

www.preservepennhurst.com

The Pennhurst Preservation Project
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The East Vincent Township Board of Supervisors
262 Ridge Road
Spring City, Pennsylvania 19475

*All Interested Parties Carbon Copied
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<http://www.preservepennhurst.com>*

Dear *****,

As you may know, I have been working with an increasing number of concerned citizens committed to the preservation of a key portion of the Pennhurst State School and Hospital. We seek to preserve the Administration Building (pictured in the Township's public meeting room) as a memorial to the thousands of residents who suffered there and the countless local residents who tried to care for them in the face of a broken system. The effort has garnered considerable support at all levels in a short time and with but a small amount of publicity.

Why We Ask Your Action in Preserving Pennhurst

Made famous by a 1968 NBC expose and ensuing Supreme Court litigation, Pennhurst is a place of national significance and local meaning.¹ Because of the dedication of local people, Pennhurst changed how we as a nation treated those with intellectual and developmental disabilities (the "mentally retarded"). Pennhurst's story is a warning about the dangers of defining people as "the other." Ultimately a hopeful tale, it juxtaposes the infinite sadness of choosing to forget and ignore with an awakening of public conscience to the dignity of all people. It is a human story and an inspiring message needed yet today.

You may have seen the front-page *Pottstown Mercury* story last month. I invite you to visit [\[link\]](#) for more information. You will find there is an online preservation petition linked to the site for your consideration. Already, there are signatures from all over Pennsylvania, the nation, and the world. I encourage you to sign the petition and spread the word.

Mr. Chakejian, the developer, has publicly stated that he wishes to do something at Pennhurst of which we as a community can be proud (*See Pottstown Mercury*, "Developers Buy Pennhurst With Options Open," March 8, 2008). Even irrespective of the myriad environmental, economic, and cultural merits of historic preservation generally,²

¹ As such Pennhurst meets the General Criteria for Classification as a Historic Resource under §27-1403 2 D (1) (2) (4) (5) (7) (8) and (10)

² See Attached Exhibit A

Pennhurst particularly is a place the destruction of which history will not forgive. Such an action would be shortsighted and tragic—certainly not something of which we might be proud. As local citizens, I know you have a vested interest in the quality of

our community. While the decay the property has endured under state control is unfortunate, it is not irreversible. We believe honoring the part of our community's and our nation's past embodied at Pennhurst—the people, places, the triumphs and tragedies—is an essential duty of any citizenry responsibly engaged in the crafting of its own future.

An Independent Preservation Analysis Is Needed

I understand that by all obvious appearances the buildings at Pennhurst are significantly deteriorated. However, you will find that the Administration Building is structurally sound and by no means out of the range of what can be preserved. I direct you to our website under "Case Studies." There you will find images of a structure from the Byberry State Hospital. The building was larger, older and vastly more deteriorated than Pennhurst's Administration Building.³ The Byberry developer turned this near ruin into a shining example of responsible redevelopment that unifies the community and increases property value. *There is no acceptable justification for East Vincent to not enjoy the same return.*

The evaluation by a member of the developer's own staff concluding the property is not a candidate for adaptive reuse (cited in the Planning Commission's April 15, 2008, minutes) is, as you must know, tainted with a conflict of interest and will not substitute for an *independent evaluation by a preservation expert*. The Township must initiate its own review of the property to be done by an *independent preservation expert*⁴ who will assess both the structural integrity and the historical/cultural/aesthetic merit of the property. Secondly, as you know, a strong showing of such merit as we have at Pennhurst sets the bar for a determination of preservation infeasibility extraordinarily high. Lastly, the developer has stipulated that he will pursue only adaptive reuse he deems to be "fiscally responsible." (*See aforementioned Mercury article of March 8, 2008.*) This assertion assumes an authority he does not have under the Township's laws. Nowhere do East Vincent's ordinances allow *developers* to unilaterally condition preservation on any basis. Section 27-1403.4.B.(3) allows the *Historical Commission, not the developer*, to consider the economic feasibility of adaptive reuse *as but one of several factors*, which also include a consideration of the resource's historical significance and architectural integrity. While we may consider a public-private partnership in this endeavor, Pennhurst's value to the community cannot be sacrificed to subsidize any developer's commitment to their own fiscal fortune.

Upholding the Law Means a Presumption of Preservation

As outlined below, East Vincent Township's preservation ordinances create a presumption that a Class I or II historic property such as Pennhurst will be preserved (*See, e.g.,* §27-1403.4.B.(1) (denying demolition permits for historic resources before a review by the Historical Commission); §27-1403.5.(A) (authorizing the Board of Supervisors to enforce preservation by any means at law or equity, including reconstruction of the resource). While this presumption of preservation can be rebutted, the ordinances establish that the commissioner's consideration be one of "can we allow this property to be lost," and not "will we require this property to be preserved?" This is an important distinction and I encourage you to reiterate it. As the entire Pennhurst site is a Class I and II historic resource under §§27-1403.2.(A) and (B), this presumption applies to the entire property, not just the Administration Building about which we seek your action.

