

TERRAFIRMA

PUTTING HISTORIC LANDSCAPE PRESERVATION ON SOLID GROUND

*"The expectations of life
depend upon diligence;
the mechanic that would perfect his work
must first sharpen his tools."*

CONFUCIUS

A Publication of the Massachusetts
Department of Conservation and
Recreation's Historic Landscape
Preservation Initiative

TAKING ACTION: A TOOLKIT FOR
PROTECTING COMMUNITY CHARACTER

MUNICIPAL ROLES IN LANDSCAPE
PRESERVATION

THINKING IN CONTEXT: COMPREHENSIVE
AND OPEN SPACE PLANNING

ENGAGING THE PUBLIC

DEFENDING THE RESOURCES: LAWS,
BYLAWS AND REGULATIONS



Mission: To protect, promote, and enhance our common wealth of natural, cultural and recreational resources.

The Massachusetts Department of Conservation and Recreation (DCR) is steward to over 450,000 acres throughout Massachusetts. For more information on the DCR and the Massachusetts State Park system visit www.mass.gov/dcr, call 617-626-1250, or write to DCR, 251 Causeway Street, Boston, MA 02114.

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The Heritage Landscape Inventory Toolkit that was prepared by Elizabeth Vizza of Elizabeth Vizza Consulting and Electa Tritsch of Oakfield Research for DCR's Heritage Landscape Inventory program served as the basis of this publication.

All photos by DCR unless where noted.

Cover image: The Connecticut River Valley

The Department of Conservation and Recreation has been working with communities throughout the Commonwealth on landscape preservation efforts for almost three decades. Building off of the 1982 Scenic Landscape Inventory, the Heritage Landscape Inventory program was developed in 2001 to assist communities in the identification of their heritage landscapes. Exploring the complex relationships between natural and cultural resources, the program has been guiding communities towards local actions to help protect these special places.

Heritage landscapes – areas that contain both natural and cultural resources that help to define a community and reflect its past – make up a substantial part of our communities. From historic village centers, to hard working industrial river corridors, to early 20th century designed estates, these landscapes reveal how human interaction with the natural environment has directly informed community development. Understanding this relationship has led to a new way of approaching resource protection efforts, through the use of preservation-based tools in combination with conservation-based tools.

These actions are the subject of this seventh issue of the Terra Firma bulletin series. Building off of the popular Heritage Landscape Toolkit that was developed for DCR's Heritage Landscape Inventory program, this bulletin seeks to introduce a wider audience to these tools, to promote civic engagement and encourage collaborative community efforts through a multi-faceted approach including education, planning with a clear set of goals, and regulatory mechanisms. The result will be a strong network of support and regulatory muscle to help protect the landscapes that mean the most to our past – so that they will continue to tell the story of our communities well into the future.

MUNICIPAL ROLES IN LANDSCAPE PRESERVATION

Imagine if the woods that you explored as a child, replete with ancient stone walls, a small stream, and a small cellar hole or two was now a brand new subdivision, or the location of big box retail. How did that happen, and who could have helped to redirect development to another area where it would have had a smaller impact upon such rich resources? Would you like to play an active role in shaping the future land use patterns of your community?

There are many municipal boards and committees that play critical roles in shaping and directing community growth, and have the ability to protect heritage landscapes in the process. Some are obvious – others you may not have thought of before as potential allies.

ELECTED OFFICIALS

BOARD OF HEALTH

Regulates septic system placement and private wells, and in doing so, can influence land use patterns.

BOARD OF SELECTMEN/CHIEF ELECTED OFFICIAL

Allocates funds for projects or acquisitions; supports initiatives or bylaws that have to be passed through town meeting or city council; controls access to legal counsel.

TOWN MEETING/CITY COUNCIL

The municipal legislative body that must approve all town bylaws, city ordinances, or amendments. Must approve the municipal budget and most land acquisitions and transfers of land for conservation purposes.



Drawing of the New Home Sewing Machine Company manufacturing complex.

