

# PRESERVATION PLANNING MANUAL



## MASSACHUSETTS HISTORICAL COMMISSION

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The Massachusetts Historical Commission was established by the legislature in 1963 to identify, evaluate, and protect important historical and archaeological assets of the Commonwealth. The Commission consists of 17 members appointed from various disciplines who serve as the State Review Board for state and federal preservation programs. The Secretary of the Commonwealth chairs the Commission. The professional staff of the Commission includes historians, architects, archaeologists, geographers, and preservation planners. The MHC is the office of the State Historic Preservation Officer and the Office of the State Archaeologist.

The Preservation Planning Manual has been financed in part with federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior. "This program receives Federal funds from the National Park Service. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender or handicap in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, U.S. Department of the Interior, 1849 C Street NW, Room 1324, Washington, DC 20240."

On the Cover:  
Sunderland Center Historic District listed on the National Register of Historic Places in 2002.

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# I. Introduction

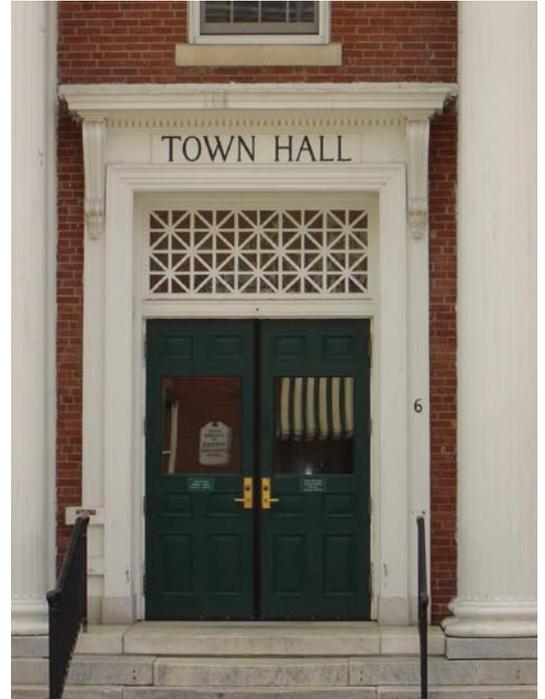
Congratulations and welcome to local historic preservation planning in Massachusetts!

Many people believe that historic preservation is accomplished primarily through state and federal government programs, but nothing could be further from the truth. Local residents know their communities best and have the most tools to protect historic resources.

The best tool of all is an active local historical commission.

As a member of a local historical commission, you are part of a network of volunteers responsible for protecting the irreplaceable historic resources in your city or town and across Massachusetts.

The Massachusetts Historical Commission (MHC) prepared this guidebook especially for you. If you are a newly appointed member, this guidebook will get you started on the right foot. If you are a long time member of a local historical commission (LHC), this guidebook will be a useful reference. It explains the basics of community-wide historic preservation planning and the basic responsibilities of a local historical commission. There are also references to useful resources for more detailed information and support.



The MHC is here to help. When you have a question not addressed in our resource material, please contact our office. Local historical commissions are our partners in preservation, and we encourage you to stay in touch so that you can take full advantage of the MHC's resources.



Over the past few decades, the dedication of local historical commission members has resulted in the identification and protection of thousands of historic resources in Massachusetts.

Without local historical commissions, Massachusetts would be a very different place. Thank you for your hard work and commitment to preserving your community's historic resources.

## II. Getting Started

### *What is a Local Historical Commission?*



Local historical commissions in Massachusetts began in the 1960s following the passage of Massachusetts General Law, Chapter 40, Section 8d. This law allows any city or town that accepts the provisions of the act to establish a local historical commission. Almost every city and town in Massachusetts has since done so. Generally, a local historical commission is responsible for preservation planning in the community.

MGL Chapter 40 Section 8d identifies five responsibilities for local historical commissions.

1. Research places of historic or archaeological value;
2. Cooperate with the State Archaeologist in conducting surveys and reporting sites;
3. Coordinate with other preservation organizations;
4. Keep accurate records of the LHC's actions and file an annual report;
5. Maintain a membership of not less than three nor more than seven members, duly appointed by the appropriate municipal official.

Beyond these five responsibilities, local historical commissions are free to undertake many other activities for the purpose of preserving and protecting the historic and archaeological assets of the community.

Unless given regulatory authority through a local bylaw or ordinance, local historical commissions have only an advisory role within local government. As such, they may make recommendations to the select board or city council on matters relating to the protection and preservation of historic areas, buildings, structures, and sites.

There is often confusion regarding the different duties of local historical commissions, local historical societies and local historic district commissions. There are significant differences among these organizations. Take a close look at the information on the next pages to learn the different roles of these organizations in your community.



## *Massachusetts General Law Chapter 40 Section 8d*

Massachusetts General Law Chapter 40 Section 8d was established to allow cities and towns to create a local historical commission.

### **MGL Chapter 40 section 8d**

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be



certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of

the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate

member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

## ***Local Historical Commissions, Historic District Commissions and Local Historical Societies***

There is often substantial confusion over these three types of organizations. It is important to remember that there are very distinct differences among them.

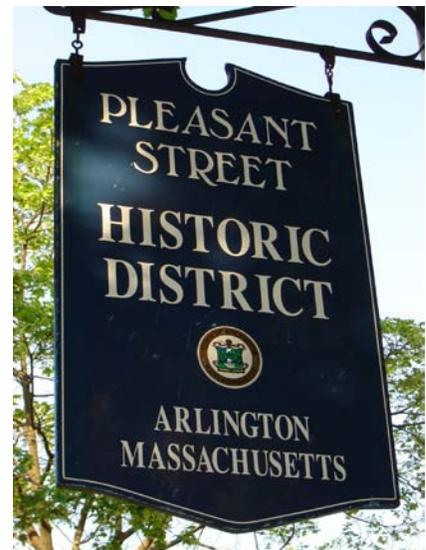


### **Local Historical Commissions (M.G.L. Chapter 40, Section 8d)**

Local historical commissions are the official agents of municipal government responsible for community-wide historic preservation planning. Local Historical Commissions work in cooperation with other municipal agencies, such as the Select Board, City Council, building inspector, Planning Board, Zoning Board of Appeals and Conservation Commission, to insure that the goals of historic preservation are considered in the planning and future development of the community. Local Historical Commissions are only advisory unless a local bylaw or ordinance, such as a demolition delay bylaw, has given them regulatory jurisdiction.

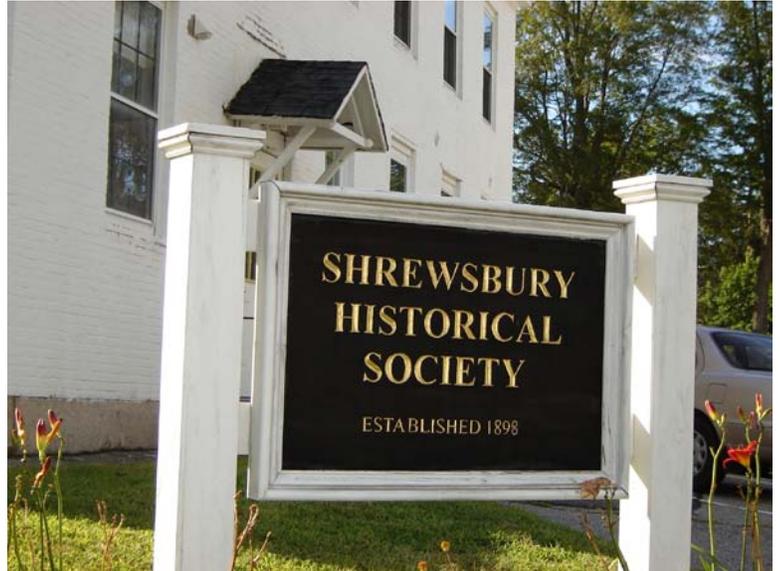
### **Local Historic District Commissions (M.G.L. Chapter 40C)**

Local Historic District Commissions are the review authority responsible for regulatory design review within designated local historic districts. Local Historic District Commissions review applications for changes to exterior architectural features visible from a public way and have the ability to prevent demolitions and inappropriate alterations within local historic districts. In some communities with local historic districts, the Historical Commission and Historic District Commission are combined into one Commission. This combined commission is known as either the Historical Commission or the Historic District Commission.



### **Local Historical Societies**

Local Historical Societies are private membership organizations concerned with the preservation of local histories through records, collections, and properties.



While members of the local historical commission may also be members of the Local Historical Society, it is important for the Historical Commission members to distinguish themselves from the Historical Society. By doing so, you can help to raise the profile of the local historical commission in the community and help to make the historical commission more effective in city or town hall. While there are differences between commissions and societies, there are many shared concerns and many opportunities for cooperation. In identifying historic resources, the local historical society will very likely have useful documents. In addition, as a membership organization, the Historical Society can keep their many members informed about historic preservation issues in the community and the work of the Historical Commission.

## ***Starting a New Local Historical Commission***

Local Historical Commissions are established initially through town meeting or city council vote. Only a few towns in Massachusetts have never officially established a local historical commission. If you live in one of these towns and are interested in establishing a local historical commission, contact the Massachusetts Historical Commission first. MHC staff will answer questions and discuss current historic preservation activity in your area and how best to move forward with passage at town meeting or city council.

## ***Reactivating an Inactive Local Historical Commission***

In some Massachusetts communities, the local historical commission is inactive. If your local historical commission was officially established but is currently inactive, it is not necessary to obtain a town meeting or city council vote to reactivate it. The select board, town manager, or the city council/mayor/city manager can simply appoint new members to the Commission. Your city or town clerk should be able to tell you whether all of the terms of the commission members have expired. If all terms are expired, the select board or city council should fill all of the vacancies with new appointments. The new appointments should be arranged so that approximately one-third of the appointments expire each year.

Before reactivating the LHC, it is a good idea to find out why the Commission became inactive. If previous commission members are still in town, try to meet with them individually to learn why the commission became inactive. You do not want to repeat the same mistakes.

A common reason that local historical commissions become inactive is unrealistic expectations on the part of the commission members. All local historical commission members should remember that a successful local historic preservation program is developed slowly over a period of many years. Expecting immediate change and results in your community will likely lead to disappointment, and an inactive commission. Experience has shown that effective local historical commissions think long term.

