



# **APPENDIX A – NATIONAL AND STATE HISTORIC PRESERVATION PROGRAMS**

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## **APPENDIX A – NATIONAL AND STATE HISTORIC PRESERVATION PROGRAMS**

Historic preservation is primarily a product of community-based initiatives fostered by many decades of interest and effort by private citizens. Over the past fifty years, federal, state, and local governments have established a framework that aids and encourages local community preservation efforts. A comprehensive structure has been developed to help identify significant resources, encourage their preservation, and plan for their future.

This structure emanates from the federal government founded upon a nationwide consensus on preservation standards. However, preservation programs are implemented primarily at the local level by and in accordance with the goals, beliefs, priorities, and capabilities of local communities and their citizens. The grassroots nature of historic preservation is a fundamental concept and the strength of historic preservation programs.

Appendix A outlines the structure of the nation’s historic preservation program at the federal and state levels. Its purpose is to show how the historic preservation program at the federal level is designed to encourage local initiative and demonstrate how local community preservation programs build upon the nationwide system in accordance with local interests and dependent upon local initiatives.

## A.1 NATIONAL HISTORIC PRESERVATION PROGRAM

Over the decades, the federal government has established historic preservation programs in recognition of its responsibility to protect historic, cultural, and natural resources on federally owned lands and on other lands where federally sponsored, funded or permitted activities are undertaken. Together, these programs have evolved into a comprehensive National Historic Preservation Program. Through example and through a network of nationwide partnerships, the federal government provides leadership, encouragement, and support in the stewardship of historic resources associated with our nation's heritage.

The cornerstone of the national program is the *National Historic Preservation Act of 1966* (NHPA). The NHPA establishes as federal policy that the government will provide leadership in the preservation of historic resources and will administer a national preservation program in partnership with states, Native American tribes, and local governments. In addition, the act establishes that federal policy should contribute to the preservation of non-federally owned historic resources and provide encouragement to organizations and individuals undertaking preservation by private means.

The NHPA has been amended by Congress over the years to improve, clarify, and reaffirm the national program. Key elements of the NHPA and the National Historic Preservation Program are listed below and are relevant to historic preservation at the community level.

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

The NHPA authorizes the Secretary of the Interior to maintain the National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. The National Register is the nation's official list of historic resources that have been determined worthy of preservation. The Keeper of the National Register at the National Park Service is responsible for deciding on the eligibility of historic properties for inclusion on the National Register. Resources may be significant at the local, state, or national level.

The National Register is administered by the National Park Service and supports the efforts of public agencies, private organizations, and individuals to identify, evaluate, and protect significant historic and archeological resources. The National Register includes over 95,000 listings representing over 1.8 million individual contributing resources.

The National Register is the core designation program within the National Historic Preservation Program. Listed properties are recognized as having met professionally developed criteria for historical significance at the national, state, or local level. Listing on the National Register is largely an honorary recognition. It recognizes the importance of a historic resource without placing any obligations or restrictions on the resource owner. Listing does not give the federal government any ownership rights or regulatory controls with respect to a property, except for possible regulatory impacts if federal funding or licensing is involved.

Listing in the National Register provides economic and other benefits, including:

- Makes the resource eligible for federal and state rehabilitation tax incentives;
- Requires federal agency review under NHPA Section 106 to take into account an undertaking's impacts on a resource prior to issuance of a federal permit; and
- Qualifies a resource for federal historic preservation grants when funds are available.

The Massachusetts Historical Commission (MHC State Historic Preservation Office) administers the National Register program in Massachusetts on behalf of the National Park Service. Once voted on favorably by the State Review Board of the MHC at one of its quarterly National Register meetings, nominations of eligible properties are forwarded to the National Park Service in Washington, D.C. for review, approval, and listing.

The MHC website has additional information on the National Register Program including information on publications such as the *National Register Application Manual*, *The National Register of Historic Places: Effects and Benefits of Listing*, and *There's a Difference! – Local Historic District, National Register District*.

Although a national program, the National Register is important on a local level because it identifies and evaluates resources according to uniform, professionally recognized standards and criteria. These criteria are specifically designed to help state and local governments, organizations, and individuals identify important historic and archeological resources worthy of preservation and consideration when making local planning and land development decisions.

