

TOWN OF GILL  
MASSACHUSETTS



[www.gillmass.org](http://www.gillmass.org)

**SELECTBOARD MEETING MINUTES**  
*February 6, 2017*

Called to Order: The meeting was called to order at 5:30 PM.

Members Present: John Ward, Greg Snedeker      Members Absent: Randy Crochier  
Others Present: Ray Purington, Administrative Assistant; Janet Masucci; Mike Jackson; Gene Beaubien; Seth Montgomery; Rachel Abernethy

Gill as “Sanctuary City”: Gill residents Seth Montgomery and Rachel Abernethy met with the Selectboard to request they adopt an ordinance or policy that would make Gill a “sanctuary city.” (The term is generally defined by Wikipedia as “a municipality that has adopted a policy of protecting unauthorized immigrants by not prosecuting them for violating federal immigration laws and by ensuring that all residents have access to city services, regardless of immigration status.”) Both Montgomery and Abernethy noted that while they live and teach at the Northfield Mount Hermon School, they were not representing the School in any way.

Montgomery asked the Selectboard to codify an ordinance stating that “the Gill police department will neither honor nor enforce a civil immigration detainer requested from the United States Immigration and Customs Enforcement (ICE) or the United States Customs and Border Patrol (CBP) when such an order seeks excessive or unnecessary detention.” He explained that this would protect and reassure students, teachers, seasonal workers, and others in Gill who have uncertain immigration status right now. The ordinance, which is modeled after one adopted in Holyoke in November 2014, would not apply to individuals who are subject to criminal warrants for serious crimes. A copy of the Holyoke policy was distributed.

When asked, Montgomery and Abernethy agreed to provide more information on the topic, including a list of cities that have adopted similar measures, and other examples of “sanctuary” ordinances and policies. Both expressed the hope that the Selectboard will take action and, by doing so, have Gill make a statement in support of social justice.

Fire Chief Gene Beaubien raised a concern that he would not want this type of policy adopted if it jeopardizes any federal grant funds that the Town will or could receive. There is a grant application being reviewed by FEMA that, if awarded, could fund \$180-190,000 for the replacement of the Fire Department’s air packs.

Greg recommended holding off action on this issue, at least until the federal courts decide on challenges and appeals of the recent immigration ban made by a Presidential executive order on January 25<sup>th</sup>. He also noted that it’s important for the Selectboard to keep the Town’s best interests in mind, which includes giving consideration to how any action might affect future grants.

Abernethy and Montgomery, in their jobs as teachers at NMH, both have students who don’t know if they will be allowed to come back into the US after the March spring break, and don’t know what the US Immigrations process will be for them to re-enter the country.

It was noted that Gill Police Chief David Hastings was unable to attend tonight’s meeting. In summarizing a conversation with him earlier in the day, Greg noted that the Police Department does not actively seek out immigration issues, but cannot turn a blind eye to any illegal activities. Ray will check on the Police Chief’s availability to attend one of the next several Selectboard meetings, so that the entire Selectboard can hear his views on the matter.

At the Selectboard suggestion, Ray will contact his peers in the Small Town Administrators of Massachusetts (STAM) Association, and find out what experiences other towns have had with this issue.

John pointed out that taking care of the Town's best interests also means taking care of everyone in the Town. Abernethy urged the Selectboard to not shy away from the issue because it's political, as it is also a personal issue for anyone affected by it. She requested that there be some sense of urgency to continuing this discussion, for while we have the privilege to be patient on this matter, there are others for whom patience is not an option.

Abernethy, Montgomery, and Beaubien left the meeting at 5:52 PM.

Minutes: Greg made a motion, seconded by John, to approve the minutes of 1/23/17. The vote was unanimous in the affirmative.

Sewer I&I Study: Nothing to report.

Gill Elementary Well: Ray has received feedback from Glen Ayers and Jim Huber on the proposed treatment system plans, and will work with the engineer to incorporate those changes into the final submission to DEP.

Mariamante Property/Community Solar: Nothing to report.