Source: Orange Illustrated, A 1904 Pictorial of a Massachusetts Town



Wenham Town Hall

MUNICIPAL STAFF

Staff members of your municipality play an integral role – particularly if you have a staffed Planning or Community Development Department, a Conservation Agent or Administrator, or a Town Administrator or Manager. These individuals serve as staff support to boards and committees, undertake and manage projects, and write or assist with grant applications. Other municipal employees take a direct role in landscape care:

DEPARTMENT OF PUBLIC WORKS

Responsible for the care and maintenance of public parks, scenic roads, and municipal cemeteries.

TREE WARDEN

Involved in the care and maintenance of trees on municipal property, and trees that are within the public way; involved in the administration of shade tree and scenic roads bylaws.

APPOINTED POSITIONS

AGRICULTURAL COMMISSION

Encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and works to protect and sustain agricultural businesses and farmland.

CEMETERY COMMISSION

Responsible for overseeing the operation and maintenance of municipally-owned cemeteries.

COMMUNITY PRESERVATION COMMITTEE

Established after the Community Preservation Act is adopted; reviews requests for financial support for historic preservation, open space protection, affordable housing and recreational projects and makes funding recommendations to town meeting/city council.

CONSERVATION COMMISSION

Responsible for natural resource protection plans, acquisition of open space, in some cases, and management of municipal conservation property. Administers state and local wetlands protection laws.

FINANCE COMMITTEE

Helps prepare the municipal budget and advises municipal boards, committees, and departments on finances; takes positions on finance-related warrant articles.

HISTORIC DISTRICT COMMISSION

Administers local historic districts; responsible for design review of new construction or alterations to the exteriors of buildings within designated local historic districts.

HISTORICAL COMMISSION

Responsible for maintaining the communitywide cultural resources survey; administers demolition delay bylaws; provides local input on state- or federally-supported projects under review by the Massachusetts Historical Commission for their effects on historic resources.

PLANNING BOARD

Develops community planning documents and directs their implementation. Issues special permits and regulates subdivision development.

ZONING BOARD OF APPEALS

Develops and administers zoning bylaws, hears appeals from building inspector decisions, and issues variances for zoning hardship cases. May issue other permits.



North Orange Cemetery



Involving a variety of community groups in landscape identification exercises helps build consensus around protecting them.

VOLUNTEER COMMITTEES

OPEN SPACE COMMITTEE

Helps plan for the protection of open space and promotes the appropriate maintenance of municipally-owned open space. Works with the conservation commission and land trusts to help protect and manage land.

RIGHTS OF WAY COMMITTEE

Maintains public rights of way, making sure that there is public access to natural resources that are important to a community. Found mostly in coastal communities.

TRAILS COMMITTEE

Promotes and maintains trails on municipal land within a community; advocates for the protection of land for purposes of public access.

THE PUBLIC

It is not just municipal employees, volunteer boards, and committees that influence local actions – community members must often vote to implement some key mechanisms that protect many landscapes. Attendance at hearings provides a platform to raise public concerns and give residents a voice. Members of local and regional non-profits, such as land trusts, historical societies, and chambers of commerce can also play an active role in support of municipal activities.

Community growth happens – the challenge is making sure that it occurs in appropriate areas. Residents have the power to shape a community's future through collaboration, education, and planning. It really does take a village to save a landscape!

THINKING IN CONTEXT: COMPREHENSIVE AND OPEN SPACE PLANNING

Communities use a variety of planning exercises and documents to define goals and establish a vision of the future, address community wide issues, and recommend measures in response to both. The two most common are Comprehensive Plans (also known as Master Plans) and Open Space Plans.

COMPREHENSIVE OR MASTER PLANS provide an important frame of reference for land use decisions, and incorporate a range of community issues including economic development, housing and transportation into an integrated plan. These also have a historic resources component, the depth of which varies from plan to plan.

OPEN SPACE PLANS look holistically at the community – its history, demographics and growth patterns, and current conditions – to make recommendations that protect open space and natural resources for ecological health and public benefit.

A handful of communities also have a **PRESERVATION PLAN**, which focuses on analyzing the historic resources of a community and providing planning recommendations. To date, these have typically focused on the built environment and on traditional preservation based planning tools.