Listing on the National Register highlights the prominence of a resource and helps raise public awareness of its significance. Properties and districts in Sudbury that are listed on the National Register are discussed under Chapter III of this Historic Preservation Plan.

### **National Historic Landmarks Program**

Properties that are nationally significant and possess exceptional value or quality in illustrating or interpreting the heritage of the nation may be designated as National Historic Landmarks by the Secretary of the Interior. National Historic Landmarks are the highest level of designation within the National Historic Preservation Program.

Authorized in the NHPA, approximately 2,600 properties across the country have been designated as National Historic Landmarks, only a small percentage of which are owned by the federal government. The National Historic Landmarks Program is managed by National Park Service staff, who assist organizations and citizens from across the country in the nomination and review process.

Designation as a National Historic Landmark:

- Ensures that stories of nationally significant historic events, places, or persons are recognized and preserved for the benefit of all citizens;

- Provides the property's historic character with a measure of protection against projects initiated by the federal government; and
- Qualifies a resource for grants, tax credits, and other opportunities when available to help maintain a property's historic character.

Designation as a National Historic Landmark is purely an honorary recognition. It does not give the federal government any ownership rights or regulatory controls with respect to a property. No National Historic Landmarks have been designated in Sudbury.

### **State Historic Preservation Programs**

The NHPA establishes a partnership through which State Historic Preservation Officers (SHPOs) are designated in each state to administer the National Historic Preservation Program at the state and local levels. In Massachusetts, the Executive Director of the Massachusetts Historical Commission (MHC) is the Massachusetts SHPO, and the MHC is the State Historic Preservation Office. Federal funding is provided to support the work of the State Historic Preservation Office through the Historic Preservation Fund, a yearly allocation authorized by Congress in the federal budget.

Among the duties of the SHPO within each state as outlined in the NHPA are to:

- Survey and maintain an inventory of historic resources;
- Manage the National Register process at the state and local levels;
- Prepare and implement a statewide historic preservation plan;
- Assist local governments in developing local historic preservation plans and in becoming Certified Local Governments;
- Administer federal grant, tax credit, and other assistance programs for historic preservation;
- Consult with federal agencies in the Section 106 program;
- Provide public information, education, and training and technical assistance in historic preservation; and
- Cooperate with all levels of government and the private sector to ensure that historic properties are taken into consideration at all levels of planning and development.

State Historic Preservation Offices are the backbone of the National Historic Preservation Program. They connect the national program to the local level and ensure that it is customized to state and local circumstances and interests in accordance with established national standards.

### **Certified Local Government Program**

The NHPA establishes a program through which local governments can become certified to participate in the National Historic Preservation Program. The Certified Local Government Program is a preservation partnership between local, state, and national governments focused on promoting historic preservation at the grassroots level. The program is jointly administered by the National Park Service and the State Historic Preservation Offices in each state,

with each local community working through a certification process to become recognized as a Certified Local Government (CLG).

As a CLG, a local government has access to federal grants specifically designated to support local preservation planning as well as technical assistance provided by the SHPO and NPS. Local governments have the opportunity to network with other CLGs through the National Alliance of Preservation Commissions and other programs such as the National Main Street program. Most importantly, however, is the recognition that a CLG has demonstrated the commitment and capability to implement historic preservation planning at a professional level. There are twenty-seven CLGs in Massachusetts. The Town of Sudbury has not been certified as a CLG but is pursuing certification.

### **Section 106**

Section 106 of the NHPA states that federal agencies must take into account the effect of any federal, federally assisted, or federally licensed undertaking on any resource that is included in or eligible for inclusion in the National Register.

Section 106 requires each federal agency to identify and assess the effects of its actions on historic resources. Those actions may directly affect the interests of the public, local residents, or local government. The responsible federal agency must consult with appropriate state and local officials, Native American tribes, applicants for federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

Effects are preferably resolved by mutual agreement, usually among the affected state's State Historic Preservation Officer, federal agency, and any other involved parties including local historical commissions. The Advisory Council for Historic Preservation oversees the process and may choose to participate in controversial or precedent-setting situations.