Annual Reports: Ray and the Town Clerk plan to review the Appointments section of the FY11, 12, and 13 reports this week. Files for the FY14 report have been provided to Greg.

Oak Street Easement: Ray presented a draft of a sketch showing the proposed easement from the Town to Bob Callery for his property at 2 Oak Street. The sketch was based on discussions during a 2/2 site meeting with Ray, Callery, Highway Superintendent Mick LaClaire, and Riverside Water District President Jeff Suprenant. In a discussion of whether there was value to the easement, it was pointed out that the total area of the easement might be 800-900 square feet – less than 1/50 of an acre. The Selectboard made it clear that easements are addressed on a case by case basis, and that any decisions in this situation should not be construed as setting precedents for the future.

Ray noted that during the site visit it was suggested that the shed, which is in fair condition and doesn't appear to add any significant value to the property, be taken down and the concrete block foundation removed. Callery agreed to the suggestion. The proposed easement will include language that preserves the rights of the Town and Riverside Water District to access and maintain any sewer and water lines within the eased area, and will include a provision that the existing structures may be maintained and repaired, but cannot be replaced unless relocated onto the property with the necessary zoning setbacks. Final comments on the sketch will be sought from those involved in the site visit, and then it will be brought back to the Selectboard for a decision.

Real Estate Liens for Unpaid Sewer Charges: The Selectboard, in their role as Sewer Commissioners, reviewed a list provided by the Tax Collector of sewer customers with unpaid sewer charges from FY16. The list includes 18 accounts from FY16 totaling \$8,011.57 and 1 account from FY15 for \$399.30. Greg made a motion, seconded by John, to request the Board of Assessors place the listed amounts as sewer liens on the FY17 real estate bills. The vote was unanimous in the affirmative.

Mariamante Field Bids: Ray reported that Brian Peila was the high bidder of the two bids the Town received for the agricultural use of the Mariamante field for 2017 – 2019. Peila bid \$200 for 2017, \$150 for 2018, and \$100 for 2019. Peila has had the use of the field for the last several years, and has done a good job with it. Ray recommended the bid be awarded to Peila. He noted that both bidders asked about the possibility of using nitrogen pelletized fertilizer on the field, as hauling manure to the field is not an effective use of a farmer's time and fuel. The Selectboard discussed the request, but declined to allow the use of chemical fertilizers. Greg made a motion, seconded by John, to award the 2017 lease of the Mariamante field to Brian Peila. The vote was unanimous in the affirmative.

Franklin Regional Retirement System – COLA Vote: The Selectboard reviewed a memo from Dale Kowacki, Executive Director of the Franklin Regional Retirement System. The memo announced a February 22 discussion and possible vote by the Retirement Board on a 3% COLA for eligible retirees of the System. If that Board takes no action, the retirees will receive a 0.3% COLA, which mirrors the 2017 increase given to Social Security recipients. The Selectboard noted some of the same objections as in previous years, and asked Ray to send to the Retirement Board an updated version of their letter from last year.

SAFE Grant: The Fire Department has been awarded a \$3,063 grant from the Massachusetts Executive Office of Public Safety & Security for its Student Awareness of Fire Education (SAFE) program.

Declaration of Surplus: Ray reported that the Police Chief has recommended that the 2005 Crown Vic police cruiser be declared as surplus equipment. All items that can be reused by the Police Department have been removed from the cruiser. The vehicle has a broken right front spring, and its mileage is estimated as more than 125,000 miles. Ray suggested making a limited attempt - website, Facebook, and Craigslist, but not a newspaper ad – to solicit sealed bids for the 2005 Crown Vic as well as the 2004 Explorer (previously declared surplus, but still stored behind the Safety Complex). If no bids are received, both vehicles should be sold for scrap. Greg made a motion, seconded by John, to declare the 2005 Crown Vic as surplus equipment of the Town. The vote was unanimous in the affirmative.