## ***Members and Officers***

Establishing and maintaining good members is the key to a successful, long-standing local historical commissions. Members of the local historical commission should have a genuine interest in identifying, preserving, and protecting the historic resources of the community. When possible, commission members should be appointed from among professionals in the disciplines of historic preservation, architecture, history, architectural history, planning, or archaeology. However, in most communities, finding this level of expertise locally is not possible. The important thing is that all members are willing to learn the basics of historic



preservation planning and contribute the time necessary to provide for the effective operation of the commission.

A local historical commission consists of three to seven members. In a town they are appointed by the select board or by the town manager, subject to the select board's approval. The mayor or city manager makes the appointments in a city subject to the provisions of the city charter. Commission members serve three-year terms. Whenever new appointments are made, the current membership list should be sent to the Massachusetts Historical Commission.

### ***Finding Qualified Members***

Taking the time to find qualified and dedicated members to serve on the commission will pay off in the long term. It is useful for a commission to maintain a list of people who have expressed interest in the work of the local historical commission. This can be used to identify potential commission members when the need arises. When there is a vacancy on the commission, the commission chairperson should notify the appointing authority and present a list of recommended, qualified nominees for the appointing authority's consideration.

If a list of potential candidates is not available, the vacancy can be announced in the local newspaper, which is more effective than a notice posted on the town hall bulletin board where few people may see it. If your town has a local historical society, this is another excellent place to find potential members of the local historical commission. If your commission regularly publicizes information on its activities in the local newspaper, this can really help to recruit new members.

It is good policy to recommend that potential new members attend several commission meetings before making a commitment, to make sure it is the right place for them and that they have the time required to contribute to the work of the commission.

### ***Alternate Historical Commission Members***

In 2014, the state law was revised to allow alternate historical commission members. The law states that alternate "members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. This change to the law is meant to assist commissions in reaching a quorum when full members are unable to participate.

### ***Associates of the Historical Commission***

At a Commission's discretion, the commission may adopt procedures to allow for associates of the commission. Associates attend commission meetings, often participate in discussions and assist with commission tasks. However, they are not voting members and are not included in meeting quorums. Associate status is perfect for individuals interested in the work of the local historical commission but not ready to formally commit to an appointment to the commission.

### ***Officers of the Local Historical Commission***

Commission members must select officers including a Chairperson, Vice Chair, and Secretary to carry out certain duties of the commission. Typical descriptions of the duties of each follow.

***Chairperson***

The chairperson sets the date, time, location, and agenda of the meeting and presides at all meetings and hearings. The chairperson should make sure meetings are productive, cordial, and efficient. The ability to chair a meeting effectively is a special talent; the most knowledgeable person about the community's historic resources may not make the best chairperson.

***Vice Chairperson***

The Vice-Chairperson performs the duties of the Chairperson in his/her absence.

***Secretary***

The Secretary is responsible for posting the meeting agenda, taking the minutes of the meeting, filing paperwork with the town or city clerk, and submitting the annual report to the Massachusetts Historical Commission.

# III. Community-Wide Historic Preservation Planning

The primary responsibility of a local historical commission is community-wide historic preservation planning. Historic preservation planning consists of three simple steps:

## *1. Identification*

## *2. Evaluation*

## *3. Protection*

Each of these steps is an essential component of a local historical commission's role in historic preservation planning. Identifying and documenting historic resources throughout the community is the basis of historic preservation efforts. In evaluating historic resources, the significance of historic resources is thoughtfully considered. Protecting historic resources includes public education, local bylaws and ordinances, state and federal regulations, incentives and advocacy. Taken together, these three simple steps can make a world of difference in the future of your community.



In an ideal world, all historic resources would be identified before evaluation and protection begin. However, this is rarely possible. It is, therefore, important to remember that even though historic preservation planning is a step-by-step process, protection procedures can begin well before all historic resources are identified. For instance, this guidebook discusses public



education as a protection mechanism. Although not a regulatory protection tool itself, educating the public about historic resources is very effective in helping to protect historic resources. When people are better informed about historic resources, they are more apt to take pride in them and take better care of them.

## *Step 1: Identification of Historic Resources*



Identification of historic resources should be the first goal of every local historical commission. Without knowing the historic resources present in the community, no effective planning, evaluation, or protection can take place.

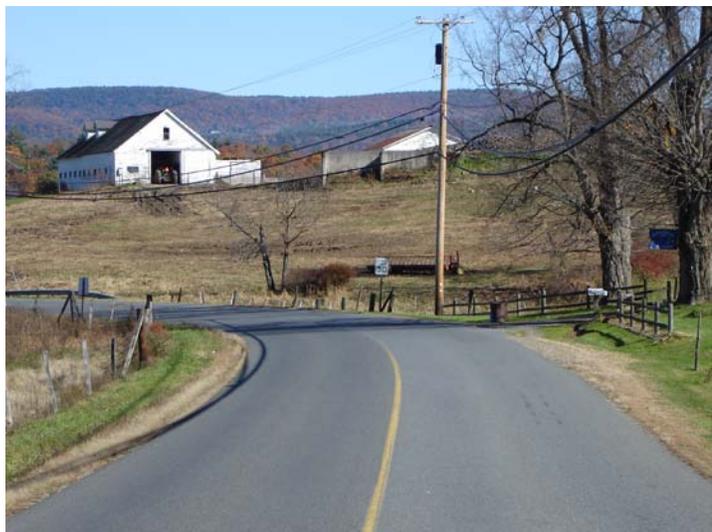
Identifying historic resources in your community is similar to inventorying your personal possessions before obtaining homeowner's insurance. Identifying historic resources follows the same principle – you must know what is in the town before you can begin to protect the resources. An inventory of the historic resources of your community is ideally the first product of your commission's efforts.

### Identifying Historic Resources on MHC Inventory Forms

An inventory of your historic resources is best documented on MHC Inventory Form. MHC Inventory forms organize and categorize information on each historic resource and

help bring the bigger picture of historic resources into perspective. There are inventory forms for many different types of resources. A list of these can be found on the next page. A comprehensive inventory includes forms for all types of resources and all time periods. It should include all areas, buildings, structures and sites that are potentially significant to the city or town. A set of completed MHC inventory forms is an invaluable tool for the local historical commission, particularly when it provides community-wide coverage.

Copies sent to the MHC will be entered into the Inventory of Historic and Archaeological Assets of the Commonwealth. The Massachusetts Historical Commission has over 200,000 inventory forms from across the state on file. This collection consists of survey forms prepared and submitted to the Massachusetts Historical Commission by local historical commissions, professional preservation consultants, federal and state agencies, and private organizations and individuals.



## MHC Forms are Available for the Following Types of Resources:

### Areas – Form A

Area forms are used for recording groupings of related resources like villages, farmsteads, industrial complexes or residential subdivisions.

### Buildings – Form B

For example, a completed inventory form for a building contains the date of construction, street address, architectural style, historic and current uses, architectural description, historical narrative, map and a photograph.



### Objects – Form C

Object forms are used for resources such as statues, milestones, monuments and boundary markers.

### Prehistoric and Historic Archaeological Sites – Form D

Below ground resources are recorded on D forms. However, this information should remain confidential and professional assistance is essential in identifying and recording archaeological sites.

### Burial Grounds – Forms E

A Burial Grounds form includes information such as earliest death date, latest death date, setting, condition, visual assessment and historical narrative. A Form E is used for recording burial markers as a group. Individual burial markers can be recorded on Object Forms.

### Structures – Form F

Structures include such things as aqueducts, bandstands, bell towers, bridges, canals, dams, earthworks, fences, fog signals, forts, gates, helicopter pads, lighthouses, locks, pools, pounds, powder houses, pumping stations, radio beacons, railroad lines, reservoirs, seawalls, smokestacks, towers, tunnels, turbines, walls, watertowers, wharves and windmills. A separate Structure form is used for documenting bridges.

### Parks and Landscapes – Form H

This form is used to document historic designed landscapes such as commons, public parks, formal gardens or campuses. It is also used to document more utilitarian landscapes such as agricultural lands.

For more information on each of these inventory form, see the Massachusetts Historical Commission publication, Historic Property Survey Manual. You can also visit our website to download blank inventory forms.

By far the most common inventory form is a Form B – Building Form. An example can be found on the following pages.

The most commonly used inventory form is an MHC Inventory Form B for a Building. The back of the form is shown on the following page.

504A

**FORM B – BUILDING**

**MASSACHUSETTS HISTORICAL COMMISSION  
MASSACHUSETTS ARCHIVES BUILDING  
220 MORRISSEY BOULEVARD  
BOSTON, MASSACHUSETTS 02125**

Assessor's # 43-148 USGS Quad Medfield Area(s) A Form # 322

Town Medfield

Place (neighborhood or village) Medfield Center

Address 12 and 14 Miller Street

Historic Name

Present double house

Original double house

Year of Construction early 1890s

Source atlases, Sanborn maps

Style Form Victorian eclectic

Architect/Builder

Material:

Foundation random rubble

Wall/Trim clapboard, wood shingle

Roof asphalt shingle

Outbuildings/Secondary Structures none

Major Alterations (with dates)

Condition good

Moved  no  yes Date

Acreage 9,995 square feet

Setting residential neighborhood of 19<sup>th</sup> and early 20<sup>th</sup>-century houses immediately south of downtown business-institutional area

**Sketch Map**  
*Draw a map showing the building's location in relation to the nearest cross streets and/or major natural features. Show all buildings between inventoried building and nearest intersection or natural feature. Label streets including route numbers, if any. Circle and number the inventoried building. Indicate north.*

Recorded by Kathleen Kelly Broomer

Organization for Medfield Historical Commission

Date (month/year) April 1999

JUN 16 1999

MASS. HIST. COMM

The back of the Form B for a Building includes the Architectural Description and the Historical Narrative. Additional information can be added on continuation sheets.

**BUILDING FORM**

12 and 14 Miller Street, Medfield

**ARCHITECTURAL DESCRIPTION** \_\_\_ See continuation sheet

Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.

The Victorian eclectic double house known as 12 and 14 Miller Street (early 1890s) is unusual in its neighborhood and in Medfield for its form. The 2½-story dwelling has a random rubblestone foundation, wood clapboard siding on the first floor, wood shingles above, and a gable-front asphalt shingle roof. There are two brick chimneys on the roof ridge at the front and the back of the house. The façade is four bays across (two bays on the second floor) and about three bays deep. Enclosed entries are located on the side elevations in the center bays, and the entry porches have replacement posts. Ornament includes plain bargeboards, with rounded ends, in the gable. Windows contain 6/6 wood sash. A one-story rear addition on a concrete foundation is two bays deep.

**HISTORICAL NARRATIVE** \_\_\_ See continuation sheet

Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.