Section 106 can be an important vehicle through which historic resources are identified and protected. Additionally, larger Section 106 projects and multiple projects over time have generated considerable information and knowledge on local, regional, and national history.

When a federal undertaking such as a federally funded road project is proposed, the sponsoring agency is responsible for identifying and evaluating for National Register eligibility any resources over 50 years of age located within the area of potential effect of the proposed project. This type of survey is generally coordinated with the State Historic Preservation Office (In Massachusetts, the Massachusetts Historical Commission) and performed by individuals who meet federal qualifications for architectural history and archeology.

The evaluation of these properties might result in recommendations of National Register eligibility for additional historic resources and/or archeological sites. If it appears that proposed work might have an effect on a listed or eligible resource, the sponsoring agency needs to evaluate the effect and propose solutions for its mitigation.

### **Section 110**

As amended in 1992, Section 110 of the NHPA outlines a broad range of responsibilities for federal agencies that own, manage, or otherwise control historic properties. Among other things, Section 110 calls for federal agencies to establish their own preservation programs that provide for careful consideration of historic properties commensurate with their mission and the effects of their activities on historic properties. The agencies are required to designate qualified Federal Preservation Officers to coordinate their historic preservation activities.

### **Advisory Council on Historic Preservation**

The Advisory Council on Historic Preservation was created by the NHPA as an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy.

As directed by the NHPA, the Advisory Council is responsible for recommending administrative and legislative improvements for protecting our nation's heritage; advocate for full consideration of historic values in federal decision making; and reviewing federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

The Advisory Council is an appointed body with twenty-three members that meet four times a year. Day-to-day operations are managed by the Chairman, Executive Committee, and staff. Among its more specific responsibilities is management of the Section 106 review process and working with federal agencies to help improve how they consider historic preservation values in their programs.

### **Secretary of the Interior's Standards for the Treatment of Historic Properties**

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards) were established as part of the NHPA to provide a set of guidelines and standards for the preservation, rehabilitation, restoration, and reconstruction of historic buildings and landscapes. The Standards and accompanying Guidelines are used to advise both federal agencies and the general public on best practices for the treatment of resources listed in or eligible for listing on the National Register of Historic Places. The Standards provide valuable insight into the appropriate treatment of historic resources. The Secretary of the Interior's Standards are discussed in more detail in Chapter II of this Historic Preservation Plan.

### **National Park System and National Park Service**

The National Park System is comprised of 419 sites and covers more than 85 million acres. These include 134 historical parks or sites, 83 national monuments, 62 national parks, 25 battlefields or military parks, 19 preserves, 18 recreation areas, 10 seashores, four parkways, three lakeshores, and two reserves. The National Park System preserves and interprets many of the nation's most significant historic sites. There are fifteen National Park System sites in Massachusetts including Minute Man National Historical Park in Concord and Lexington.



The National Park System is managed by the National Park Service (NPS). The NPS also helps administer dozens of affiliated sites, the National Register of Historic Places, National Heritage Areas, National Wild and Scenic Rivers, National Historic Landmarks, and National Trails. A 29-mile length of the Sudbury, Assabet, and Concord Rivers was designated as a National Wild and Scenic River by Congress in 1999.

The NPS was created by the Organic Act of 1916 with the mission “to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The Historic Sites Act of 1935 placed responsibility for the nation’s historic preservation activities with the NPS.

Over the years as federal historic preservation programs have increased, the NPS has played a central role in both administering programs and in providing leadership in conveying and encouraging a preservation ethic nationwide. The NPS is a key player in the National Historic Preservation Program.

One of the most important ways in which the NPS provides support for preservation is by providing technical services. NPS sites within the National Park System are encouraged to engage their local communities as part of their mission. This can be implemented in a variety of ways, including programs for schoolchildren, collaboration in heritage tourism, and support for community initiatives.

### **National Heritage Area Program**

National Heritage Areas are designated by Congress as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape. They are places known for their unique culture and identity, as well as for being good places to live and visit. Through their resources, National Heritage Areas tell nationally important stories that celebrate our nation's diverse heritage and support the local economy through heritage tourism.