Riverside Village Historic District: The Selectboard received a notice from the Massachusetts Historical Commission of an informational meeting on February 21<sup>st</sup> at 7 PM to discuss the proposed nomination of the Riverside Village Historic District to the National Register of Historic Places. The Town owns several properties – the Riverside Building (a.k.a. the “Green School”), the Red Bridge abutment, and the sewer pump station building – that are included in the nomination. To accommodate attendance at the meeting, the Selectboard will start its regular meeting at 5:15 PM on the 21<sup>st</sup>.

Mike Jackson left the meeting at 6:35 PM.

Warrant: The Selectboard reviewed and signed the FY 2017 warrant #16.

The meeting adjourned at 6:55 PM.

*Minutes respectfully submitted by Ray Purington, Administrative Assistant.*

*Signed copy on file. Approved 02/21/2017*

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Randy Crochier, Selectboard Clerk



MAYOR ALEX B. MORSE

Executive Order 2014 - 02

CITY OF HOLYOKE

Executive Order  
of  
Mayor Alex B. Morse

**An Order Relating to the Enforcement of Civil Immigration Detainers  
in the City of Holyoke**

**WHEREAS**, the City of Holyoke is committed to the respectful treatment of immigrants in our community;

**WHEREAS**, in order to enhance the trust of the immigrant community in our law enforcement and to ensure that all citizens receive the highest level of public safety, it is imperative that a policy be established regarding the administration and enforcement of civil immigration detainers by the Holyoke Police Department;

**NOW, THEREFORE**, I, Alex B. Morse, Mayor of the City of Holyoke, by virtue of the power invested in me, do hereby ordain:

The Holyoke Police Department shall neither honor nor enforce a civil immigration detainer requested from the United States Immigration and Customs Enforcement (ICE) or the United States Customs and Boarder Patrol (CBP) when such order seeks the excessive and/or unnecessary detention of an individual in department custody at the Holyoke Police Department beyond the point at which he or she would otherwise be released.

This shall not apply where such order requests detainment of an individual who: 1) is subject to a criminal warrant or court order for continued detention, or has been indicted or arraigned for a criminal offense, and/or 2) has been convicted of a serious crime, including but not limited to domestic violence or threats, or violent felony as defined in Massachusetts General Law or a felony punishable by imprisonment in a state prison; and/or 3) is arrested and taken before a magistrate on a charge involving a serious or violent felony as defined Massachusetts General Laws or a felony punishable by imprisonment in a state prison and the magistrate finds probable cause to believe that the individual is guilty of such felony; and/or 4) is a current registrant of the Massachusetts Sex Offender Registry or is the defendant on a restraining order under Chapter 209A or a Harassment Order under Chap. 258E, and/or 5) has been the cause of a person seeking shelter or other assistance to escape from abuse. Further, this policy shall not apply where a law enforcement or public safety purpose, including but not limited to medical protection concerns, exists for detaining an individual that is unrelated to the enforcement of civil immigration law.

This order shall take affect immediately.

So Ordered:

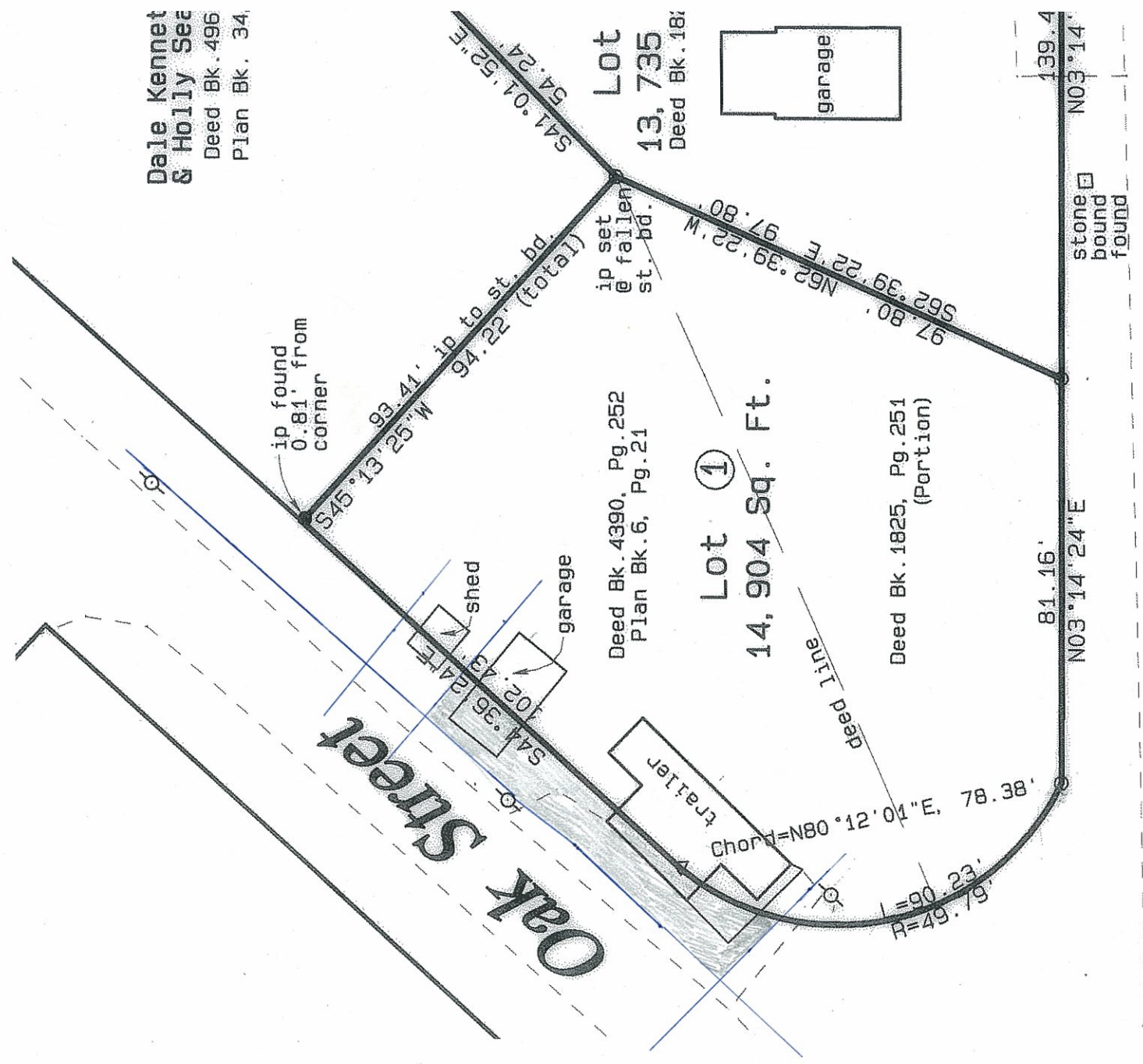


Alex B. Morse  
Mayor

11-19-2014

Date

Dale Kennet  
& Holly Sec  
Deed Bk. 496  
Plan Bk. 34,

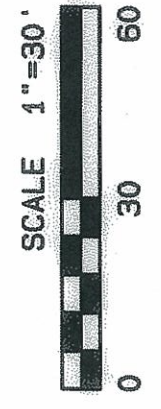


# Riverview Drive (Br i)

⊕

- 4' off canopy at NW end of trailer
- 8' off porch foundation
- ~~⊥ (perpendicular) from utility pole to prop. line~~
- parallel to front of garage, out as far as back (garage side) of utility pole.
- straight line from back of telephone pole to 8' line

is plan has been prepared  
rules and regulations of  
f the Commonwealth of



January 17, 2012  
for \_\_\_\_\_ Date

- 4' off SE side of garage
- Shed & block foundation to be removed

## Ray Purington/Gill Selectboard

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**From:** frrs01@gmail.com on behalf of Dale Kowacki <ExDr@frrsma.com>  
**Sent:** Saturday, January 21, 2017 2:08 PM  
**To:** Dale Kowacki  
**Subject:** July 1, 2017 retirees COLA

As required by MGL 32 §103(i), please be informed that the retirement board, at its regular meeting on Wednesday, February 22, 2017 at 8:00 am, in the meeting room in Suite 311 at 278 Main Street, Greenfield, will contemplate the option of voting a 3% cost-of-living allowance (C.O.L.A.), to eligible retirees of this system. In the past, the board has voted the C.O.L.A., but this year, because of limits set by law, the board must do so at a public meeting, and must notify the towns 30 days in advance of the meeting.