While historic resources and some landscapes are routinely addressed in these plans, it is all too often on a limited scale. Heritage landscapes need to be incorporated in any new or updated plan and seen through the lenses of community character, historic preservation, environmental health, economic viability and growth. The contributions heritage landscapes make to a community, and their future, should be addressed through these multiple perspectives.

PLANNING FOR LANDSCAPE PRESERVATION

Before embarking on any landscape preservation effort in your own community, become familiar with your community's existing toolbox – the plans, bylaws and zoning tools already in place – in order to know what has been considered in the past and identify additional tools that are needed:

1. **Review existing planning documents** – Reading the available Master Plans, Open Space Plans, Community Development Plans, Preservation Plans, etc. will make you familiar with previously expressed visions, goals and action plans.
2. **Review existing zoning and regulatory bylaws** – Knowing exactly what you already do – or do not – have in place will help you focus your efforts.
3. **Start attending the meetings of other boards and committees** – Learning more about the issues they are dealing with will help you find out what they are working on, to identify intersections of interest and potential supporters for undertaking certain measures.



Focus area for planning and protection efforts in the Common Pasture, Newbury and Newburyport.

For more information on the basic principles of preservation planning – inventory, evaluation, treatment and maintenance – please see *Terra Firma #1: An Introduction to Historic Landscape Preservation*.



Community Preservation Committees involve individuals representing a wide variety of boards and committees – their meetings provide an opportunity for additional cross-pollination and communication about landscape preservation issues as well as the allocation of Community Preservation Act funds.



Hudson and Sudbury both held Heritage Landscape Inventory photo contests. Peter Worrest was the Overall Grand Prize winner of the Hudson competition with this image of the Taylor Memorial Bridge.

ENGAGING THE PUBLIC

In order to ensure the success of any heritage landscape protection effort, engaging municipal staff, volunteers and residents is critical. The best advocates for heritage landscape protection are members of the community, all of whom need to be familiar with the significance of their heritage landscapes – and how they can support their protection.

OUTREACH

There are many ways to communicate the importance of these special places, and to connect their preservation with the shared values and goals of the community. Effective outreach will develop a constituency that will support protection measures taken to town meeting or city council.

BROADEN THE BASE. Preservation, particularly preservation of landscapes, is not just for the Historical Commission. As highlighted on pages 3 and 4, many other municipal boards and committees play crucial roles. Connect with them routinely to discuss areas of intersecting interests and responsibilities.

NURTURE PUBLIC-PRIVATE PARTNERSHIPS. Friends groups, neighborhood associations, historical societies and local land trusts all have important roles to play to spread the word, and to expand the capacity of the public sector to care for heritage landscapes.

SHARE RESOURCES AND IDEAS ACROSS COMMUNITIES. Some small municipalities have found that “sharing” a planner or a town administrator with another community can be quite effective. Regional forums, such as county farm bureaus, are a valuable way to learn from others.

CONNECT WITH LOCAL MEDIA. Develop press releases and establish relationships with local reporters to announce events or develop special interest articles that highlight landscape resources. Local radio and cable access stations are always looking for new and interesting topics – approach them about covering community events, or doing a feature on a local issue or resource.

EDUCATION

Think creatively about how to educate the community about the values and threats to heritage landscapes, and how their loss would impact a community. Use a combination of strategies to connect with and inspire residents, to help bring new team members into the regular circle of municipal players and increase participation in landscape protection efforts.

LECTURES AND WORKSHOPS. One of the easiest ways to raise awareness, educate at a deeper level about the community’s history and its resources, and broaden the base of interest is to organize and sponsor educational forums. Short lectures, slide shows, or exhibits of historic photographs of your community are of interest to a large audience.

The Andover Historic Preservation Commission recently launched a website that includes a searchable database of inventoried properties, helps inform residents about the demolition delay bylaw, and promotes their annual awards program. In September 2008 alone, the page was viewed 3,289 times. www.mhl.org/historicpreservation/



Celebrate! Festivals and tours are a great way to draw attention to the history around us, and to engage more people in caring for it. Consider hosting a Heritage Celebration Day including tours and family-friendly activities, or plan a celebration around a particular place. This tour of historic Bradstreet Farm in Rowley took place during Essex National Heritage Area's 2007 Trails & Sails event.