National Heritage Areas are managed locally by designated ‘coordinating entities’, usually a local non-profit organization, that build public partnerships involving a wide variety of local interests to undertake projects in accordance with an approved management plan. The National Park Service administers the overall National Heritage Area Program nationwide, and partners with, provides technical assistance, and distributes matching federal funds from Congress to the local coordinating entity and its partnerships.

Fifty-five National Heritage Areas have been designated by Congress nationwide. Freedoms Way National Heritage Area was established by Congress in 2009 and consists of 45 communities in north-central Massachusetts and southern New Hampshire. Sudbury is located within and along the southern edge of the National Heritage Area, which include Hudson, Stow, Maynard, Concord and Lincoln but not Marlborough, Framingham, or Wayland.

National Heritage Areas are lived-in landscapes with a grassroots, community driven approach to heritage conservation and economic development. They

collaborate with communities to determine how to make heritage relevant to local interests and needs and to support locally driven historic preservation, natural resource conservation, recreation, heritage tourism, and educational projects.

Freedom's Way National Heritage Area is managed by the Freedom's Way Heritage Association and its primary NPS partner in Minute Man National Historical Park. Freedom's Way National Heritage Area has proved several small grants to local partners such as the Sudbury Historical Society.

### **Heritage Documentation Programs**

The *Historic American Building Survey* (HABS), introduced in 1933, was the first of four National Park Service Heritage Documentation Programs created to establish permanent, high quality public records of significant historic resources.

HABS was initially introduced as a make-work New Deal program for unemployed architects and focused on documenting significant, threatened, or rare examples of historic American buildings with measured architectural drawings, large-format photography, and written documentation. The program became permanent as part of the Historic Sites Act of 1935. The Wayside Inn was documented by HABS in 1935, and its drawings and photographs are archived in the Library of Congress.

In 1969, the *Historic American Engineering Record* (HAER) was established to document historic engineering resources such as bridges, mills, dams, aqueducts, and vessels. The third documentation program, the *Cultural Resources Geographic Information Systems* (CRGIS), was established in 1989 to institutionalize the use of Geographic Information Systems (GIS), Global Positioning Systems (GPS), and Remote Sensing technologies in historic preservation within the National Park System, State Historic Preservation Offices, and Tribal Historic Preservation Offices.

The *Historic American Landscape Survey* (HALS) is the newest component of the program, established in 2000. HALS documents historic American landscapes, including both vernacular and designed landscapes, through drawings, written histories, and photography. Documentation produced through the Heritage Documentation Programs constitutes the nation's largest archive of historic architectural, engineering, and landscape documentation.

HABS, HARE, or HALS documentation is often undertaken as a mitigation measure when federal or state actions, such as transportation or utility projects, are determined to impact historic resources.

### **Federal Historic Preservation Tax Incentives**

The Federal Historic Preservation Tax Incentives program was established in 1976 to foster private sector investment in historic preservation projects and promote community revitalization. It is one of the nation's most successful and beneficial community revitalization programs. It has leveraged over \$102 billion in private investment to preserve 45,383 historic properties since 1976.

The Preservation Tax Credit program is targeted for income-producing properties and requires that they be rehabilitated in accordance with the

*Secretary of the Interior's Standards.* Eligible properties include properties that are National Historic Landmarks, listed in the National Register, contribute to a National Register District, or have been determined eligible for the National Register. Most federal tax credit projects are historic commercial business or residential properties with construction costs of over two million dollars.

Preservation tax incentives attract private investment to the historic cores of cities and towns and often provide the additional financing that makes a difficult project viable. The program has been instrumental in the revitalization of urban centers across the country. Through this program, abandoned or underused schools, warehouses, factories, churches, retail stores, apartments, hotels, houses, and offices have been restored to viable economic use in a manner that maintains their historic character.

Tax incentives for preservation established by the Tax Reform Act of 1986 included a 20% tax credit for the rehabilitation of a certified historic structure and a 10% tax credit for the rehabilitation of a non-historic, non-residential building constructed prior to 1936. Both tax credits effectively lower the amount of tax owed; in general, a dollar of tax credit reduces the amount of income tax owed by one dollar.

In December 2017, Congress amended the Internal Revenue Code to reduce tax rates and modify policies, credits, and deductions for individuals and businesses using the tax incentives. Aspects of the 20% Historic Rehabilitation Tax Credit were modified, the 10% tax credit for the rehabilitation of non-historic buildings was repealed, and transition rules were provided for both credits.