*MGL 32 §103 (i) “Notwithstanding the provisions of paragraph (c) to the contrary, the board of any system may, by accepting the provisions of this as hereinafter provided, elect annually to pay a cost-of-living increase greater than the percentage increase, as recommended in the report prepared in accordance with paragraph (f) of subdivision (3) of section 21 for that year, but not greater than 3 per cent. The board shall conduct such election in a public meeting, properly posted, called specifically for such election. The board shall also notify each legislative body at least 30 days before such election.”*

The report referred to in the above comes to us in the form of a memo from PERAC (which can be found in the “Memos” section at: <http://www.mass.gov/perac/forms-pubs/memos/memorandum-05-2017.html>), and this year the report states the COLA percentage to be 0.3%.

The 3% COLA has been budgeted in the valuation and assessments. At 3%, the average monthly COLA would be \$29; the average annual would be \$348. At 0.3%, the average monthly would be \$2.90, and the average annual would be \$34.80. The average annual retirement benefit in the COLA calculation is \$11,600\*. Average annual benefit overall is \$15,538. The monthly increase due to COLA would be about \$15,539. The annual increase would be about \$186,471.

Neither your attendance, nor your participation is required regarding this topic. However, your questions and comments are always considered.

\*COLA is limited to 3% of the first \$17,000 of annual retirement benefit.

## **Dale Kowacki**

Executive Director, Franklin Regional Retirement System

413.774.4837,,,,,4

[ExDr@FRRSMA.com](mailto:ExDr@FRRSMA.com)

[www.FRRSMA.com](http://www.FRRSMA.com)



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**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

February 3, 2017

Re: Riverside Village Historic District	Re: RIVERSIDE VILLAGE HISTORIC DISTRICT	Re: Riverside Village Historic District
Parcel: 101.0-0000-0014.0 54 FKHwy	Parcel: 54 FK Highway	Parcel: 54 French King Highway
Riverside School	Red Bridge Abutment	Electrical Utility Building
Town of Gill	Town of Gill	Town of Gill
325 Main Road	325 Main Road	325 Main Road
Gill, MA 01354	Gill, MA 01354	Gill, MA 01354

**Re: National Register of Historic Places / Riverside Village Historic District / Gill**

Dear Property Owner:

We are pleased to inform you that the property referenced above, which you own, is located within the boundaries of the proposed Riverside Village Historic District, Gill, Massachusetts, which will be considered by the Massachusetts Historical Commission for nomination to the National Register of Historic Places. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage.

Listing of the Riverside Village Historic District provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic district. If the district is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of property owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them. If a property is listed in the National Register, the owner may do anything with the property that he/she wishes, unless state or federal funds, permits, or licensing are used, or unless some other regional and/or local ordinance or policy is in effect.

In Massachusetts, properties nominated to the National Register are automatically listed in the State Register of Historic Places. There are no limitations, public visitation requirements, or restrictive covenants for private properties included in the State Register. State Register properties owned by municipalities and nonprofit organizations may compete for state restoration grants.




You are invited to attend the meeting of the Massachusetts Historical Commission at which the nomination of the District will be considered. The Commission will meet at 1:00 p.m. on Wednesday, March 8, 2017, at the Massachusetts State Archives, Dorchester, Massachusetts. The Commission meeting is a public meeting and all interested parties are encouraged to attend. If you have special needs and would like to attend the meeting, please contact the Commission and staff will make any arrangements that are necessary.

**You are invited to attend a public information meeting at which the nomination will be discussed. The meeting will be held at the Riverside Municipal Building, 54 French King Highway, Gill, on Tuesday, February 21, 2017, at 7:00 p.m. In case of inclement weather, the meeting will be held on Wednesday, February 22, at 7 p.m. at the same location. Massachusetts Historical Commission staff and the local historical commission will be available to answer any questions you may have about the nomination. All interested parties are invited and encouraged to attend.**

Attached please find notices that explain, in greater detail, the results of listing in the National Register and that describe the rights and procedures by which an owner may comment on or object to listing in the National Register.