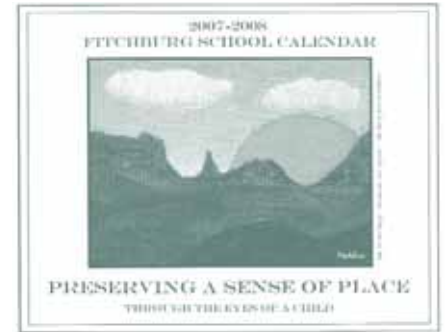
TECHNOLOGY. Keep Historical Commission and other local historical organizations' entries on the municipal website current, and include compelling images, information about issues, proposals for preservation strategies, and upcoming events. Be active on municipal electronic bulletin boards or local list serves. Development of effective means of electronic communication to keep in touch with residents will help grow a network of support quickly.

CREATIVE AWARENESS. Creative approaches to increasing local awareness, such as hosting an art show or photo contest showcasing heritage landscapes, can go a long way towards building a constituency of residents that are looking at the local landscape with new, appreciative eyes. Signage and banners are a very effective way to announce special historic sites and districts.

WRITTEN MATERIALS. Clear, concisely written material with engaging illustrations – such as a walking tour brochure – is a reliable way to share information about community character and heritage landscapes. Make use of fact sheets and flyers to get the word out on issues such as a municipal ordinance that protects heritage landscapes, a threat that needs to be addressed, or an upcoming event.

RECOGNITION. Listing on the National Register of Historic Places bestows honor on a historic resource, and helps convey the significance of a historic resource to a broad constituency beyond your community. Do not be mistaken though – while listing can trigger regulatory review procedures when certain actions are proposed, this is not a strong protective mechanism and does not provide a resource with legal protection from loss.

SCHOOL CURRICULA. Start teaching at a young age. Children are very receptive, and there are no better stories to excite imaginations and build pride of place than those of their own community's past, which can be conveyed in engaging ways via hands-on history projects and field exploration of a community's heritage landscapes. Subsequently, students have an opportunity to teach their parents that preservation is everybody's business.



Fitchburg Public Schools launched a new curriculum in 2007 for grades 1 through 8 around the theme of Preserving a Sense of Place. Children were encouraged to explore their community, and convey what aspect of their city is most important to them through artwork. Several pieces were selected for inclusion in the school calendar. This project inspired an exhibition of juried artists, and another sense of place project for the 2008-2009 school calendar.

Know the Resources: In order to convince others of the significance of a historic landscape, you must first be fully aware of what you have – therefore the first step in any preservation effort is inventory. By applying the methodology of the Heritage Landscape Inventory program as outlined in *Reading the Land*, you can gather the information necessary to be able to start to build awareness and generate support. MHC's *Survey Manual* can provide the guidance necessary to document the resources identified.

DEFENDING THE RESOURCES: LAWS, BYLAWS AND REGULATIONS

Just as heritage landscapes come in a variety of types and encompass a wide range of resources, there are a myriad of laws, bylaws and regulations that are available to assist with protecting heritage landscapes, depending upon the features they contain and the issues that they face. Your community may already have some of them in place – or may have considered implementation in the past. The following are brief descriptions of some of the tools that are most widely used and effective for the protection of heritage landscapes.

LOCAL BYLAWS

DEMOLITION DELAY BYLAW

Requests for a permit to demolish a historic building must first be reviewed and approved by the local historical commission. If the historical commission does not approve of the demolition and deems a structure significant, it can impose a delay period, during which time the property owner is encouraged to explore alternatives to demolition. Buildings are often key features within heritage landscapes, and contribute to their significance. Delay periods of 6 months are common, although communities are increasingly adopting delay periods of 12 to 18 months.