The program is jointly managed by the National Park Service and Internal Revenue Service in partnership with State Historic Preservation Offices.

### **Save America's Treasures**

Save America's Treasures is a matching grant program for the preservation and conservation of nationally significant intellectual and cultural artifacts and historic structures and sites, including historic districts, sites, buildings, and objects. Established by President Clinton in 1998 by executive order, the program has been an important source of bricks-and-mortar funding for nationally significant historic properties.

Grants are awarded to federal, state, local, and tribal government entities and non-profit organizations through a competitive matching grant program administered by the National Park Service in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and the Humanities.

Today, Save America's Treasures grants are targeted primarily for properties recognized as National Historic Landmarks. The Save America's Treasures grant program is funding \$25 million in project work in the federal Fiscal Year 2021.

### **Preserve America**

Preserve America is a federal initiative that recognizes and designates communities that protect and celebrate their heritage, use their historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs. Since the program began in 2003, over 900 communities have been designated as Preserve America Communities throughout the country. Twenty communities in Massachusetts have received Preserve America recognition.

Benefits of participation in the Preserve America program include recognition, promotion, and the ability for communities to apply for planning grants. Grants are awarded in five categories: research and documentation, planning, interpretation and education, marketing, and training. The grant program helps local communities develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets. Successful projects feature public-private partnerships and serve as models to communities nationwide for work in heritage tourism, historic preservation, education, and economic development. More than \$20 million in matching grants was awarded to 259 projects throughout the country between 2006 and 2009.

The Preserve America program was created in 2003 by executive order by President George W. Bush. It was permanently authorized as part of legislation passed by Congress and signed by President Obama in March, 2009. Management of the program is led by the Advisory Council on Historic Preservation and Department of the Interior.

Though authorized, the Preserve America grant program was targeted for termination by the Obama Administration and has not been funded by Congress since 2010. It is possible that this popular program will not be resumed in its past format but may be replaced by a similar program in the future.

### **Additional Grant Programs**

Periodically, as appropriated by Congress, the National Park Service provides grants for other special programs and initiatives that have been identified. Grants are currently being offered for projects that preserve African American Civil Rights History and for preservation projects at Historically Black Colleges and Universities listed on the National Register of Historic Places.

### **National Environmental Policy Act of 1969**

The National Environmental Policy Act (NEPA) was one of the first laws written establishing a broad national framework for protecting our environment. NEPA assures that all branches of government give proper consideration to the environment prior to undertaking any major federal action that might significantly affect the environment.

NEPA states that it is the policy of the federal government to preserve important historic, cultural, and natural aspects of the nation's heritage. NEPA requires Federal agencies to conduct interdisciplinary investigations and prepare environmental impact statements prior to making decisions about

projects that have the potential to impact the quality of the human environment.

Similar to Section 106, NEPA is triggered by projects using federal monies. Investigations conducted under NEPA cover a broad range of environmental issues, including the identification of impacts on historic resources. Projects in Massachusetts that are funded by the federal government require compliance with NEPA.

## **A.2 MASSACHUSETTS STATE HISTORIC PRESERVATION PROGRAM – THE MASSACHUSETTS HISTORICAL COMMISSION**

The Massachusetts Historical Commission (MHC) was established in 1963 by the state legislature to identify, evaluate, and protect the important historical and archaeological assets of the Commonwealth. It was officially designated as the Commonwealth’s State Historic Preservation Office with respect to the National Historic Preservation Act in 1971.

The MHC is a part of state government under the direction of the Secretary of the Commonwealth, the principal public information officer for Massachusetts. The Secretary of the Commonwealth also oversees the state’s Corporations Division, Elections Division, Massachusetts Archives, Public Records Division, Securities Division, and State Records Center.

The MHC consists of seventeen 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 MHC. The MHC has a professional staff that includes historians, architects, archaeologists, geographers, and preservation planners organized in three divisions:

### Preservation Planning Division

The MHC’s Preservation Planning staff works with and assists local communities and groups to become strong advocates for historic preservation planning. The Planning Division manages the state historic resource inventory program, National and State Registers of Historic Places, and Certified Local Government program—all programs important to community preservation. Planning staff provides technical assistance to local municipalities for survey and preservation planning, often undertaken through their local historical commissions, including planning for local historic districts.