This double house may have been built for Archie L. Crawford. Crawford owned the house in 1909. Medfield's 1910 valuation lists Crawford as the owner of a house valued at \$1950 and a house lot of one-quarter acre valued at \$300. Crawford still owned the house in 1918, according to the Schedule of Owners for the town assessor's plans of that year. However, the 1914 directory lists Crawford as a farmer residing on Harding Street.

It is likely that Crawford maintained this property on Miller Street as two rental houses. The names and occupations of the residents of 12 and 14 Miller Street have yet to be determined. They probably worked for either the State Hospital, which opened in 1896, or for one of the enterprises at the town center, such as the Edwin V. Mitchell hat factory on North Street; Mitchell's box factory on Park Street; or Blood Brothers, hay and grain dealers, on Park Street.

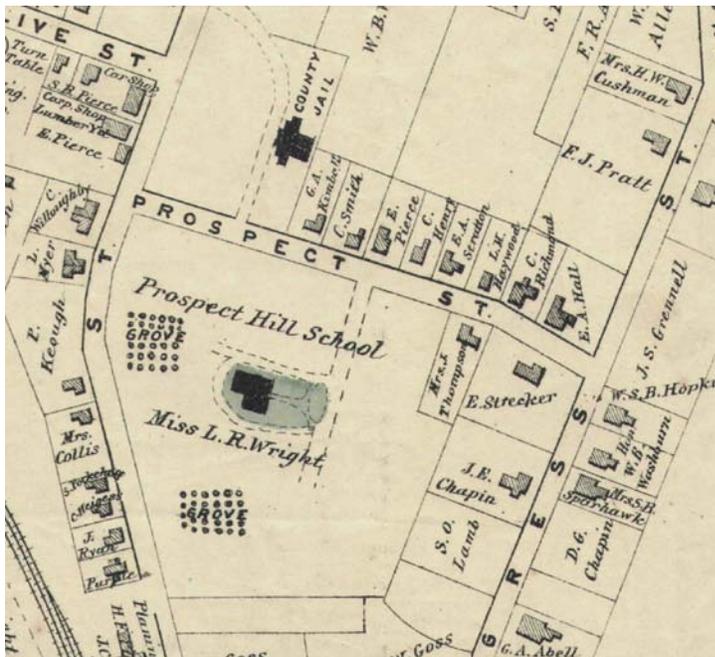
Further research is needed to determine the residents of house on Miller Street under Crawford's ownership. Subsequent owners of the property, according to the town's water service records, included Pasquale Vasaturo, Roy McQuillan, and James Sullivan.

**BIBLIOGRAPHY and/or REFERENCES** \_\_\_ See continuation sheet

- Robinson, E. *Atlas of Norfolk County, Massachusetts*. 1888.  
Walker Lithograph and Publishing Company. *Atlas of the Towns of Needham, Dover, Westwood, Millis, and Medfield, Norfolk County, Massachusetts*. 1909.  
Assessors' maps of Medfield with schedule of owners compiled by Earl Pilling, Pilling Engineering, 1918.  
Sanborn Map Company. Fire insurance maps of Medfield: 1898, 1903, 1911, 1922, 1933 (updated 1944 and 1954).  
*The Medfield, Millis, and Medway Directory*. Needham: Amos J. Gordon, 1914.  
*Report of the Assessors and Valuation and Taxes of the Town of Medfield*, 1910.  
Town of Medfield water service records.  
Tilden, William S. *History of the Town of Medfield, Massachusetts, 1650-1886*. 1887/1975.

Recommended for listing in the National Register of Historic Places. If checked, you must attach a completed National Register Criteria Statement form. See MHC Area A for Medfield Center.

## Research Tools for Preparing MHC Inventory Form Bs

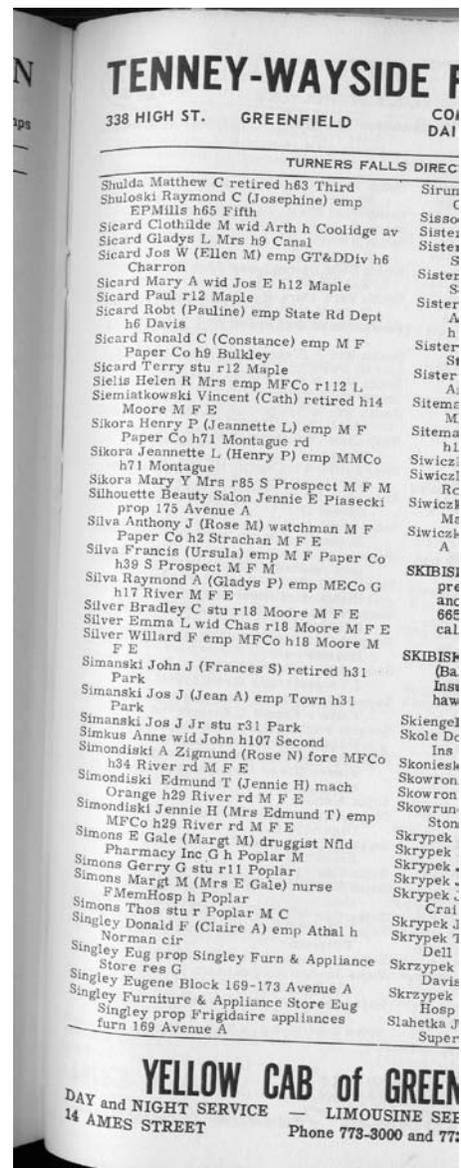


Researching the history of a property can be a very exciting process and there are many tools available to researchers to make that process much easier. An excellent way to learn the ownership of a property is through researching the deeds. While deeds are an invaluable research tool, they can't provide answers to many of the more interesting aspects of a building such as a closer look at the people connected to the building.

Very useful are census records and city directories that can provide information about all the occupants, their ages, occupations, country of origin and how long they resided there. Sometimes, these records can even point to the date of construction for a building.

Additionally, old atlases from the 19<sup>th</sup> and early 20<sup>th</sup> Century often list the owner of the building. Fire insurance maps, birds eye views and atlases can often assist with dating a building from the 19<sup>th</sup> or early 20<sup>th</sup> Century or even recognizing when additions or alterations took place. Other useful sources include town histories, old photographs, town records, newspapers and obituaries. Sources will vary from town to town. A little investigating at the local historical society, local history room at the library or town hall should be done before getting started on preparing inventory forms.

Many sources such as census records, atlases and city directories are now available electronically either on the web or on a CD. These electronic sources are not only invaluable, they can provide enormous savings in time.



### The Benefits of MHC Inventory Forms

The Massachusetts Historical Commission uses the Inventory of Historical and Archaeological Assets of the Commonwealth as the foundation for many preservation programs, but particularly when reviewing projects according to the requirements of certain state and federal laws.



Additional information on these laws is found in Step 3 – Protection of Historic Resources. The MHC is far better equipped to mitigate the adverse effects of state and federal involved projects when historic resources are included in the inventory. Furthermore, communities with good inventory information are better represented in the Massachusetts Historical Commission’s statewide planning efforts.

At the local level, inventory forms should also form the foundation of preservation activities. Local historical commissions use inventory forms to educate the public, to advocate for a particular property, to administer a demolition delay bylaw and to plan for how best to protect the significant historic resources in their communities.

Open space committees, master plan committees, planning boards, planning departments, and many other municipal offices will also find the inventory forms useful in their own planning efforts, and it is important that they are aware of this resource.

Students and teachers alike find inventory forms very useful for local history projects. Residents use the inventory forms to research the history of their house or neighborhood.

### Safeguarding your MHC Inventory Forms

The LHC’s inventory forms should be kept in a safe place in your city or town hall or other municipal office. If your city or town has a planning department, this is usually the best place for the documents. Many local historical commissions also place an extra set of inventory forms in the reference section of the local library to allow homeowners, researchers, and schoolchildren easy access to the forms while the originals are safely stored. Some communities have scanned their inventory forms and made them available online.

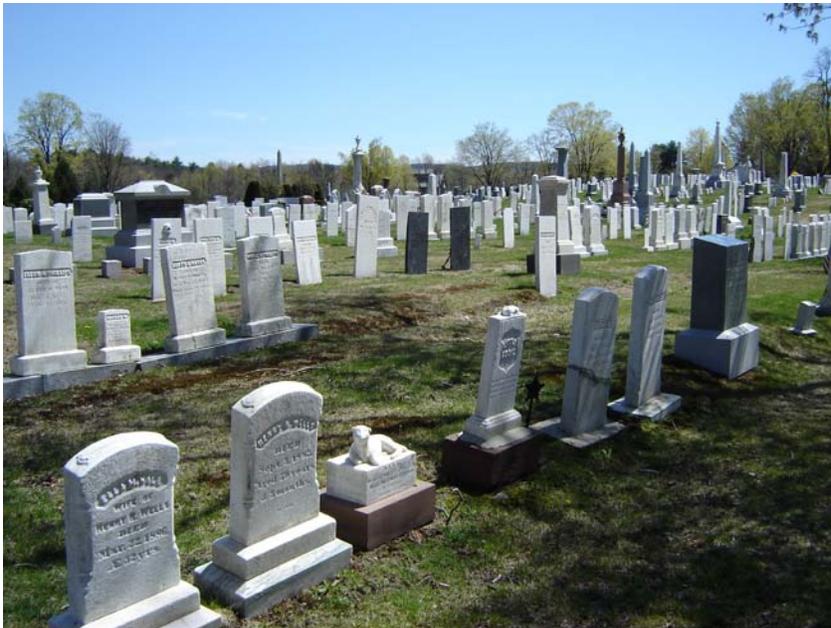
### Improving the Inventory for your Community

The extent of documentation of historic resources on MHC Inventory Forms varies widely from town to town in Massachusetts. While some towns



have completed thorough documentation, other towns have only documented a handful of resources on inventory forms. Many towns are somewhere in the middle. Reviewing and updating the inventory on a regular basis is a primary role of the local historical commission.

If you are unsure of the status of your community's inventory, speak to other members of your local historical commission or contact the Massachusetts Historical Commission. The Massachusetts Historical Commission can provide a street address list of all inventoried property on file at the Massachusetts Historical Commission. Compare this list to the inventory forms on file in your town offices. If you find that the MHC has forms or information that you do not, contact the MHC to determine the best way to obtain copies for your files. If you have inventory forms that the Massachusetts Historical Commission does not have, please let us know so that we can obtain copies of these forms for our files.



Reviewing the street address index for your community may help identify historic resources in your community that have not yet been inventoried on MHC forms. This is where the efforts of the LHC should be directed first.