LOCAL HISTORIC DISTRICTS (LHD)

These districts recognize special areas within a community where the distinctive characteristics of buildings – and their settings – are preserved. This offers the strongest form of protection available for historic resources. LHDs are administered by a Local Historic District Commission (distinct from the community's Local Historical Commission), that reviews proposed changes according to the terms of the local bylaw. LHDs are often applied in village centers – but they can be used in any part of a community. M.G.L. Chapter 40C is the enabling legislation for Local Historic Districts.

NEIGHBORHOOD ARCHITECTURAL CONSERVATION DISTRICTS

Also known as Neighborhood Conservation Districts or Architectural Preservation Districts, these are local designations that recognize special areas within a community where the distinctive characteristics of the neighborhood are important. They are less restrictive than LHDs in that they focus on a few key architectural elements and massing, scale, and setback, in an effort to preserve the overall character defining features of the area. As in LHDs, changes are reviewed by a district commission.

SCENIC ROADS BYLAW

This law requires a public hearing be held prior to the removal of any trees or stone walls that are within the public right of way on a designated scenic road. The bylaw applies whenever there is any public or private impact to trees or stone walls within the right of way, including activities such as road widening, utility company work or creating private driveways. Scenic roads have been identified as heritage landscapes in almost every community. *Terra Firma #3: Identifying and Protecting Historic Roads* has more information about this bylaw, and other tools for protecting historic roads. See M.G.L. Chapter 40 Section 15C.

The Cape Cod Commission has created a “Demolition Delay Network” on their website which includes summaries of communities’ bylaws, information on projects that have triggered a delay and the community response.
www.capecodcommission.org/historic



A demolition delay bylaw would have given these residents in Mendon a chance to promote potential alternatives to the demolition of a historic home in the Mendon Center National Register Historic District. Photo by Mendon Historical Commission.

SHADE TREE ACT

Trees are an integral part of many significant heritage landscapes – and in some cases have been designated as important cultural resources in their own right. Trimming or removal of any public shade trees (defined as all trees within the public way) greater than 1.5” in diameter (as measured at 1’ from the ground) requires a public hearing. Some communities have adopted their own Shade Tree Act Bylaws that provide stricter regulations than those already mandated in state law to protect additional trees or extend beyond the public way. See MGL Chapter 87.

WETLANDS PROTECTION ACT AND BYLAWS

A state act that protects wetlands – and floodplains, riverfront areas, and other waterways – by requiring a careful review by local conservation commissions of proposed work that may alter wetlands. Since settlement patterns and industrial development were historically driven by access to a nearby source of water, archaeological sites, mill sites and other historic resources are often located within the buffer zone. Communities may also adopt their own Wetlands Protection Bylaw, providing stricter regulations than those mandated in the state act. See MGL Chapter 131, Section 40.



Scenic roads are highly valued in almost every community.



The Town of Sutton has effectively utilized both the Shade Tree Bylaw and the Scenic Roads Bylaw to help protect their trees. They received a grant from DCR's Urban and Community Forestry program to inventory their public shade trees and install signage on their scenic roads to help them enforce both bylaws and increase awareness. It is an excellent example of an effective use of different programs and tools in combination to achieve results.

Sample Right to Farm bylaws, information on communities with Agricultural Commissions, and a downloadable Agricultural Commission Handbook can all be found at www.massagcom.org

RIGHT TO FARM BYLAW

Asserting the rights of farmers to pursue agricultural activities provides community support for farming activities. This bylaw promotes dispute resolution and attempts to limit claims that effect farm use. Agricultural landscapes are widely considered to be significant heritage landscapes for which there is constant concern of potential development. A Right to Farm Bylaw serves to help active farmers remain just that – active. This can be a general bylaw or a zoning change to support farming activities.

ARCHAEOLOGICAL RESOURCE PROTECTION BYLAW

Review by a Local Historical Commission or an Archaeological Advisory Committee can be required for development projects in areas that have been identified by a professional archaeologist as being significant. While a general bylaw can be adopted pursuant to Home Rule authority, an amendment to zoning is needed to add archaeological areas to the definition of areas regulated by zoning law. Consult with the State Archaeologist at MHC for guidance on the development and application of this bylaw.