In expressly prohibiting demolition by neglect, the ordinances imply an affirmative duty to maintain (§27-1403.4.A.(2)(a),(b), and (c)). In this instance, such a duty would likely require the developer to take measures to prevent further deterioration. This would include repairing leaks in the roof, stabilizing the cupola, and boarding up and fencing off the building (the latter also specifically authorized by §27-1403.3.D.(5)). Further, §27-1403.5.C empowers the Board of Supervisors to condition any redevelopment of the property on restoration of the Administration Building. Given the enduring and exponentially greater benefit to be afforded to future generations by preserving the Administration Building and given that the cost of preservation here is but a fraction of the total profit the developer stands to make on the property, it is only right that the Board exercise this power.

³ See Attached Exhibit B

⁴ John Milner Associates and Wise Preservation Planning represent organizations of the sort that must be consulted for such an evaluation.

We do not ask a great deal of those who stand to benefit a great deal from our community. Nor do we preserve a great deal. But if the valuation of history's merits expressed in our laws means anything, Pennhurst of all places *must* be saved. Given the tremendous public interest in preservation here, we are compelled to find ways to make it happen. Let history not accuse us of suffering from a lack of imagination.

Through East Vincent Township's ordinances relating to historic preservation, outlined below, you have the power—indeed, the responsibility—to seize this wonderful opportunity providence has afforded. It is our sincere and deepest wish that you will work with us as your constituents, friends and supporters toward that end.

EAST VINCENT TOWNSHIP ORDINANCES RELATING TO PRESERVATION AT PENNHURST

We would like to draw your attention to several key passages of the East Vincent ordinances pertinent to Pennhurst. The following is based on the ordinances in effect as provided on the Township's website.

Preservation at Pennhurst is, by public policy, a matter of public necessity.

Section 27-1403.1 declares the preservation of buildings displaying “historic, architectural, cultural...educational, and aesthetic merit” to be public necessities toward promoting the general welfare. East Vincent has adopted this section to promote the general welfare, to discourage the unnecessary demolition of historic resources, to incentivize the appropriate reuse of historic resources, and to encourage the conservation of historic settings and landscapes. Pennhurst meets all of the aforementioned merit criteria and as such its preservation is necessary.

The Entire Pennhurst Campus Has Been Designated Either or Both a Class I and II Historic Resource Mandating Protection

Section 27-1403.2.A.(5) includes as a Class I historic resource any property with a determination of eligibility for the National Historic Register by the Pennsylvania Historical and Museum Commission (PHMC). The entire Pennhurst Campus was deemed a historic district eligible for the National Historic Register by the PHMC in 1984 (PHMC Key Number 064464; Inventory Identification Number 64370; Survey Code 029-00865). Section 27-1403.2.A.(5) also provides that the Board of Supervisors can, by their own action, award a property Class I status after holding a public meeting and notifying the owner (See §27-1403.2.C). Section 27-1403.2.C.(3)(e) acknowledges that even should the property lose Class I status the property shall still retain Class II historic resource status and thus continue to warrant protection.

Section 27-1403.2.B describes Class I historic resource status as including but not limited to property listed on the Chester County Historic Sites Survey of 1982. Pennhurst's Administration Building is listed on Sheet Five, Item Number 102. Other Pennhurst structures are also listed on Sheet 5 of the Survey.

Section 27-1403.2.C.(2) mandates that the Historical Commission review any changes in resource classification. Such a review requires a public meeting at which any interested party can present evidence as to why the property meets the General Criteria for Classification of Historic Resources (§27-1403.2.D(1)-(10)).

Pennhurst Meets the General Criteria for Classification of Historic Resources

Section 27-1403.2.D(1)-(10) list the criteria mandating that Pennhurst remain on the Historic Resources Inventory. While meeting one element is sufficient for the Inventory, Pennhurst meets each of the following:

- (1) Pennhurst has significant character, interest, and value as part of the heritage and cultural characteristics of the Township, the County, the region, the Commonwealth, and the nation.
- (2) Pennhurst is associated with Supreme Court litigation and a resulting sea change in our treatment of persons with intellectual and developmental disabilities. While the name “Pennhurst” is reknowned in mental health circles, the events documented at Pennhurst are nationally significant.