#### Preparing MHC Inventory Forms

To assist commissions in completing an inventory, the MHC has published the *Historic Properties Survey Manual*. This manual is an essential tool for completing

a comprehensive inventory. It details all of the steps in completing a comprehensive survey and provides valuable information on preparing each type of inventory form. The Massachusetts Historical Commission staff can also assist local historical commissions when questions arise.

Many volunteer local historical commissions have found it difficult to complete a comprehensive community wide inventory. Preparing the inventory can seem like an overwhelming task. Without a doubt, it can be time-consuming to gain the skills needed to prepare a form and to undertake the research. Today, most of the inventory forms submitted to the Massachusetts Historical Commission are prepared by professional preservation consultants contracted by the municipality through direct appropriations, community preservation act funds or through a matching grant received by the Massachusetts Historical Commission.

At the same time, there are many commissions that have chosen to move forward with the preparation of inventory forms on their own. By working slowly and methodically, you may be surprised by how many inventory forms you can succeed in completing.

### Historic Property Survey Plans

If your community has not completed a comprehensive inventory, preparing a Historic Property Survey Plan is highly recommended. A Historic Property Survey Plan is a comprehensive review of outstanding inventory needs that includes recommendations on improving and completing the inventory. To develop a historic property survey plan, an LHC should investigate historic and cultural resources community-wide, examine the quality of existing inventory forms, explore available documentary materials, and recommend how best to move forward on improving and completing inventory forms. The plan will allow you to set priorities among your inventory needs and should include an action plan. The Massachusetts Historical Commission has sample historic property survey plans to assist you in this process.

### Submitted Inventory Forms are NOT on the Register

Local historical commissions should realize that completing an inventory form for a property and submitting it to the Massachusetts Historical Commission does **NOT** place a property on the State or National Register of Historic Places. In fact, the preparation, submittal and acceptance of an inventory form into the Inventory of Historical and Archaeological Assets of the Commonwealth does not in itself place any protections or restrictions on the property. Inventory forms are intended to simply identify, describe and document the historic resources of a community.

Once a comprehensive inventory is completed, determining which resources are significant is a clear and concise task. A comprehensive inventory is necessary for the next step in the preservation planning process – evaluating properties for the National Register of Historic Places.



## ***Step 2 – Evaluation of Historic Resources***

The second step in preservation planning is the evaluation of historic resources. Having identified your community's historic resources, you can now see the big picture and consider what is most significant in your community. Historic properties can be significant because of their association with events or with aspects of history including national, state or local history. Historic properties can be associated with important people. They can also be significant because of their architecture, design or because they hold information potential. Significant properties should be considered for listing on the National Register of Historic Places.

### ***National Register of Historic Places***

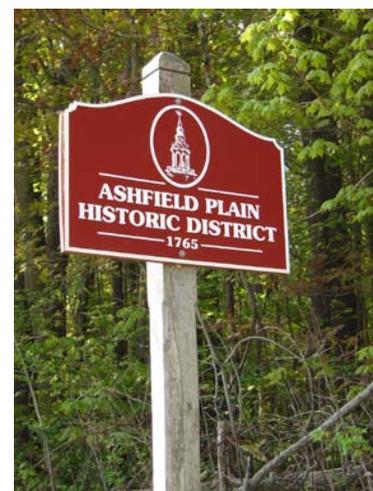
The National Register of Historic Places is the federal government's official list of historic properties worthy of preservation. Buildings, districts, structures, sites, and objects can be listed in the National Register, either through individual nomination or, if appropriate, through National Register District nominations.



In order to be eligible for the National Register of Historic Places, historic properties must be significant. They must also retain enough of their historic character to convey that significance. This is called integrity.

Listing in the National Register of Historic Places provides national recognition of the importance of a particular resource and assures limited review of state or federal involved projects that might adversely affect the character of that resource. National Register listing does not guarantee that historic properties will be preserved forever. In fact, the National Register is primarily an honorary designation.

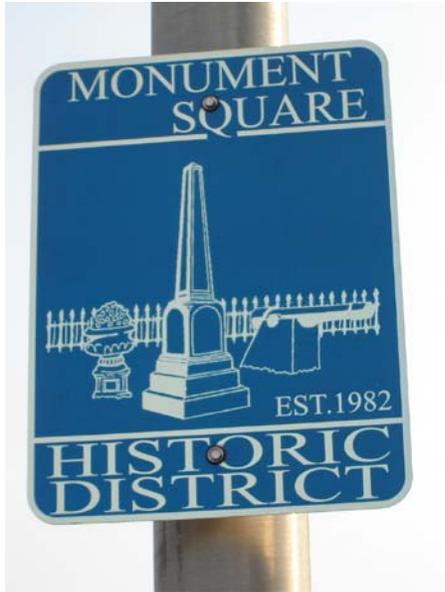
One of the National Register's best uses is as an educational and informational tool. National Register listings are a valuable opportunity for local commissions to generate positive publicity for preservation and for the listed property, and to educate the general public about community history. Whenever National Register listings occur, commissions should take advantage of the event with special publicity and programs announcing the listing to the community at large. Newspaper articles, recognition ceremonies, and exhibits at the local library or town hall are possible programs for commissions to consider.



### ***Evaluating Properties for the National Register***

The National Register is a valuable tool for local preservationists because it has established criteria for evaluating the significance of historic properties. These criteria are the standard for evaluation used by preservationists to determine the worthiness of a property for preservation.

The National Register criteria recognize that many properties are significant for their contribution to one community's history and these are equally worthy of preservation as those recognized widely as "national landmarks." The National Register criteria therefore encourage



the preservation of locally significant properties. The Massachusetts Historical Commission encourages local communities to use the National Register criteria to decide which local historic resources are significant. By evaluating properties using the National Register criteria, local historical commissions can make consistent decisions and more easily justify their decisions to others.

An LHC can apply the National Register criteria to each inventoried property to develop a list of evaluated properties to recommend for protection either through actual National Register listing, which provides only limited protection, or through stronger local programs. Uniformly evaluating all surveyed properties against the National Register criteria ensures that all properties worthy of preservation are identified and can be included in local protection and planning efforts.

There are four criteria for listing on the National Register of Historic Places.

### **Criteria for Evaluation**

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** That are associated with the lives of persons significant in our past; or
- C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** That have yielded or may be likely to yield, information important in prehistory or history.

Find help evaluating and documenting the significance of the range of diverse historic places recognized in the [National Register with the National Register bulletin series](#).

The Massachusetts Historical Commission staff regularly evaluate properties for their National Register eligibility using these criteria. When evaluating properties, MHC staff also consider integrity of location, design, setting, materials, workmanship, feeling and associations.

### ***The National Register Listing Process***

The process of listing a property on the National Register of Historic Places is done through the Massachusetts Historical Commission and the National Park Service. In general, unless a comprehensive inventory has already been completed in the community, MHC will not consider any properties for the National Register of Historic Places. This is because without the comprehensive inventory, the MHC does not have enough information about the community to place the resource in its historic context and cannot complete a professional evaluation of the property.

To initiate the National Register process, the local historical commission should contact the Massachusetts Historical Commission to request an evaluation of the property's eligibility for the Register. The local commission's cover letter to MHC should state why they feel the property is eligible, and why they wish to see it listed.

If your community's inventory is comprehensive and if MHC staff finds that, in their opinion, the property meets the National Register criteria either individually or as part of a potential National Register District, a nomination can be prepared, either by the local historical commission or by a professional preservation consultant, if the local historical commission chooses to hire one. Professional preservation consultants complete most National Register District nominations.

The nomination process includes public meetings, property owner notifications and the very thorough preparation of the national register nomination. When a completed application is received at MHC, Preservation Planning staff review and edit the nomination. If questions arise during the review, MHC staff contact the local historical commission or consultant for additional information or clarification. When ready, the nomination is scheduled for consideration at an upcoming quarterly State Review Board.

The State Review Board, a group of professionals in fields related to preservation reviews the nomination and votes on the property's eligibility for listing on the National Register of Historic Places.

If voted favorably by the State Review Board, the nomination is forwarded to the Washington, D.C. office of the National Park Service, which makes the ultimate decision whether to list the property in the National Register. Generally, the process of listing in the Register takes about two years, from the MHC's initial evaluation to the actual formal designation. Local historical commissions should be aware that the process of listing is a long one. As a planning tool, the National Register is one that requires substantial lead time to implement.

For more information on the National Register of Historic Places, visit these websites:  
[www.state.ma.us/sec/mhc/mhcpdf/kn3.pdf](http://www.state.ma.us/sec/mhc/mhcpdf/kn3.pdf)  
[www.cr.nps.gov/nr/](http://www.cr.nps.gov/nr/)

**National Register Districts should not be confused  
with Local Historic Districts.**

**They are completely different.**

**See Step Three for more information on  
Local Historic Districts.**

**Visit the MHC Website for a brochure entitled  
*There's a Difference***

**There's a  
Difference!**

**Local  
Historic  
District**  
Granby Local  
Historic District

**National  
Register  
District**  
Summer Hill Historic  
District, Jamaica Plain:  
a National Register  
Historic District

**MASSACHUSETTS HISTORICAL COMMISSION**  
William Francis Galvin  
Secretary of the Commonwealth

The brochure features a blue vertical bar on the left side. It contains two photographs: a white, two-story house with a porch (Granby Local Historic District) and a dark, three-story brick building (Summer Hill Historic District). The text is in a clean, sans-serif font, with the title in a larger, bold font.

### ***State Register of Historic Places***

There is also a State Register of Historic Places, which is sometimes confused with the National Register. The State Register is a compendium of the eight types of designation that are possible in Massachusetts under federal, state, or local law. These designations are:

- National Historic Landmarks
- Massachusetts Historic Landmarks (program defunct)
- Massachusetts Archaeological Landmarks
- Local Landmarks
- National Register of Historic Places
- Local Historic Districts
- Preservation Restrictions
- Properties formally Determined Eligible for listing in the National Register by the Secretary of the Interior.

