

*Accepted as Amended February 10, 2009*

**AFRICAN BURYING GROUND COMMITTEE**

**JANUARY 21, 2009**

**PORTSMOUTH CITY HALL**

**5:00 P.M.**

Present: Vernis Jackson, Chair (via telephone); Mary Bailey, Vice Chair; Valerie Cunningham; Councilor Christine Dwyer; Councilor Laura Pantelakos; Jack McGee; Suzanne M. Woodland (Ex-Officio), Steve Parkinson (Ex-officio)

Also Present: John P. Bohenko, City Manager; Cindy Hayden, Deputy City Manager; David Moore, Assistant Community Development Director; Robbi Woodburn of Woodburn & Company; Jerome Meadows (via telephone) State Archeologist Richard Boisvert from the State Division of Historical Resources.

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Vice Chairperson Mary Bailey opened the meeting and welcomed those in attendance. In the absence of the Chair (whose physical attendance was not practical due to travel), the Vice-Chair ran the meeting and recognized Deputy City Manager Cindy Hayden to provide an introduction to the meeting.

Ms. Hayden advised the Committee that the City's request to reprogram the Economic Development Initiative grant funding originally slated for the Riverwalk Project had been denied by U.S. Housing and Urban Development. She indicated that this delay provided additional time to complete the needed final design work as well as additional fundraising. She also indicated that City staff would be working to obtain another special appropriation of federal funds for this project.

Prior to introducing Ms. Woodburn and the design team to discuss the design, Ms. Hayden reminded the Committee that since its last meeting, City staff and the design team worked to amend the previous conceptual design for the African Burying Ground project in light of the test trenching which was conducted on November 12 and 13 of 2008. At its last meeting, the Committee determined that no additional human remains should be disturbed in the construction of the project. As a result, Ms. Hayden explained that the City directed the design team to amend the design plan so that no element of the design would require further disturbance than three inches from the top of grade in those areas which were not previously disturbed or investigated. As a result, four vertical slabs and materials for the paved surfaces of the memorial and the roadway needed to be changed to accommodate the design parameters. She noted that because the elements would be installed close to the surface, the memorial will require ongoing maintenance and preservation in the future. She added that additional funding will be required in the future to perform the maintenance and the creation of a trust for this purpose will be necessary.

Ms. Woodburn was then recognized to detail the changes to the design plan to accommodate the new design parameters. She explained that due to the diminished depth

to build foundational components, the four granite slabs in the middle of the project would need to be removed; the width of curbing used to define the project spaces would be increased and they would be pinned together at a more shallow depth; and three trees would be removed from the design plan. She indicated that, due to the design parameters, the project was not being built to usual engineering standards. Because foundational components will not be deep enough to penetrate the frost line, the potential for movement of artistic elements over time is high. She said this is unavoidable, however the design team is designing the artistic components so that they can be easily maintained and reset as required by shifting over time. She indicated that grading was also amended and that the seating walls and petition line were amended to improve circulation flow. She clarified that most design elements remain the same, including the entry sculpture, petition line (with inscription), information marker, burial vault, standing community figures, and bench as well as the raised grade and railing at the commemorative space. She indicated that blue stone thermal finish pavers were suggested for the memorial space surfacing and that stamped colored asphalt would be used for the street.

There was a general question and answer period on the design. Councilor Dwyer asked if other vertical elements were considered. Mr. Meadows indicated that an alternative bronze vertical design feature in place of the granite slabs was explained, but was not deemed feasible because it was too heavy and required foundational support in excess of limited available subsurface depths. State Archaeologist, Dr. Boisvert noted that the entry sculpture must be hand dug prior to construction to insure there won't be any additional disturbance of remains.

Ms. Hayden asked Ms. Woodburn to clarify exactly which areas would be dug to depths greater than 3" inches. Ms. Woodburn indicated these areas included the locations for the entry sculpture, the burial vault, the standing community figures, the drop inlets for drainage and the resetting of sidewalk curbing. These areas had been excavated previously during the test trenching, during the 2003 Court Street project, or, in the case of the curb resetting, would be disturbing already disturbed areas. The entry sculpture would be investigated prior to construction. Ms. Woodburn discussed where elements were to be located and how several areas of the project had been test dug. Mr. Parkinson reiterated that over time the vertical elements will shift, but that we can account for future maintenance needs during the design process.

There was a brief discussion related to construction time line and funding. It is likely the construction wouldn't be taking place until the 2010 construction season and that due to the removal of the foundational components the construction cost would go down. Ms. Hayden noted that additional time before construction would mean that additional fundraising could take place before construction to support the ongoing maintenance of the project.

Mr. Boisvert stated that the plan presented by the design team would meet all of the requirements for State and Federal regulations and he thinks it is appropriate given the sensitive nature of the site.

Mr. McGee asked several questions of Dr. Boisvert regarding the authority of the State Archaeologist and the Division of Historical Resources, to prevent the City from utilizing trees in its design for the burying ground. Several details related to regulatory and legislative requirements were cited by Dr. Boisvert, including the federal Section 106 process, which would be triggered by the insertion of federal funding into the project. Mr. McGee made a motion to recommend the City Manager request a meeting with the Commissioner of Cultural Resources and the Director of the Division of Historical Resources to discuss the tree issue and pursuing the original design plan. The motion was seconded by Ms. Pantelakos. A vote was taken and the motion failed 3 to 2 with Chairperson Jackson abstaining.

Vice Chairperson Bailey asked members of the Committee to weigh in with their opinion on the design as presented. The Committee continued with its general discussion about the design and several members discussed their frustration about the trees not being included. Ms. Cunningham specifically shared her disappointment with the removal of the vertical elements including the trees in the design but she supported their removal from the design in order to avoid a conflict with remains. She does not want any further disturbance of remains. Ms. Dwyer indicated that she understood the concern over the lack of height in the design and asked if landscaping in the planter could help with the lack of vertical elements. Ms. Woodburn indicated that there would be several possibilities to introduce more height through landscaping. Mr. McGee indicated that he considered the original design great, but he does not support the design without the vertical elements and specifically trees. Ms. Dwyer indicated that she was interested in exploring design options in other locations above and beyond the existing design footprint on Chestnut Street where vertical elements related to the Burying Ground could be located. Chairperson Jackson indicated that there were limitations which she said were not ideal; she wanted to move the process forward and not delay the project. Ms. Pantelakos said she was disappointed with the tree issue.

Ms. Dwyer moved that the Committee recommend the City move forward with final engineering and design for the project based on the design as presented tonight and continue to explore opportunities outside of the project footprint to enhance the current project. Ms. Pantelakos seconded the motion. A vote was taken and the motion passed 5 to 1 with Mr. McGee voting against.

After discussion, a decision was made not to move forward with the rest of the agenda, which included funding and a disposition of the recovered remains from November 2008. Mr. McGee moved to adjourn the meeting and Ms. Pantelakos seconded the motion. All voted in favor. The meeting adjourned at 6:45 p.m.