- (4) Pennhurst embodies distinguishing characteristics of the Jacobean Revival style and is one of the finest extant examples of it. While Jacobean Revival was once a popular genre for institutional architecture, remain examples—particularly one as fine as the Administration Building—are rare.
- (5) Pennhurst is a noteworthy and now rare example of the architectural design of Philip H. Johnson, a colorful and important local architect. For many years Johnson served as the architect for the Philadelphia City Department of Public Health and in that position designed a number of hospitals and city health institutions. His controversial appointment to this position was effected by the influence of his brother-in-law, Israel W. Durham, one-time political boss of the 7th Ward in Philadelphia, according to obituaries published at the time of Johnson's death. Through his brother-in-law, Johnson received a contract with the

City Health Department which was valid for his lifetime. Although several later mayors attempted to break this contract, city courts upheld its validity, enabling Johnson to receive some \$2,000,000 in fees from the municipal treasury during his 30 years of city design. Prior to 1903, Johnson had been employed in the City's Bureau of Engineering and Surveys, but was not well-known as an architect at the time of his appointment to the City's Department of Health. During his long career, Johnson designed such notable hospital complexes as the Philadelphia General Hospital buildings, Philadelphia Hospital for Contagious Diseases at 2nd and Luzerne streets, and several buildings at the Philadelphia Hospital for Mental Diseases at Byberry. In addition to hospitals, Johnson designed City Hall Annex and the Philadelphia Convention Hall.

- (7) The Administration is the hallmark structure of an institutional community. Though the entire campus is predominantly in the Jacobean Revival style, no two buildings are identical. The result is a unique historic, cultural, and architectural motif.
- (8) Pennhurst and its Administration Building have been familiar landmarks on the landscape for over a century. From their commanding perch atop a hill overlooking the Schuylkill River, these imposing structures have been home and workplace to tens of thousands of people.
- (10) Pennhurst's story—and its lessons—are of national import and really speak to what it means to be human. However, Pennhurst is intimately connected with its surrounding community and its own population dwarfed that of surrounding towns. Pennhurst's residents grew produce on the School's farms and orchards and sold them to merchants in Spring City. Thousands of local citizens worked at Pennhurst. They cared for Pennhurst's residents and developed close personal bonds with them. Indeed, it was through their efforts that the problems of funding and care were both brought to light and addressed. Additionally, many former Pennhurst residents are now active community members, who having lived through institutionalization, serve to demonstrate the true resilience of the human spirit. Pennhurst was the stage upon which this drama was played out.

NO CLASS I OR CLASS II HISTORIC RESOURCE SUCH AS PENNHURST MAY BE DEMOLISHED WITHOUT EXPRESS BOARD OF SUPERVISOR APPROVAL

Section 27-1403.4 mandates that no Class I or Class II historic resource may be demolished *in whole or in part whether deliberately or by neglect* unless a demolition permit is obtained from the Code Enforcement Officer. The Code Enforcement Officer shall not issue such a permit without forwarding the permit application to the Historical Commission for review (§27-1403.4.B.(1)). The Historical Commission will approve the demolition permit application only after considering the historical significance of the property, among other issues. It will make every effort to communicate to the developer the importance of the historical resource and alternatives to its demolition. The Board of Supervisors will then consider the application in light of the Historical Commission's recommendations (§27-1403.4.C.(1)).

East Vincent's Ordinances Mandate an Affirmative Duty to Maintain

Under §27-1403.4.A.(2), failure to provide ordinary and necessary maintenance to a historic resource either by ordinary negligence or willful neglect constitutes demolition by neglect and requires a permit approved by the Board

of Supervisors. In the absence of such a permit, as here, failure to take steps to prevent further deterioration is a violation. This section creates an exception for structures that were in ruin at the time this section was adopted. There is no evidence to suggest that the Administration Building was in ruin at that time. Additionally, §27-1403.3.D.(5) provide that unoccupied historic resources be tightly sealed and barred off in a manner not jeopardizing its historical integrity.

THE BOARD OF SUPERVISORS CAN MANDATE RESTORATION AS A CONDITION OF A DEVELOPMENT PLAN

Section 27-1403.5.A empowers the Board of Supervisors to enforce the preservation ordinance through any measure available at law or in equity. Section 27-1403.5.C provides that in the event of demolition by neglect or otherwise, the Board may condition any conditional use application or subdivision or land development application on the reconstruction or restoration of the historic resource.

Additional Provisions

Section 22-429.4.D provides that the Township may require the developer to provide interpretive signage explaining Pennhurst's significance.

Section 27-1403.3.D.(6) empowers the Board of Supervisors to condition use approval on the site on the establishment of preservation easements to protect the historic integrity of the property.