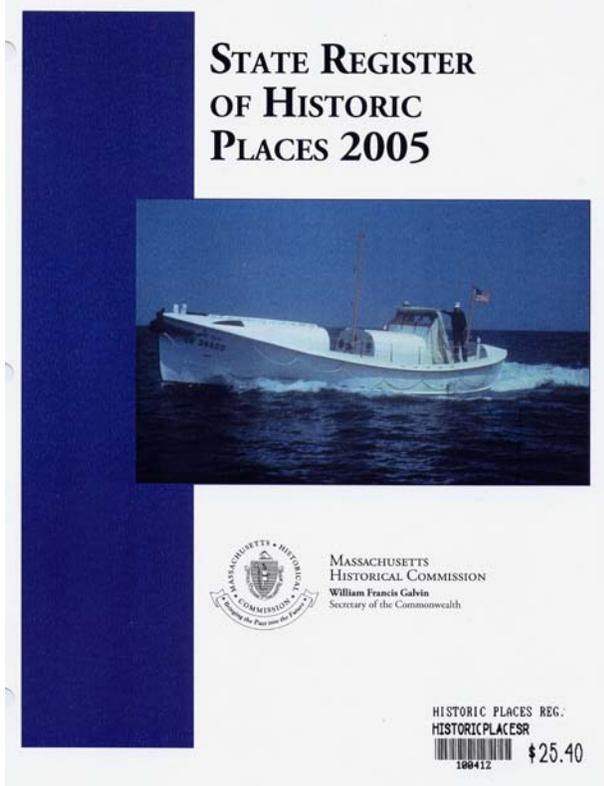
Any property designated through any of these programs is automatically included in the State Register. Unlike the National Register, to which properties can be nominated, listing on the State Register is automatic and only occurs when a property is designated through some other preservation program.

The State Register currently contains approximately 64,000 listings. It is updated regularly and published annually. All commissions should keep a copy of the State Register in their files.

Commissions should also review the State Register listings for their community to ensure that these are accurate.

While the State Register creates a single, easy-to-use master list of properties designated under numerous local, state, and national statutes, it does not include all potential properties regulated under historic preservation statute or local law. For instance, properties regulated by demolition delay bylaws, established under city and town government, are not part of the State Register of Historic Places.

The State Register should not be confused with the Inventory of Historic and Archaeological Assets of the Commonwealth. Listing on an inventory form in no way lists a property on the State Register of Historic Places.



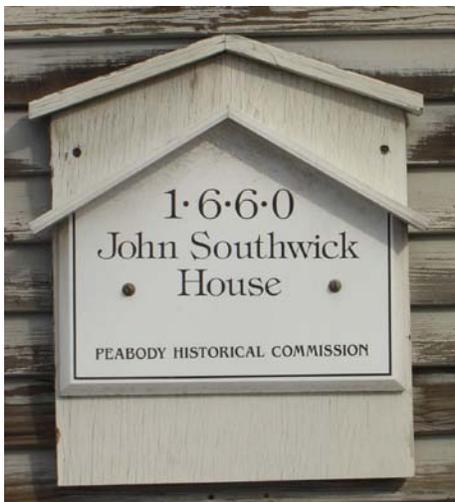
### ***Step 3 – Protection of Historic Resources***

The third step of historic preservation planning is the protection of significant historic resources. Protecting the historic resources of your community is best accomplished through a wide variety of methods. In general, the most effective tools for preservation are those implemented locally such as local historic districts and demolition delay bylaws. However, all the tools outlined in this chapter play a role in protecting the historic resources throughout the Commonwealth. And not all are regulatory. In fact, protection mechanisms such as public education and advocacy are essential components to protecting historic resources.

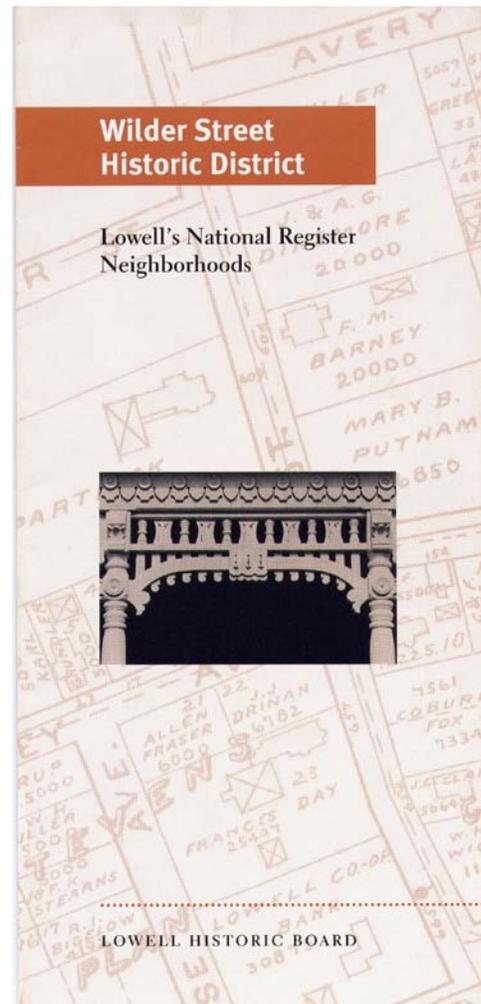
#### ***Public Education***

Although often overlooked as a protection method, public education is an absolutely indispensable part of historic preservation. When people appreciate and take pride in their historic resources, they are far less likely to demolish, alter, or destroy them. A major goal of the local historical commission should be to increase the public's awareness about the value of historic preservation in general and about the significance of their own community's resources in particular.

Perhaps the most effective method of communicating with your community on a regular basis is through the local newspaper. For example, a series of articles on the community's historic houses can gain the commission valuable public exposure and interest.



The local historical commissions might also want to consider preparing publications that can be distributed throughout their community. Walking tour brochures, a pamphlet on the historical commission, homeowner handbooks, and historical maps are some of the common publications of local historical commissions. As mentioned before, maintaining a copy of the inventory forms at the public library is also an excellent way to inform the public. There are lots of other ideas for public education such as conducting a lecture series, creating a plaque program, entering historic district signs, organizing walking tours or working in the schools.



The local historical commission should also coordinate with other local groups whose interests involve history or historic preservation. Local historical societies, arts councils and libraries often have interests similar to those of local historical commissions in fostering pride in community identity.

### ***Federal and State Programs***

The Massachusetts Historical Commission reviews the potential impacts to historic and archaeological properties that require funding, licenses or permits from any state or federal governmental agencies.

### ***Section 106 of the National Historic Preservation Act***

The federal law most widely employed to help protect historic resources is Section 106 of the National Historic Preservation Act. Any projects that require funding, licenses, or permits from federal agencies must be reviewed in compliance with Section 106 of the National Historic Preservation Act of 1966. Community Development Block Grants, Federal Highway



Administration road, bridge and enhancement projects, Army Corps of Engineer Permits, and Federal Communication Commission licenses are examples of common federal agency undertakings.

Section 106 requires federal agencies to take into account the effects of their actions on historic properties. “Section 106 review,” follows a

specific process that is guided by federal regulations (36 CFR 800). There is a series of steps by which federal agencies identify and evaluate historic properties that may be affected by their undertakings, assess adverse effects to those properties, and take prudent and feasible measures to avoid, minimize, or mitigate those effects. In Massachusetts, these steps are taken in consultation with the Massachusetts State Historic Preservation Officer (SHPO). The MHC is the office of the SHPO and reviews approximately 2,000 projects under Section 106 each year. Other interested parties such as local historical commissions or Indian Tribes are also consulted. More information on Section 106 review and a copy of the federal regulations 36 CFR 800 are available at the Advisory Council on Historic Preservation website.

If a project reviewed under Section 106 will have an adverse effect on a property listed on or eligible for the National Register of Historic Places, then a consultative process is set up between all parties to discuss alternatives. As a result of being a party in the process, the Massachusetts Historical Commission endeavors to help federal agencies find a solution that will minimize impacts to the historic resource. However, it is important to note that the Massachusetts Historical Commission does not have a veto authority on potential projects.

### ***State Review***

Similar to Section 106 for federal projects, state funded, licensed, or permitted projects or projects undertaken by a state agency are reviewed by the Massachusetts Historical Commission.

Any projects that require funding, licenses, or permits from any state agency must be reviewed by MHC in compliance with Massachusetts General Laws Chapter 9, sections 26-27C. It provides for MHC review of state projects, State Archaeologist's permits, the protection of archaeological sites on public land from unauthorized digging, and the protection of unmarked burials. These Regulations set up a process that mirrors the federal "Section 106" regulations: identification of historic properties; assessment of effect; and consultation among interested parties to avoid, minimize, or mitigate any adverse effects.

Examples of projects that may have a Chapter 254 review include Massachusetts Highway Department projects and permits, Department of Environmental Protection permits and licenses and State Library and school construction grants.



The Massachusetts Historical Commission reviews approximately 10,000 state projects each year.

### ***MEPA Review***

Another important state review process in which MHC participates is review under the Massachusetts Environmental Policy Act (MEPA), which directs state agencies to take into account the effects of their actions on the environment, including historic properties.

The Massachusetts Historical Commission also participates in consultation under the Massachusetts Unmarked Burial Law.

These laws and regulations set up processes to ensure that government actions are considered in consultation with interested parties and that proposed projects be modified, if feasible, so that they do not needlessly destroy our heritage.

### ***Local Historical Commission involvement in state and federal review***

As a local historical commission, you will occasionally get letters or inquiries from federal or state agencies, their consultants or the Massachusetts Historical Commission asking for your

input on a state or federal project in your municipality. MHC or the agency asks for your comments because of the local knowledge you have about your community and your role in representing the interests of historic resources in your city or town. If you receive such a letter, contact the Massachusetts Historical Commission if you have any concerns regarding the project due to its impact on historic and cultural resources.

If you hear about a development project in your community and are concerned about its impact on historic resources but are unsure if there is a state or federal involvement, visit the website of the Massachusetts Historical Commission and read the review and compliance frequently asked questions. This will help clarify whether the project has a state or federal involvement and if MHC will likely have a review.

*If a project involves only local permits, then it is very unlikely that the MHC has any review role. For this and other reasons, local bylaws and ordinances are essential tools for the protection of significant historic resources in your community.*

**It is the nature of the federal or state agency involvement that triggers MHC review, not listing in the National or State Registers of Historic Places. A listing in either register does not necessarily require review, and a lack of listing does not eliminate the need for review.**

## ***Local Government Programs***

### ***Local Bylaws and Ordinances***

Local Bylaws and Ordinances are typically the most effective method of protecting historic resources. All bylaws and ordinances require passage at town meeting or city council. For the protection of historic resources, the most widespread bylaws are demolition delay bylaws, local historic districts and the community preservation act. Each are described here, however, there are many preservation-related local bylaws and ordinances in use by cities and towns throughout Massachusetts. For more information on local bylaws and ordinances, contact the Massachusetts Historical Commission for a copy of *Preservation through Bylaws and Ordinances*.