A draft copy of the National Register nomination for the district will be available at the Slate Memorial Library. Should you have any questions about this nomination prior to the Massachusetts Historical Commission meeting, please contact Betsy Friedberg, National Register director, at this office.

Sincerely,



Brona Simon  
State Historic Preservation Officer  
Massachusetts Historical Commission

Enclosures: NR Criteria, Rights of Owners, There's a Difference

cc: Ivan Ussach, Gill Historical Commission  
John Wood, Board of Selectmen  
Bonnie Parsons, Preservation Consultant  
Dog Smith, Gill Planning Board

# RIGHTS OF PRIVATE PROPERTY OWNERS TO COMMENT AND/OR TO OBJECT TO LISTING IN THE NATIONAL REGISTER

Owners of private properties nominated to the National Register of Historic Places have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR Part 60. Any owner or partial owner of private property who chooses to object to listing may submit, to the State Historic Preservation Officer, a **notarized statement** certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property in a district has one vote regardless of the portion of the property that the party owns.

If a majority of property owners within a district object to National Register listing, the district will not be listed. If the majority of owners in a district do not object, the properties within the district for which an objection has been received will not be removed from the district nomination.

If the owner of an individually nominated property, or the majority of owners of an individually nominated property objects to National Register listing, the property will not be listed.

In both cases of district nominations and individually nominated properties for which objections have been received, the State Historic Preservation Officer may submit the nomination to the Keeper of the National Register of Historic Places for a determination of the eligibility of the property for listing in the National Register. If the property or district is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project that will affect the property or district.

In addition, properties and districts thus determined eligible are automatically listed in the State Register of Historic Places. State bodies shall be responsible for conducting the appropriate studies and for providing the information necessary for an adequate consideration of modifications or alterations to the proposed undertaking that could eliminate, minimize, or mitigate an adverse effect to State Register properties.

If you wish to object to or comment on the nomination of your property to the National Register, please send your comments to this office before the date of the Massachusetts Historical Commission meeting at which your property will be considered. After the date of the meeting, comments or objections may be directed to the National Park Service, National Register office. A copy of the nomination and information on the National Register, the Federal tax provisions, the State Register and the Massachusetts Preservation Projects Fund, are available from the Massachusetts Historical Commission upon request.

## RESULTS OF LISTING IN THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

**Eligibility for Federal tax provisions:** If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936.

(over)

The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information, on certification requirements, please refer to 36 CFR 67.

**Consideration in planning for Federal, Federally licensed, and Federally assisted projects:** Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

**Consideration in issuing a surface coal mining permit:** In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit, where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

**Qualification for Federal grants for historic preservation when funds are available:** Presently, funding is unavailable.

**Eligibility for state restoration grants:** If a property is listed in the National Register, it is automatically included in the State Register of Historic Places. All municipally and nonprofit-owned properties included in the State Register are eligible to compete for 50% matching grants from the Massachusetts Preservation Projects Fund. The Massachusetts Preservation Projects Fund is a state-funded matching grant program established in 1984 to support the preservation and maintenance of properties and sites listed in the State Register of Historic Places.

Eligible projects include:

***PRE-DEVELOPMENT PROJECTS** (for studies necessary to enable future development or protection of a State Register property, feasibility studies including plans and specifications and certain archaeological investigations);*

***DEVELOPMENT PROJECTS** (for construction activities including stabilization, protection, rehabilitation, and restoration); and*

***ACQUISITION PROJECTS** (funding for the latter is specifically allocated for endangered State Register properties).*

For additional information and preapplication forms, contact the Grants Division, Massachusetts Historical Commission.

**Consideration in planning for State funded, permitted, and licensed projects:**

Massachusetts General Laws, Chapter 9, Section 26-27C, directs all state bodies and persons subject to the State Register to consult the State Register early in the planning process in order to eliminate, minimize, or mitigate any adverse effect to properties listed in the State Register. For further information, please refer to 950 CMR 71.