Sincerely,

Nathaniel C. Guest

CC:

The Honorable James Gerlach, *United States Congressman, Sixth District of Pennsylvania*
Mr. Scott Savett, *Montgomery County Outreach Coordinator, Office of Congressman James Gerlach*
The Honorable Andrew E. Dinniman, *Pennsylvania State Senator, Nineteenth District of Pennsylvania*
Ms. Mary Kivlin, *The Office of Senator Andrew E. Dinniman*
The Honorable Tim Hennessey, *Pennsylvania State Congressman, Twenty Sixth District of Pennsylvania*
Ms. Mary Werner DeNadai, *John Milner Architects, National Trust for Historic Preservation, and Preservation Pennsylvania*
Ms. Mary E. Flagg, *Township Manager, East Vincent Township, Pennsylvania*
Ms. Jean Cutler, *Director, Bureau for Historic Preservation, Pennsylvania Hist. and Museum Commission*
Ms. Bonnie Wilkinson Mark, *Pennsylvania Historical and Museum Commission*
Ms. Carol Lee, *Pennsylvania Historical and Museum Commission*
Ms. April Franz, *Pennsylvania Historical and Museum Commission*
Ms. Nancy Petersen, *The Philadelphia Inquirer*
Mr. Michael Hays, *The Pottstown Mercury*
Ms. Karen S. Marshall, *Heritage Preservation Coordinator, Chester County Parks & Recreation Department*
Mr. Robert J. Wise, *President, The Chester County Historic Preservation Network*
Mr. William C. Brunner, *President, The Spring-Ford Area Historical Society*
The Pottstown Historical Society
Mr. George Wausnock
Mr. John Koury, *Esquire*
Ms. Becky Manley, *Chairman of the Board, The Historical Society of Phoenixville*
The Chester County Planning Commission

The East Vincent Township Planning Commission

Ms. Michele Adams, *Chair*
Dr. Lester Schwartz, *Secretary*
Mr. John Aberle, Jr., *Member*
Mr. Todd Bereda, *Member*
Ms. Elaine Milito, *Member*
Mr. Lawson Macartney, *Member*

The East Vincent Township Historical Commission

Mr. Saul Rivkin, *Chair*
Dr. Elaine Husted, *Secretary*
Ms. Sandra Mandel, *Member*
Dr. Robert Price, *Member*
Mr. Clyde Scheib, *Member*
Ms. Dianne Wagner, *Member*

The East Vincent Township Zoning Hearing Board

Mr. Morris J. Carl, *Secretary*
Mr. John Hunt, *Esquire, Member*
Ms. Dore Ann Dabback, *Member*
Mr. Richard L. Mull, *Member*

Exhibit A: *The Environmental and Economic Benefit of Historic Preservation to Local Communities**

While East Vincent Township's ordinances already mandate preservation, the Board of Supervisors' enforcement of those provisions is bolstered by the knowledge that preservation at Pennhurst will benefit the surrounding community both environmentally and economically for generations to come in ways that greatly exceed the benefit conferred by new construction. Some key points, are offered below for your consideration.

*Excerpted from "Historic Preservation: The Ultimate Recycling" by Jay Fulkerson, available at

(last visited January 27, 2008).

Preservation Benefits to the Local Community

Since so much of building construction is decided from an economic standpoint, it is interesting to note that when we preserve a building, the community is renewed economically at a higher level than with new construction. If a community chooses to spend one million dollars on rehabilitation rather than new construction, the following statements are true:

- 1) \$120,000 more will initially stay in the local community.
- 2) Five to nine more construction jobs will be created than with new construction.
- 3) 4.7 more new jobs will be created elsewhere in the community, than with new construction.
- 3) Retail sales in the community will increase \$34,000 more than with new construction.
- 4) Real estate companies, lending institutions, personal service vendors, and eating and drinking establishments all receive more monetary benefit.
- 5) With preservation projects, more money is returned to the local economy in the form of wages, rather than being spent for materials manufactured elsewhere in the United States and the world. Massive quantities of energy, as well as farmlands and forests, are saved, here and abroad.

Preservation's Environmental Benefits

The construction industry accounts for 11% of total energy consumption in the United States and 85% of that energy usage is in transportation of new materials to the site. Building construction consumes 40% of the raw materials annually entering the global market. Restoration of an existing structure does not require anything near the quantity of raw and finished material or transportation and construction energy consumed in the creation of new structures. Concurrently, restoration preserves both the energy and cultural heritage embodied in the existing structure. New construction is highly waste generative, particularly if coupled with a demolition. Nearly 25% of solid waste in the United States is detritus from new construction and demolition. *Demolition of historic structures is doubly irresponsible from an environmental perspective; in addition to forfeiting energy and material already embodied in the structure and adding to the burden of our landfills, the resources necessary for demolition are considerable given the quality and strength of many older structures.*

Exhibit B: Case Study: Preservation at the Byberry State Hospital, Philadelphia, Pennsylvania

The Byberry State Hospital, a larger, older structure vastly more deteriorated than Pennhurst's Administration Building was restored by the developer of that property. The developer turned a near ruin into a shining example of responsible redevelopment that unifies the community and increases property value. *There is no acceptable justification for East Vincent to not enjoy the same return. See* [for more Case Studies.](#)



Photo by Robert K. H. 2001

