter]—

EB: [laughter] Don't remind me.

CM: Is there any other landscape preservation or landscape conservation strategies you would recommend to the Foundation that have since been created or refined?

EB: So, in sites like Waterford, where you have to protect or the resource is gone, and I teach land-use and planning law now. I became an attorney after I did this project.

CM: [laughter]

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And so, what I tell my students is that, if you're in a situation where you have to protect it, you have very, very limited tools outside of acquiring conservation easements or outright purchase, for conservation reasons. And so not only was this innovative at the time, it is still innovative because we don't have stronger measures in order to be able to do this kind of work. Obviously, outright purchase, especially in a situation where you've got development pressure and therefore the need to do this kind of thing, obviously outright purchase is incredibly expensive and beyond most local conservation efforts.

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And so that's why limited development strategies tend to be effective, and if you can mix that with the purchase of agricultural development rights and agricultural easements, that try to keep land in agriculture, if you can do that and pull in a variety of reasons for protecting the landscape—it sounds like it's doing it piecemeal—but it's actually an additive approach to making sure that the landscape remains open, which is what the goal is, and undeveloped with structures. Now, another area where we haven't quite, I haven't seen a site like this. I've been called in as an expert witness on a number of historic sites, but I haven't had a case like this yet, but I can see one coming, is agricultural use.

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So, you've got an agricultural easement on the landscape agricultural use, agricultural use, agricultural structures—grow operation—growing of marijuana is an agricultural use. Or what we have seen on Long Island and in other similarly high-end residential communities, where you've got agricultural land conservation, the demand is for riding arenas, and riding arenas are for agricultural use, and so suddenly, you get a large parking lot surrounding a large structure. And there goes the open space, so you haven't protected the visual quality of the landscape.

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And that's, I think, the real danger here, so that easement is not only for agricultural purposes but has to be written so that it keeps the structure out of that agricultural landscape, as well. So that's where I would like to see the next stage happen. It probably won't happen until the first court case comes in. I haven't seen that first court case yet, but I'm sure it's all coming.

CM: I don't think I have any more questions that I feel are applicable [laughter] for you. Did you want to add anything else that you've thought of or we didn't ask you about this project?

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EB: I think we've covered pretty much everything. You know, it's fun to go back and think about what you were thinking. What were your goals? Why did you engage in this? What helped you make certain decisions in the landscape? But I think we've covered pretty much everything. The project was also discussed internationally, and I can't give you any specifics, except to say that in conferences and international discussions.

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So, oh what was that? There was a landscape stewardship exchange, and it was between England, or Great Britain, and the U.S., where cultural landscape managers would come over from Britain, and we would have a meeting to look at cultural landscape issues in the U.S., and then groups would go over there. That was one example where I got invited to one of those to talk about these kinds of landscape conservation measures. So that would be one way that it began to influence international conversations, as well.

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And you know, I know I talked about it at various conferences afterwards, for many years afterwards. But that's the best specific example that I could give you, while we're really mining the memory banks.

[laughter]

CM: Okay, so I'm probably going to stop the official recording.

[end of transcript]