### Grants Division

The Grants Division administers a Survey and Planning Grant program and the Massachusetts Preservation Projects Fund, both of which are discussed later in this section.

### Technical Services Division

The Technical Services Division staff provides a wide range of technical preservation assistance to public agencies, communities, and the public. They undertake environmental reviews required by federal and state law, and they manage the federal and state rehabilitation tax credit programs.

### **Massachusetts State Historic Preservation Office**

The MHC operates as the Massachusetts State Historic Preservation Office and is responsible for administering state and federal historic preservation programs in Massachusetts. The Executive Director of the MHC serves as the State Historic Preservation Officer (SHPO) in accordance with federal historic preservation programs as outlined in the National Historic Preservation Act of 1966 (NHPA), discussed in a preceding section of this appendix.

### **Inventory of Historic and Archeological Assets**

The Inventory of Historic and Archeological Assets of the Commonwealth has been compiled and maintained by the MHC since its establishment in 1963 and has grown to include records on an estimated 200,000 properties and sites. The inventory includes buildings, structures, sites, objects, areas, parks, landscapes, and burial grounds. Inventory information is recorded on MHC inventory forms, following standards and guidelines set forth in the MHC's *Historic Properties Survey Manual*.

The Massachusetts Cultural Resource Information System (MACRIS) is an online database that allows individuals to search the MHC inventory for information on historic properties and areas in the Commonwealth. Organized by town or municipality, MACRIS provides access to survey forms and nominations within each municipality. The locations of surveyed sites are available in the database and mapping through MassGIS. Archeological assets are not made publicly available through MACRIS or MassGIS due to the potential for their damage.

### **National Register of Historic Places and State Register of Historic Places**

The official lists of historically significant properties in Massachusetts are the National Register of Historic Places and State Register of Historic Places. The National Register is administered by the National Park Service in association with State Historic Preservation Offices and is discussed earlier in this appendix. There are over 4,300 Massachusetts listings in the National Register, second highest number for any state in the nation.

The State Register of Historic Places was created to serve as a master list of designated historic properties in the Commonwealth and to provide an added measure of protection to these properties. Properties are included on the State Register if they are: (a) listed and/or determined eligible by the Keeper of the National Register; (b) within local historic districts; (c) local, state, and national landmarks; (d) state archaeological landmarks; or (e) properties with preservation restrictions.

The State Register serves as a guide for developers and state agencies in determining whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process was modeled closely after the federal review process and ensures that State Register properties will not inadvertently be harmed by activities supported by state agencies.

### **State Archeologist**

The State Archaeologist oversees archaeological excavations on public lands or on lands in which the Commonwealth has an interest. The State Archaeologist also reviews development projects that affect archaeological properties and negotiates solutions to protect the sites. The work helps ensure that important archaeological resources are properly conserved.

### **Survey and Planning Grants**

Survey and Planning Grants provide 50% matching federal funds for the preparation of community surveys, preservation plans, archaeological surveys, nominations to the National Register, and educational preservation programs. Eligible applicants are local historical commissions, Certified Local Governments, local municipalities and state agencies, educational institutions, and private organizations. Depending on funding availability, these grants are sometimes limited to Certified Local Governments.

### **Massachusetts Preservation Projects Fund**

In years when the Commonwealth authorizes funds, monies are available for the restoration, rehabilitation, stabilization, and documentation of historic and archaeological properties owned by municipalities or non-profit organizations. Through the Massachusetts Preservation Projects Fund, 50% matching grants are available to qualifying properties listed on the State Register to ensure their physical preservation.

A highlight of this program is the option applicants have to apply for up to 75% of the total project cost if they are willing to commit an additional 25% toward an endowment fund for long-range preservation and maintenance of the property.

Projects can include pre-development and development projects consisting of stabilization, protection, rehabilitation and restoration of historic properties. They can range from the acquisition of an endangered property; to the restoration of an historic building; to research projects such as historic structures reports, archaeological data recovery projects, or study of innovative preservation techniques.