### ***Demolition Delay***

A demolition delay bylaw delays the demolition of a historically significant building while alternatives to the



destruction of the building are explored. Most demolition delay bylaws in Massachusetts provide for a six to eighteen month delay. Over 100 towns in Massachusetts now have a demolition delay bylaw and it is recommended for all cities and towns in Massachusetts. From the Massachusetts Historical Commission, you can obtain a sample demolition delay bylaw as well as other material that might be useful to you in passing a demolition delay bylaw.

In Massachusetts, buildings that are 100, 200 and even 300 hundred years old have disappeared within hours because there was no legal means to require that alternatives to demolition be considered first. A demolition delay bylaw is an effective way to delay the destruction of a historically significant building while alternatives to demolition are explored.

While they vary from town to town in Massachusetts, most demolition delay bylaws work something like this. When the owner of a historic building applies for a demolition permit, the building inspector forwards the application to the local historical commission. The commission reviews the application, consults any inventory forms or other information it has on file, and visits the property to determine its significance. Criteria for what constitutes significance are typically defined in the bylaw. If the local historical commission finds that the building is not significant, it notifies the building inspector, and the demolition permit application can progress within the building department. If the building is determined to be significant, then the local historical commission schedules a public hearing to determine whether or not the building is preferably preserved. At the public hearing, the property owner

presents his reasoning for seeking the demolition, and the public is given an opportunity to comment on the proposed demolition.

Following the public hearing, the local historical commission votes to determine whether or not the building is preferably preserved. If it is found not preferably preserved, the demolition permit application can progress. If it is found preferably preserved, a delay is imposed on the granting of the demolition permit. Overall most Massachusetts demolition delay bylaws include delay periods of six months. However, most such bylaws passed in the past five years have included longer, 12-month delay periods. This allows up to a full year for the owner, the local historical commission, and other interested parties to seek positive alternatives to the demolition of the building that is subject to the delay.



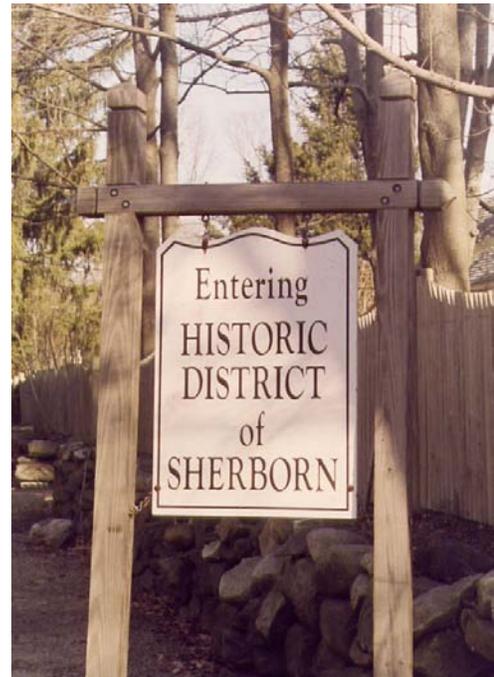
Many success stories have resulted from demolition delay bylaws. In some cases, the local commission's preferably preserved determination was enough to convince a developer to rehabilitate a building rather than destroy it. In other cases, it has caused property owners to market and sell a property to someone willing to rehabilitate it. In other instances, the delay has allowed time for the building to be moved intact to a nearby location. While such a move of a significant building may be far from ideal, it is certainly far better than its complete loss. Over 100 cities and towns in Massachusetts currently have a demolition delay bylaw and this number continues to increase each year.

### ***Local Historic Districts***

There are two completely different kinds of historic districts in Massachusetts, National Register Districts and Local Historic Districts. National Register Districts are primarily honorary, and are established through the Massachusetts Historical Commission and approved by the National Park Service. Local historic districts are primarily regulatory and are established through local bylaw or ordinance by a two-thirds majority vote of town meeting or city council. Confusion over the two kinds of historic districts is very common. A Massachusetts Historical Commission brochure entitled, “There’s a Difference,” explains the distinctions between these two types of districts in more detail. The brochure can be found on the Commission’s web site. Copies are also available on request.

In a local historic district, changes to all exterior architectural features and all new construction visible from a public way are reviewed by a locally - appointed historic district commission. Unlike a demolition delay bylaw, activities such as additions, demolitions, installation of vinyl siding, removal of architectural trim, or replacement of windows or doors all require approval before a building permit can be issued. The great benefit of a local historic district is that it can prevent demolitions and inappropriate alterations permanently.

Over 220 local historic districts have been created in Massachusetts. Most local historic districts in Massachusetts are adopted under Massachusetts General Law Chapter 40C, a state law originally enacted in 1960.



If your local historical commission is interested in establishing a local historic district, contact the Massachusetts Historical Commission for a copy of *Establishing Local Historic Districts*. This guidebook will provide you with detailed step by step instructions, sample documents and a flow chart.

### ***Community Preservation Act***

Over 100 cities and towns in Massachusetts have now passed the Community Preservation Act. Under this enabling legislation, cities and towns have a local and state funding mechanism that can be used for acquisition and preservation of open space, creation and support of affordable housing, and the acquisition and preservation of historic buildings and landscapes. When a city or town adopts the Community Preservation Act, funds for these projects come from a local property tax surcharge and a statewide CPA Trust Fund.

Over \$20 million has already been appropriated for historic preservation projects in municipalities with the Community Preservation Act. Projects include building repair, acquisition of cultural landscapes, burial ground restoration as well as many others. Some towns

with CPA have utilized the funds to professionally document hundreds of historic resources on MHC inventory forms.

In towns that have passed the Community Preservation Act, the Local Historical Commission played an active role in advocating for how the act would benefit local historic preservation projects.. Then, when the CPA is established, the local historical commission is again actively involved as a member of the commission sits on the local community preservation committee.

Adoption of the CPA is accomplished through a ballot initiative. For more information on the Community Preservation Act, visit <http://www.communitypreservation.org/>

### ***Preservation Restrictions***

A very effective method of protecting historically significant resources in the long term is through a preservation restriction. A preservation restriction can regulate alterations to building exteriors or even building interiors, changes in use, encroaching on a significant landscape or investigating an archaeological site. With a preservation restriction, the property owner voluntarily agrees to the restriction. The restriction is then recorded at the Registry of Deeds and runs with the land. Current and future owners are subject to the terms of the restriction which may be a number of years or in perpetuity.

All preservation restrictions in Massachusetts are governed by Massachusetts General Law, Chapter 184. This is the same state law for protecting agricultural land through agricultural preservation restrictions and open space through conservation restrictions. Under Chapter 184, the Massachusetts Historical Commission must approve all preservation restrictions, and for those held by a charitable corporation or trust, the municipality in which the property is located must also approve the restriction. There are hundreds of preservation restrictions recorded in Massachusetts. Most preservation restrictions in Massachusetts are the result of receiving a local, state or federal grant for restoration or rehabilitation work. As a condition of receiving the grant, a preservation restriction is required. The language of the restrictions are always specific to the significant historic resources present on the site. If you are considering a preservation restriction in your community, it is highly advisable to discuss with the Massachusetts Historical Commission, the details of your plans before getting started.

### ***Federal and State Investment Tax Credits***

Financial incentives are an excellent way to encourage the protection of historic resources. At the national level, there is currently a tax credit available for qualified rehabilitation projects that meet the Secretary of the Interior's Standards. The credit consists of 20% of the cost of the rehabilitation. The tax credit is only available to commercial, income producing properties listed or eligible for the National Register of Historic Places.



In 2003, Massachusetts enacted a state historic rehabilitation tax credit. The Massachusetts Historic Rehabilitation Tax Credit is an exciting addition to the preservation toolkit. Under the program a certified rehabilitation project on an income-producing property is eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits. There is an annual cap, so there are selection criteria that ensure the funds are distributed to the projects that provide the most public benefit. The MHC certifies the projects and allocates available credits. For more information on the federal and state investment tax credits, contact the Technical Services Division at the Massachusetts Historical Commission.

### ***Massachusetts Preservation Projects Fund***

Historic cultural resources in public and nonprofit ownership and use can sometimes suffer from deferred maintenance, incompatible use, or are threatened by demolition. The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program established in 1984 to support the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be a municipality or nonprofit organization. Examples of eligible projects include stabilization, protection, rehabilitation, restoration and acquisition.

MPPF funds have been used for rehabilitating libraries, town halls, fire stations, statues, museums and churches as well as many other projects. In exchange for receiving Massachusetts Preservation Project Funds, the municipality or non-profit organization voluntarily agrees to place a preservation restriction onto the property, assuring the protection of the property into the future.

Funding through the Massachusetts Preservation Project Fund is highly competitive and funding rounds are not always available. However, the success of this program on protecting significant historic resources is unparalleled. The Massachusetts Preservation Project Fund can be credited with reversing the decline of many significant historic resources. If you are interested in learning more about the status of the Massachusetts Preservation Projects Fund, contact the grants staff at the Massachusetts Historical Commission.

For more information, visit:

[www.state.ma.us/sec/mhc/mhcmppf/mppfidx.htm](http://www.state.ma.us/sec/mhc/mhcmppf/mppfidx.htm)



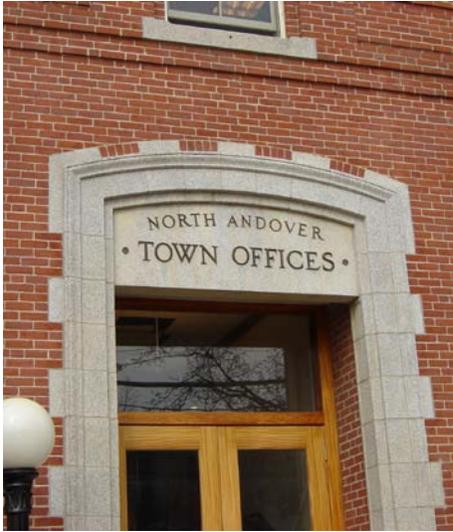
### ***Advising and Working with Municipal Officials***

Local historical commissions must participate actively in their local government. Unlike a historical society, a local historical commission is part of municipal government and should see themselves as integral to local government activities, policies, and politics. Unless given regulatory authority through a local bylaw or ordinance, however, local historical commissions have only an advisory role within local government. As such, they may make recommendations to the select board or city council on matters relating to the protection and preservation of historic areas, buildings, structures, and sites.

Effective local historical commissions work frequently with select boards, city councils, building inspectors, planning boards, zoning boards of appeal, historic district commissions, community

development offices, conservation commissions, and any other board or department that is likely to have an influence on the physical character of the community.