SCENIC VISTA PROTECTION BYLAW

Additional design criteria required for any proposals for new construction in areas that are determined by the municipality to be a scenic vista. Vistas may encompass natural, cultural and historic features.

ZONING TOOLS

Some of the strongest protections for heritage landscapes come from zoning changes which are then enforced through the Planning Board and the Zoning Board of Appeals. Recommendations for zoning changes are usually highlighted in a Comprehensive Plan or a Master Plan and can take time to enact. The following are useful zoning mechanisms for controlling changes to heritage landscapes.

OPEN SPACE ZONING

Open Space Zoning, Cluster Development Bylaw, Open Space Residential Development, Conservation Subdivision Design, and Flexible Development Zoning, are a class of zoning

tools that all allows for greater density than would otherwise be permitted on a parcel, in an effort to preserve open space or other valuable features. Each tool functions a little bit differently – *The Conservation Subdivision Design Project: Booklet for Developing a Local Bylaw* (prepared by MAPC) is an excellent resource to learn more about the differences between these options. A recently developed tool, **Natural Resource Protection Zoning**, is also designed to lower overall densities and protect land, using a community-driven formula for development allocations.



Agriculture need not be thought of only as a rural concern. Increasingly, suburban and even urban communities are fighting to hold onto the remaining vestiges of their agricultural past, and are working to protect small pieces of former farmland to serve as Community Supported Agriculture operations or community gardens. The City of Newton established an Agricultural Commission to help them protect and manage the last remaining farm in Newton.
Photo: Suzanne McLaughlin.

TRANSFER OF DEVELOPMENT RIGHTS

This is a regulatory technique that allows a landowner to separate building or development rights from the property and sell them, receiving compensation for preserving land and allowing for the development to occur in areas selected for higher density projects. In essence, development rights are “transferred” from one district to another – as a result, development densities are shifted within the community to achieve both open space preservation and economic goals without changing overall development potential.



The Town of Topsfield passed a Scenic Overlay District at their May 2005 town meeting to help them protect vistas, trees and open space alongside Route 1 by locating new development in such a way as to lessen its visual impact. They have been able to maintain their commercial base in this area while still maintaining the character that stretch of roadway is known for through the use of vegetative screening of parking, mechanical equipment and accessory facilities.

VILLAGE CENTER ZONING

Many heritage landscapes include commercial centers or compact downtowns that would not be replicable under current zoning standards. The goal of Village Center Zoning is to meet the needs of a small-scale, mixed-use, pedestrian-friendly area by encouraging compact development. New construction is required to be built at a scale that is compatible with the neighborhood and to have a reduced (or no) setback from the street. Parking may be directed to discourage large lots in front of buildings. Village Center Zoning shares many similarities with **Downtown Revitalization Zoning**, and is utilized to encourage businesses to locate in historic downtowns using many of the same concepts.

OVERLAY ZONING TOOLS

Overlay zoning is one way that an additional layer can be applied to provide either an incentive for a certain type of development, or control growth to limit impacts to certain aspects of a heritage landscape. In an overlay zone, all regulations pertaining to the underlying zone apply, except to the extent that the overlay zone modifies or provides for alternatives to the underlying requirements. **Adaptive Reuse Overlay Districts** permit incentive-based reuses of existing built properties, and are most commonly used to encourage redevelopment of historic mill buildings. **Corridor Protection Overlay Districts** are intended to promote appropriate development within a given corridor, serving to protect natural and cultural resources, and can be used cooperatively by adjoining communities to help maintain continuous protection across municipal lines. **Scenic Overlay District Zoning** protects scenic vistas by providing for a no-disturb buffer on private lands, thereby helping to maintain specific viewpoints.

Sample general and zoning bylaws that can be used as models to craft one for your community are available from:
 Massachusetts Historical Commission
www.sec.state.ma.us/mhc
 Executive Office of Energy & Environmental
 Affairs www.mass.gov/envir/smart_growth_toolkit/

The Town of Dunstable worked with the Dunstable Rural Land Trust and The Trust for Public Land to help them acquire the Ferrari Farm, using CPA funds, a Land and Water Conservation Fund grant through the Division of Conservation Services and other sources. Almost 150 acres are being held as conservation land, and the farmhouse has been sold with 10 acres and a Preservation Restriction, which will protect its architectural character.