### **Certified Local Government Program**

The MHC administers the federal Certified Local Government (CLG) program in Massachusetts in association with the National Park Service. Described earlier in this appendix in association with the National Historic Preservation Act, twenty-six Massachusetts communities participate in the CLG program.

Becoming a CLG demonstrates a community's readiness to take on preservation projects and be successful when seeking other opportunities for community revitalization and development using local historic assets. Certification provides communities access to expert technical advice from the MHC and the NPS and provides access to federal grant monies set aside specifically for CLGs.

### **Federal and State Rehabilitation Tax Incentives**

The federal and state rehabilitation tax credit programs promote the rehabilitation of the Commonwealth's historically significant properties, while also serving as key economic development tools for the revitalization of historic communities. The Federal Historic Preservation Incentives program, established for income-producing buildings and discussed earlier in this appendix, offers a federal income tax credit equal to 20% of qualified rehabilitation expenditures on a historic property.

Established in 2004, the Massachusetts Historic Rehabilitation Tax Credit is an incentive program to encourage the rehabilitation of historic buildings by the private sector owners. 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 manages the application process, certifies the projects, and allocates available credits. Three rounds of applications are accepted each year. In the April round of 2020, 159 projects were awarded a total of \$19,170,000.

### **Section 106 and State Environmental Compliance**

MHC staff reviews a variety of projects related to federal and state agencies' compliance with both federal and state laws for the protection of historic properties. At the federal level, project reviews are generally undertaken in compliance with Section 106 of the National Historic Preservation Act, discussed earlier in this section. At the state level, reviews are undertaken in compliance with MGL Ch9, sections 26-27c or under the Massachusetts Environmental Policy Act (MEPA). The MHC staff reviews and comments on approximately 2,500 federal projects each year.

Section 106 involves federal, federally assisted, or federally licensed undertakings. MHC staff works with the applicable federal agency involved and others to identify impacts on resources that are listed or eligible for listing in the National Register of Historic Places.

Federal and state environmental reviews frequently require architectural or archeological surveys of the impacted area be undertaken by qualified private sector professionals. Over the years, these surveys add considerably to the number of properties included in the state Inventory of historic resources. The reports generated identifying and assessing the effects on historic resources are reviewed by MHC staff. Environmental review projects frequently impact historic communities. The review of transportation projects is undertaken by MassDOT staff.

### **Massachusetts State Historic Preservation Plan 2018-2022**

Every five years, as required by the National Historic Preservation Act and the receipt of federal funding support for the state historic preservation program, the MHC updates its state historic preservation plan. The most recent state historic preservation plan was prepared in 2018. The first state historic plan was prepared in 1978.



These plans reflect the input, discussion, and hard work of many individuals representing many different agencies and groups. Its goal is to provide all of the preservation partners, including municipal governments, state agencies, regional and statewide organizations and the MHC with a clear direction on how best to protect the irreplaceable historic and cultural resources of Massachusetts. The current plan outlines new priorities for the 2018-2022 period. While the MHC is the primary user of the state historic preservation plan, the plans are meant to be useful for all preservation partners at the local, state, and national levels.

### **Community Preservation Act**

Massachusetts passed the Community Preservation Act (CPA) in 2000 as MGL Chapter 44B, which enables adopting communities to raise local dedicated funds for open space preservation, preservation of historic resources, development of affordable housing, and the acquisition and development of outdoor recreational facilities.

CPA funds are raised locally through imposition of a voter-authorized surcharge on local property tax bills of up to 3%. Local funds are matched by annual distributions to the community from the state's Community Preservation Trust Fund, a statewide fund held by the Massachusetts Department of Revenue. Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act, and this five to nine member board makes recommendations on CPA projects to the community's legislative body.

The CPA specifically requires that Preservation Restrictions be established for properties purchased using CPA funds. Municipalities may also require a Preservation Restriction or other measure of protection when any amount of CPA funds are awarded for rehabilitation or restoration of an historic property.

To date, 176 communities in Massachusetts have adopted the CPA and over 12,000 projects have been undertaken. The CPA was adopted in Sudbury in 2002 and has since been instrumental in providing funding for open space, recreation, affordable housing, and historic preservation. Sudbury adopted the plan at the 3% surcharge level, maximizing the amount of funding raised locally and matched by the state.