Local historical commissions should be aware of the actions of other boards and commissions that might affect historic and cultural resources in the community.



Likewise the LHC should share its agenda and information about its activities with other government boards and commissions. Being sure you are on the mailing list of these boards to receive meeting announcements, agendas, and meeting minutes is helpful. If an important project is on another board's agenda, a member of the LHC can attend.

One of the best ways for local historical commissions to participate in municipal decision making is by providing other boards with background information on the historical, archaeological, or architectural significance of areas, buildings or sites under discussion by those boards. This is one of the most immediately obvious and beneficial public uses of an inventory of historic properties in your community. Many local historical commissions regularly supply municipal boards with this information. Through these efforts, the inventory becomes

an integral part of community planning.

LHC meeting minutes should be filed with the city or town clerk and circulated to key boards and individuals. This increases the commission's visibility in municipal government and enhances the image of the commission as a responsible public agency

## *Preservation Plans*

Being a member of a local historical commission can be an overwhelming experience. As can be seen from this guidebook, there are countless ways that a local historical commission can help to protect the historic resources in the community. It may be hard to know where to begin and what is most important to get done. As a group of volunteers, your time is especially limited. The first thing to remember is that you can't do it all. You really will need to prioritize projects and figure out what is most critical or effective. A preservation plan can help you and the commission establish and prioritize goals, feel productive, stay on track, and most importantly, not get overwhelmed.

A preservation plan can take many different forms. Some commissions have hired a consultant to prepare a detailed municipal preservation plan. Other commissions simply prepare their own plan of action for the coming year. Whatever you decide, it is important for all LHCs to take the time to prepare some goals and a plan of action. Without a plan, your commission will likely struggle and remain unfocused. With a plan, the local historical commission can focus efforts where they are most needed.

A preservation plan can help answer some or all of the following questions.

- Have we identified and documented our historic and cultural resources adequately on MHC inventory forms?
- What resources should be nominated to the National Register of Historic Places?
- What financial resources could best assist our town?
- What tools will help to protect our significant historic resources?
- Do our existing regulations, like zoning, need improvement so that our resources will be better protected?
- Do residents understand that the historic resources may not be well protected?
- What can we realistically accomplish this year?

The MHC can supply sample preservation plans. If resources are limited your community might develop a preservation plan that includes only certain sections. Or perhaps the plan may be to simply try to answer just one or two of the questions above in the next year. The important thing is to start planning now.

# Commission Organization & Public Procedures

This chapter addresses the many administrative aspects of running a local historical commission: establishing appropriate procedures, budgeting and reports, and maintaining records. It also identifies many of the laws that a commission must be aware of in order to conduct government business properly. While it may seem far from the work of preserving historic resources, it is necessary to establish proper procedures in order to work effectively and to earn the critical support of your government officials and the general public.



## Public Procedures

By conducting business in an orderly and consistent fashion, local historical commissions improve their decision-making and instill public confidence and trust.

## Important Information on state laws related to public procedures

State law requires local historical commissions to follow certain public procedures. Local historical commissions are part of local government and must follow the requirements of the Open Meeting Law and the Conflict of Interest Law.



### *Open Meeting Law (M.G.L Chapter 39 Section 23a)*

The Open Meeting Law requires that local historical commissions hold open meetings and that notice of a meeting be posted 48 hours ahead of time. Additional information on the Open Meeting Law can be found at [www.ago.state.ma.us/pubs/oml.htm](http://www.ago.state.ma.us/pubs/oml.htm).

### *Conflict of Interest Law*

If you think you may have a conflict of interest or may need to disclose a financial interest in any matter before the local historical commission, check with your town counsel or city solicitor or with the Massachusetts State Ethics Commission. The State Ethics Commission issues confidential advisory opinions to individuals who may be subject to the provisions of these laws. (State Ethics Commission [www.state.ma.us/ethics/](http://www.state.ma.us/ethics/))

## ***Meetings and Hearings***

LHC meetings and hearings should be efficient, effective, and positive. If you feel that your local historical commission meetings are not fulfilling these expectations, review this section for ideas on how to improve them.

### ***Running Efficient and Effective Public Meetings***

Local Historical Commission **meetings** are usually held once or twice a month. LHC meetings have three purposes.

- To update members on current issues and projects from each commissioner.
- Discussions of how best to move forward on each issue and project.
- Delegation of projects and tasks to all commission members.

The chairperson plays an important role in making sure the meetings are productive. (The Chair may wish to review Robert's Rules of Order for additional help in running an effective meeting [www.robertsrules.com](http://www.robertsrules.com)).

The chairperson should do the following:

- Prepare and distribute the agenda before the meeting.
- Follow the agenda of the meeting.
- Make sure the discussion stays on topic.
- Make sure that no one person dominates the meeting.
- Bring things to a vote when necessary to conclude a topic.
- Remain calm but firm.
- Make sure that the meetings remain polite.
- Keep a positive outlook.
- Adjourn the meeting on time.
- Keep in touch with commissioners between meetings to make sure that the tasks and projects are moving along and that the next meeting will be productive.
- Make sure meeting minutes are taken and distributed quickly after a meeting to commission members and others requesting them.

Even for a smaller local historical commission, a written agenda is needed to make sure things stay on track. The agenda should include the expected time schedule for each item so that discussion on one item does not take up the whole meeting. When the meeting adjourns, every commission member should be clear about what his or her responsibilities are for the next meeting.

Commissioners should be realistic about what can be accomplished during the time allocated for the meeting and about how much time they have available outside of the meeting to devote to projects. As volunteers, time is precious and the time each commissioner can devote to tasks each month is finite. By working slowly and methodically however, the members of a local historical commission can accomplish many things.

Some commission members may expect to get the work of the commission done during a meeting, however, most of the work actually occurs away from the meeting itself. This is why it is particularly important to be aware of how much time you have available outside of meeting time to dedicate to the work of the commission. Commission members who expect all the work to be done during a two-hour monthly meeting will be disappointed.

### ***Running Efficient and Effective Public Hearings***

Historical Commissions are less likely to hold public hearings than a regulatory historic district commission. However, if your historical commission has a demolition delay bylaw or another regulatory responsibility, you will likely hold an occasional official public hearing. Unlike public meetings, public hearings provide an official opportunity for the public to comment. Here are some tips to make a public hearing go smoothly.

- Prepare an agenda and post it as part of your public hearing notice.
- Include a time schedule on the agenda so that everyone knows the allotted time for each item.
- Stick to the time schedule on the agenda.
- Identify attendees that want to speak at the hearing by using a sign-in sheet at the entrance. If the number of attendees is large, announce at the start of the meeting how much time each speaker will have.
- Use a microphone to make sure the hearing remains official and orderly.
- If the hearing will be recorded, this should be announced before the public hearing opens.
- At the start of the meeting, the chairperson should summarize the purpose of the hearing and how the hearing will be conducted, the bylaw, and what the commission does and does not have regulatory review over.
- The chair should make sure that only one person speaks at a time and that only a speaker recognized by the chair can speak.
- Ask each speaker to state their name and their address.
- During the hearing, commissioners should listen to each speaker and not engage in a discussion with the speaker while the speaker has the floor.
- The chair should thank the applicant and all the speakers that attended the meeting.
- At the end of the meeting, the chair should restate the purpose of the hearing and summarize the next steps.
- The chair should make sure that the meeting remains polite.
- The chair should remain positive, calm, and firm.

### ***Maintaining Records***

As part of its responsibilities as a public agency, the local historical commission must maintain its records for the public's use and information. LHCs must comply with the Commonwealth's public record laws. The local historical commission is required to keep accurate records of its meetings and actions. It is important that the commission have office or file space set aside for its use in the city or town hall because the commission's records must be safely stored. Maintaining the records of the commission is the job of the secretary of the local historical commission.

Commissions should keep copies of meeting minutes, correspondence, inventory forms, financial records, annual reports and budgets. More information on records management for local government organizations is available from the Massachusetts Archives-State Records Center.

Maintaining accurate records of meetings and actions establishes an "institutional" memory that is not affected by the comings and goings of individual members, who may otherwise take their knowledge and experience with them when they leave. Good record keeping reinforces the local historical commission's accountability to the public and documents the ways in which the public interest is served. This helps instill public confidence in the LHC and enhances the commission's image as a fair and open organization.

## ***Rules and Regulations for Local Historical Commissions***

Operating rules and regulations are an essential component of a well-run, efficient local historical commission. This is true whether the local historical commission is simply advisory or has been given some regulatory powers. The LHC's rules and regulations determine how the local historical commission conducts its regular tasks and how decisions are made. A well prepared set of rules and regulations will serve a local historical commission very well in the years to come.

Rules and Regulations  
of the  
Preservetown Historical Commission  
Approved by the Preservetown Historical Commission on February 18, 2008

Purpose:

The Preservetown Historical Commission was established by the town of Preservetown in April, 1975 under Massachusetts General Law, chapter 40, Section 8d for the preservation and protection of the historic resources of Preservetown. These rules and regulations were prepared in order to govern the internal management of the Preservetown Historical Commission.

Members:

The Preservetown Historical Commission consists of seven members appointed to three year terms by the town manager and approved by the select board. Appointments should be arranged so that the terms of office of approximately one third of the members expire each year. When possible, commission members should include members from among professionals in the disciplines of historic preservation, architecture, history, architectural history, planning or archaeology. Members of the Historical Commission should have a personal interest in historic preservation and an interest in identifying and protecting historic resources in Preservetown.

Associate Members

There shall be up to five non-voting associate members appointed by the chairperson and following the affirmative vote of a majority of the commission members. Associate members participate fully in the Historical Commissions activities and discussions but cannot vote.

Vacancies

Vacancies are filled by the town manager and approved by the select board for the remaining term of the vacancy.

Officer Elections:

A chairperson, vice-chairperson and secretary shall be elected annually by the commission members at the September meeting or within a reasonable time thereafter. The town clerk and the Massachusetts Historical Commission shall be notified of the election. In the absence of the chairperson at a meeting, the vice-chairperson shall preside. In the absence of the vice-chairperson, an acting chairperson elected by a quorum of those members present shall preside.

Meeting Times:

There shall be one regular meeting per month held on the second Tuesday of every month at 7pm or at another date and time agreed to by the members. Meetings shall conclude by 10pm unless immediate action is required. Special meetings may be called by the chairperson or by any three members providing notice to the chairperson and the town clerk.