Photo by Lori Joyce



OTHER TOOLS

DESIGN REVIEW

A non-regulatory process undertaken by an appointed Design Review Board that reviews the design of new construction and additions. Recommendations are made to the planning board to help preserve appropriate building patterns and architectural styles, with the goal of maintaining the overall character of a given area.

SITE PLAN REVIEW

Provides the planning board with an opportunity to consider and comment upon a variety of community concerns – such as impacts to vehicular circulation, scenic vistas, topography and natural resources – during the permit process. Site Plan Review is typically limited to large scale projects and tied to the special permit process.

SMART GROWTH ZONING – CHAPTER 40R

Provides financial incentives to communities that adopt special overlay districts allowing high density residential development in areas near transit stations, areas of concentrated development, or areas that are suitable for mixed use development. Directing compact growth to areas that are already developed discourages growth in less suitable areas. This is a complex tool that can be used in conjunction with zoning changes, site plan and design review to protect overall community character.

“They paved paradise and put up a parking lot

With a pink hotel, a boutique and a swinging hot spot”

JONI MITCHELL



RESTRICTIONS

Restrictions – known in other states by the friendlier term easements – are enabled by Chapter 184 of the Massachusetts General Laws. These can provide some financial incentives in exchange for permanent protection of natural and cultural resources.

AGRICULTURAL PRESERVATION RESTRICTIONS (APR)

Managed by the Department of Agricultural Resources, the APR program offers to pay farmers the difference between the “fair market value” and the “agricultural value” of farmland located on prime agricultural soils, in exchange for a permanent deed restriction which precludes any use of the property that will have a negative impact on its agricultural viability. This program is different from the **Chapter 61** program, which provides tax incentives for short term restrictions on actively farmed, harvested or forested lands.

CONSERVATION RESTRICTIONS (CR)

Often permanent, a CR is a deed restriction between a landowner and a holder – usually a public agency or a private land trust; whereby the grantor agrees to manage and/or limit the use of his/her property for the purpose of protecting certain conservation values, in some cases with tax benefits. EOEEA's Division of Conservation Services provides assistance to landowners, municipalities, and land trusts regarding conservation restrictions and has produced *The Massachusetts Conservation Restriction Handbook* as a guide to drafting CRs.

PRESERVATION RESTRICTIONS (PR)

Preservation Restrictions protect significant historic properties or archaeological sites from changes that may compromise the integrity of these resources and their settings. Requiring approval by both the municipality and the MHC, a PR is a legally binding agreement that restricts present and future owners from altering features or changing the appearance of a building, structure or site, and from engaging in uses or other activities inappropriate to the property. These may be conveyed by donation, purchase or condition to a government body or to a qualified, private preservation organization, to be administered and enforced by the holding entity. A charitable donation of a perpetual PR may qualify for a federal income tax deduction.

THE HERITAGE LANDSCAPE INVENTORY PROGRAM



DCR's Heritage Landscape Inventory program works with communities to help them identify, document, evaluate and plan for the protection of their heritage landscapes. As laid out in the program's guidebook, *Reading the Land*, communities hold public meetings to obtain local input to develop and prioritize an inventory of the heritage landscapes that are most important and potentially threatened. Evaluated in the field by a professional consulting team, these landscapes are assessed for their issues and opportunities. Planning recommendations are then provided to communities in a Heritage Landscape Inventory Reconnaissance Report. As conveyed in the program's interim report, *Translations*, communities are using their reports as a playbook to generate support for critical issues and threatened landscapes; educate others on the steps that must be taken to protect them; and take action. Visit www.mass.gov/dcr/stewardship/histland/inventoryprog.htm

THE LAST WORD: TO ACQUIRE OR NOT TO ACQUIRE?