### **Preservation Restrictions**

In Massachusetts, Preservation Restrictions may be placed on historic properties as well as on land as established by the state legislature in MGL Chapter 184, Sections 31-34. The Massachusetts Historical Commission is the state agency responsible for reviewing and approving preservation restrictions on buildings and archeological sites.

A Preservation Restriction is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance that an historic or culturally significant property's intrinsic values will be preserved through subsequent ownership by restricting the demolition or alteration of its significant historic features.

A Preservation Restriction is filed at the Registry of Deeds and runs with the land and can have time limits or run in perpetuity. It usually focuses on exterior architectural features, but can also address significant interior spaces. Though a Preservation Restriction does not necessarily require public access, it may include provisions for annual open houses or similar public events if deemed appropriate.

In establishing a Preservation Restriction for a historic building, an owner agrees to maintain the building exterior in good repair consistent with the Secretary of the *Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. Prohibited activities are spelled out, such as demolition of the building, and the review process required for any proposed exterior alterations are described. Baseline documentation illustrates the property's historic significance and existing conditions at the time of establishment of the restriction through architectural drawings, photographs, historical records, and reports.

Preservation Restrictions can be donated or purchased by a government body or private preservation organization and are enforced by the holder of the restriction. Charitable donations of easements on historic buildings or archaeological sites may qualify for federal income tax deductions.

### **Massachusetts Department of Conservation and Recreation (DCR)**

The Department of Conservation and Recreation is the Commonwealth of Massachusetts state parks agency and is steward of one of the largest state parks systems in the country. Its 450,000 acres is made up of forests, parks, greenways, historic sites and landscapes, seashores, lakes, ponds, reservoirs and watersheds. DCR protects, promotes, and enhances the state's natural, cultural, and recreational resources.

DCR's Division of MassParks maintains nearly 300,000 acres of the state's forests, beaches, mountains, ponds, riverbanks, trails, and parks. The Division protects land and resources on privately and municipally held land through technical assistance, grant and planning programs, policy development, and other services.

DCR's Bureau of Planning, Design & Resource Protection provides professional planning, design and project management services, and natural and cultural resource protection in support of DCR's state parks and forests, urban parks and reservations, and water supply divisions.

The Office of Cultural Resources (OCR) carries out the DCR's preservation mission through stewardship of the agency's historic buildings, structures, landscapes, archaeological sites, and archival resources.

The Preservation Planning Program of the Office of Cultural Resources protects the diverse collection of archaeological sites, historic buildings, structures, landscapes and objects on DCR property. The program works closely with the Massachusetts Historical Commission and other organizations to ensure that DCR is in compliance with various regulations that govern cultural resources on state-owned lands.

Housed within DCR's Office of Cultural Resources, the Historic Landscape Preservation Initiative (HLPI) is the culmination of over 25 years of historic landscape preservation efforts throughout the Commonwealth. From the Olmsted Historic Landscape Preservation Program of the 1980s to the Terra Firma technical bulletin series, the HLPI preserves historic landscapes through technical assistance to communities, inventory and evaluation of properties within DCR's state parks, publications and public education. DCR often works with communities, regional partners, and other landscape advocates toward common goals.

The Initiative provides services for the preservation of community landscapes and DCR park landscapes through programs including the Heritage Landscape Inventory program, Historic Cemetery Preservation Initiative, and Heritage Landscape Atlas.

From 2001 through 2009 DCR partnered with regional organizations to implement the **Heritage Landscape Inventory Program** in communities across the state. Through a competitive application process, 108 communities participated in the program. The regional partners served as liaisons with communities and provided a regional planning context for inventory and assessment.

In 2006, the Massachusetts Department of Conservation and Recreation (DCR) and the Freedom's Way Heritage Association collaborated to bringing DCR's Heritage Landscape Inventory program to communities in the proposed Freedom's Way National Heritage Area, including Sudbury. The primary goal of the program was to help communities identify a wide range of historic and cultural landscapes within the community, particularly those that are significant and unprotected, and provide communities with strategies for their preservation. See Chapter II, *History of Historic Preservation Planning in Sudbury* for additional information on DCR's Heritage Landscapes Inventory program.