Meeting Notices

Notices of Commission meetings shall be posted on the town hall bulletin board under direction of the town clerk. The chairperson is responsible for preparing and properly submitting meeting notices to the town clerk. Meeting notices shall be posted in compliance with the Open Meeting Law. Whenever possible, notices will be posted at least seven days before the meeting. Notices shall include agenda items, date, time and location of the meeting. Notices shall be routinely mailed to Commission members prior to the meeting by the chairperson.

Minutes

The secretary shall take minutes at all regular meetings and hearings. Whenever possible, copies of the minutes shall be distributed to all members prior to the meeting at which they will be accepted.

Annual Report

The chairperson shall prepare an annual report for inclusion in the annual town report. The report shall be reviewed and accepted by the commission prior to inclusion in the town report.

Budget

The chairperson shall prepare an annual budget. The annual budget shall be submitted to the select board.

Quorum:

A quorum shall consist of four or more members.

Agenda

The chairperson shall prepare a written agenda for each meeting and make every effort to get this to the members prior to the meeting.

Compensation

Members shall serve without compensation.

Attendance at Meetings

Commission members should make every effort to attend all commission meetings. The absence of more than three meetings in a row, without justification, may be viewed as a resignation from the Commission at the chairperson's discretion.

Changes to these Rules and Regulations

These rules and regulation shall be changed following the affirmative vote of a majority of the members.

## ***Annual Reports***

As part of the town's annual report, the local historical commission must prepare and present an annual report of its activities to the select board or city council. The LHC's annual report should summarize the LHC's achievements and activities during the year, outline the expenditure of its budget and any other funds dispersed, and update the status of its membership. The annual report enhances the commission's municipal standing and demonstrates its accountability and presence. The report will also build awareness within municipal government of the commission's work. Finally, the annual report provides an opportunity for commission members to reflect on the program and set goals for the future. A copy of the annual report should be forwarded to the MHC.

## ***Municipal Websites***

The website for your town should include the historical commission within the section on boards and commissions. At a minimum, the local historical commission website should explain the role of the local historical commission, current projects and how visitors should contact the commission. If your municipality has a demolition delay bylaw, information should be readily available on the website regarding this bylaw. Some commissions have included other information such as MHC inventory forms, national register districts or just a description of significant historic resources throughout the town.

## ***Local Historical Commission Finances***

### ***Annual Budget***

A good way to ensure the long-term viability of the local historical commission is to develop some level of annual funding in the city or town budget. Used wisely, a small amount of money can help keep a commission productive, effective, and established. Typical operating expenses for a local commission include memberships and conference registration fees, photocopying, stationery, educational materials and postage.

Municipal budgets for local historical commissions vary greatly. While some local historical commissions receive no budget at all, most commissions around the state receive at least a small budget of about \$500.

(The Massachusetts Historical Commission has a list of local historical commission budgets from around the state.)

Besides the obvious ability to fund projects, a budget has other benefits for the local historical commission. A historical commission that has effectively administered a small budget for several years is more likely to receive supplemental funding for a special project such as a preservation plan or National Register nomination. A local historical commission with a budget is accountable to the community. A budget may also increase the LHC's professionalism and raise its public profile.

It is important to tailor budget requests to actual expenses and to spend all allocations as intended. This ensures that unencumbered funds to the Commission do not revert to the community's General Fund at the end of the fiscal year.

If your commission does not have an annual budget, the Massachusetts Historical Commission recommends that the local historical commission develop a realistic, itemized budget request explaining how all of the funds will be used. If the local historical commission has a preservation plan, the plan can be the basis for how the funds will be used. If your request for a budget is not approved, it is important to continue requesting a budget annually.

### ***Gifts and Contributions***

A local historical commission may accept gifts, contributions, and bequests of funds from individuals and foundations, and appropriations of funds from federal, state, or other governmental bodies for the purpose of furthering the commission's programs. It is wise to establish a process for the receipt and dispersal of funds with your town treasurer before accepting any funds. While the process for handling financial matters varies, Chapter 40, Section 8d clearly establishes the right of the local historical commission to accept gifts and contributions.

### ***Forming a Separate Nonprofit Organization***

In some cases, it is wise to consider forming a nonprofit organization such as a "friends" group separate from municipal government to handle donations. Fundraising through a friends group has many benefits over the historical commission. For more information on forming a historic preservation non-profit organization, contact the National Trust for Historic Preservation.

### ***Membership in Preservation Organizations***

The MHC urges local historical commissions to become members of national and statewide preservation organizations such as Preservation Mass, the National Trust for Historic Preservation, the National Alliance of Preservation Commissions, and Preservation Action. These organizations provide valuable information, services, and technical assistance on historic preservation. Membership costs should be included in the commission's annual budget request. A list of important organizations and contact information can be found at the end of this booklet.

### ***Owning and Maintaining Property***

A local historical commission can acquire and manage historically significant property including objects, collections, and buildings. In general, however, the Massachusetts Historical Commission does not encourage local historical commissions to acquire and maintain property, especially buildings. Maintaining property is a large task that requires significant expertise and resources. The time needed to maintain a property will take time away from the commission's primary responsibility of community-wide historic preservation planning. Rather than maintaining a historically significant property, a commission should consider several other options.

Establish a committee separate from the local historical commission to oversee the building; it should include members with expertise in property management, engineering, construction, and capital improvements.

If the municipality has undertaken a long term plan that concluded that the building will not be needed for any municipal use in the future, then the municipality should consider selling the property with a preservation restriction. A preservation restriction is an excellent way to protect the building without placing the burden and cost of maintenance on the municipality. Some municipalities have rented or leased property for which they have no current need. When those needs change, the municipality has the option of reusing the property for a municipal purpose such as additional office space.

### ***Maintaining Historic Documents and Collections***

The local historical society or museum will usually be the keeper of historic artifacts, maps, photographs, diaries, and other documents. The Massachusetts Historical Commission does not encourage local historical commissions to maintain extensive collections because collection and document preservation, management, and cataloging will diminish community-wide preservation planning – the main responsibility of a local historical commission.

The precious records of the community should, however, be properly archived. These records are often essential research tools for community-wide preservation planning. Making historic maps, photographs, objects, and documents available to the public is a good way to educate the public and foster interest in local history, but it is not the primary responsibility of an LHC according to the legislation that instituted the program. When a local historical society or museum is not available, care of the collection is sometimes placed in the hands of the local historical commission. If this is the case in your community, make sure that you don't lose sight of community-wide preservation planning and make a plan for a way to transfer oversight to a separate committee or non-profit organization.

## *Cooperating with the State Archaeologist*

Local historical commissions are mandated to cooperate with the State Archaeologist in conducting research on sites of archaeological value. Therefore, the local historical commission should include prehistoric and historic archaeological sites in the inventory. Archaeological remains, both historic and prehistoric, are often overlooked by historical and architectural researchers. The below-ground remains of past uses of the cultural landscape are, however, important and fragile resources. Archaeological data often (through the presence of artifacts of daily life such as ceramics, tools, food and other wastes, and structural features) provide a more accurate and fully drawn picture of how an area was used and by whom than even the most detailed documentary history. Archaeological resources remind us that we are only the most recent occupants of a land that has supported communities for more than 10,000 years. Archaeology is often the only source of information about certain groups including Native Americans and others that are traditionally under-represented in written history.



Archaeological sites can be jeopardized by natural and man-made changes to the landscape. Sites are also vulnerable to looting and destruction by inappropriate excavation by untrained individuals. Archaeological survey and excavations in your community should only be undertaken by trained professional archaeologists.

It is critical that local commissions take an active role in protecting sites by working with the State Archaeologist and by maintaining confidentiality about historic and prehistoric site locations. The location of sites should not be made public. Information about known sites should be reported to the State Archaeologist at the office of the Massachusetts Historical Commission. The State Archaeologist will include the information in Massachusetts Historical Commission's confidential site inventory and may be able to help protect the site from damage that may result from state or federal actions. If a local historical commission wishes to conduct a survey or investigation of an archaeological site on publicly owned land, it must obtain a permit from the State Archaeologist.

## **Resources for Further Information**

### ***State and Regional Agencies***

Massachusetts Historical Commission  
220 Morrissey Boulevard, Boston, MA 02125  
p. 617-727-8470  
f. 617-727-5128  
[www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)  
[mhc@sec.state.ma.us](mailto:mhc@sec.state.ma.us)

Department of Conservation and Recreation  
251 Causeway Street, Suite 600, Boston, MA 02114  
617-626-1250  
[www.mass.gov/dcr/](http://www.mass.gov/dcr/)

Executive Office of Environmental Affairs  
251 Causeway Street, 9<sup>th</sup> Floor, Boston, MA 02114  
617-626-1000  
[www.mass.gov/envir](http://www.mass.gov/envir)

### ***Nonprofit Organizations***

National Trust for Historic Preservation  
Northeast Regional Office, 7 Faneuil Hall Marketplace, Boston, MA 02109  
617-523-0885  
[www.nationaltrust.org](http://www.nationaltrust.org)

Preservation Massachusetts, Incorporated  
45 School Street, Boston, MA 02108  
617-723-3383

Community Preservation Coalition  
33 Union Street, 4th Floor  
Boston, MA 02108  
617-367-8998  
[www.communitypreservation.org/index.cfm](http://www.communitypreservation.org/index.cfm)

National Alliance of Preservation Commissions  
706-542-4731  
<http://www.uga.edu/sed/psa/programs/napc/napc.htm>

## ***Federal Agencies and Programs***

National Park Service

[www.nps.gov](http://www.nps.gov)

National Register of Historic Places

[www.cr.nps.gov/nr](http://www.cr.nps.gov/nr)

Advisory Council on Historic Preservation

[www.achp.gov](http://www.achp.gov)

## ***Publications***

*Establishing Local Historic Districts*. Boston, MA: Massachusetts Historical Commission, Revised 2003.

*Historic Properties Survey Manual: Guidelines for the Identification of Historic and Archaeological Properties in Massachusetts*. Boston, MA: Massachusetts Historical Commission, 1992, Revised 1995

*Preservation Guidelines for Municipally Owned Historic Burial Grounds and Cemeteries*. Prepared Massachusetts Department of Environmental Management. by Walker-Kluesing DesignGroup, 2000.

*Preservation through Bylaws and Ordinances*. Boston, MA: Massachusetts Historical Commission, 2001 et seq.

*Reading the Land: Massachusetts Heritage Landscapes: A Guide to Identification and Protection*. Massachusetts Department of Environmental Management. Prepared by PAL, 2003.

*State Register of Historic Places*. Boston, MA: Massachusetts Historical Commission. Updated annually and available for purchase at the state bookstore