When faced with the question of how to permanently protect a historic landscape, many communities immediately start thinking about how they might be able to acquire it – or how acquisition is impossible in these tough economic times. Acquisition is further complicated by the responsibility to be a good steward – even if there is no infrastructure, maintenance makes ownership that much more expensive a proposition than at first sight. Outright acquisition of the property however is not the only, or necessarily the best, means of assuring permanent protection. Obtaining a lesser interest, such as a restriction on a property, is a popular alternative for a state agency, municipality or appropriate non-profit to gain a stakehold in the future of a resource and support the current ownership and use, without the full fiscal challenges of outright public management. See *Defending the Resources* for more on the range of restriction types and uses.

RESOURCES

Technical assistance in the form of publications and training opportunities is available from many governmental and non-profit sources, most often free of charge to municipalities and non-profit organizations. Some also offer grant opportunities that can be utilized for heritage landscape protection efforts. The availability of such assistance varies from year to year and private property is not always eligible for funding.

When starting to think about a project, these organizations should be brought to the table as partners not only for the technical input that they can provide but also to see if they can provide financial assistance. For more information on the effective use of partnerships in landscape preservation, see *Terra Firma #4: New Models of Stewardship: Public/Private Partnerships*.

NOTE: \$ = funds may be available – contact these organizations directly for more information

STATE AGENCIES

The Executive Office of Energy and Environmental Affairs \$
617-626-1000 – www.mass.gov/eea

Division of Conservation Services \$
www.mass.gov/eea/dcs

Assists with conservation related activities, and land acquisition for resource protection and outdoor recreation purposes.

Massachusetts Department of Agricultural Resources \$
617-626-1700 – www.mass.gov/agr
Supports agricultural activities through programs and special initiatives.

Department of Conservation and Recreation \$
617-626-1250 – www.mass.gov/dcr
Administers a variety of programs that provide municipal assistance including the *Historic Landscape Preservation Initiative*, *Lakes & Ponds*, *Recreational Trails* and *Urban and Community Forestry*.

Massachusetts Historical Commission \$
617-727-8470 – www.sec.state.ma.us/mhc
The State Historic Preservation Office. Produces the very useful publication *Preservation Through Bylaws & Ordinances* – call to obtain a copy.

REGIONAL ENTITIES

Regional Planning Agencies assist communities with local and regional planning efforts, and provide technical assistance to communities. Links and phone numbers for every RPA can be found at: www.mass.gov/mgis/contacts.htm

National Heritage Areas and Corridors \$ – The current National Heritage Areas in Massachusetts include:

Essex National Heritage Area
978-740-0444 – www.essexheritage.org

John H. Chafee Blackstone River Valley
National Heritage Corridor
401-762-0250 – www.nps.gov/blac

Quinebaug & Shetucket Rivers Valley
National Heritage Corridor
860-774-3300 – www.thelastgreenvalley.org

Upper Housatonic Valley National Heritage Area
860-435-9505 – www.upperhousatonicheritage.org

NON-PROFITS

Citizen Planner Training Collaborative
413-545-2188
www.umass.edu/masscptc/
Provides training opportunities in person and online.

Community Preservation Coalition
617-367-8998
www.communitypreservation.org
Assists efforts to pass the Community Preservation Act, and offers guidance to Community Preservation Committees.

Massachusetts Land Trust Coalition \$
978-443-5588 x24
www.massland.org
Holds an annual conference for the land trust community.

The National Trust for Historic Preservation \$
617-523-0885 – Northeast Regional Office
www.preservationnation.org
Offers technical preservation assistance and some financial assistance programs.

Preservation Massachusetts
617-723-3383
www.preservationmass.org
This statewide non-profit preservation advocacy organization supports regional circuit riders who provide on site technical assistance to communities and organizations.

The Trust for Public Land
617-367-6200 – New England Regional Office
www.tpl.org
Assists municipalities with land conservation efforts.

The Trustees of Reservations
781-784-0567
www.thetrustees.org
A statewide land conservation organization that offers municipal assistance through the Putnam Conservation Institute, the Highland Communities Initiative and a unique Conservation Buyer Program.