*Massachusetts Historical Commission, Office of the Secretary of the Commonwealth, William Francis Galvin, Secretary, Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470*



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

**THE NATIONAL REGISTER OF HISTORIC PLACES:  
EFFECTS AND BENEFITS OF LISTING**

The National Register of Historic Places is the nation's official list of historic places worthy of preservation. Listing in the National Register (NR) recognizes historic properties that are significant to our communities, our state, and our nation. The NR is a federal program of the National Park Service, administered in Massachusetts by the Massachusetts Historical Commission (MHC). The NR recognizes unique and irreplaceable historic resources that give a sense of time and place to our downtowns, neighborhoods, village centers, and rural landscapes, and contribute to our communities' character, making Massachusetts a special place.

NR listing is an important preservation planning tool that encourages preservation, but it does not guarantee that listed properties will be preserved. The NR is not a design review program, but it does provide limited protection from state and federal actions, as well as eligibility for certain matching state restoration grants (when available) and certain tax benefits for certified rehabilitation projects.

**STATE REGISTER OF HISTORIC PLACES:**

Properties listed in the NR are automatically listed in the State Register of Historic Places as well. The State Register is a compendium of properties with historic designations, listed by municipality, and serves as a reference guide, helping to determine whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process helps ensure that listed properties will not inadvertently be harmed by activities supported by state agencies. The State Register is published annually and is available through the Statehouse Bookstore.

**EFFECTS OF NR LISTING FOR PRIVATE PROPERTIES:**

NR status in itself places no constraints on what owners may do with their property when using private funding, unless state or federal funds, permits, or licensing are used, or when some other regional or local bylaw, ordinance, or policy is in effect. NR listing does not impose additional restrictions to already existing local regulations or ordinances; nor does listing eliminate regulations currently in effect. Please be aware, however, that certain local ordinances, including demolition delay, may reference NR designation as a condition triggering review. NR-listed buildings may qualify for exemptions from some aspects of the State Building Code. Owners of private property listed in the NR have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their private property provided that no federal or state funding, licensing, permitting, or approval is involved. If owners use state or federal funds to alter their property or need state or federal permits, the proposed alteration will be reviewed by MHC staff. The review is triggered by the funding or permitting source, not by the historic designation. Local funding and permitting do not trigger MHC review. Owners may affix plaques to their listed properties, if they choose, but it is not required. MHC does not provide or review plaques. City or town sign ordinances should be consulted.

### **EFFECTS OF NR LISTING FOR PROPERTIES OWNED BY MUNICIPALITIES AND NONPROFIT ORGANIZATIONS:**

All NR properties that are owned by municipalities and nonprofits are eligible to compete for grants from the Massachusetts Preservation Projects Fund (MPPF), a state-funded competitive matching grant program that supports the preservation and maintenance of properties and sites listed in the State Register. These may include buildings, parks, landscapes, cemeteries, sites, objects, and archaeological locations. Eligible projects may include: pre-development projects, such as pre-construction documents or feasibility studies; development projects, for construction activities including stabilization, protection, rehabilitation, and restoration; and acquisition projects, specifically allocated for endangered listed properties.

Municipalities may erect markers identifying National Register historic districts, but this is not required. MHC does not provide or review markers.

### **EFFECTS OF NR LISTING FOR INCOME-PRODUCING PROPERTIES:**

Certain federal tax provisions may apply for NR-listed income-producing properties. The federal tax code contains a variety of incentives to encourage capital investment in historic buildings and to spur revitalization of historic properties. These incentives encourage the preservation and rehabilitation of historic commercial, industrial, and rental residential buildings listed in the NR. The federal tax incentive program has encouraged private investment and rehabilitation of historic properties since 1976 and has been particularly valuable to Massachusetts. This program allows owners of applicable NR buildings to qualify for a 20% Investment Tax Credit, in effect a 20% rebate, based on rehabilitation costs. These credits help pay for the unique costs associated with rehabilitation of historic properties.

The National Park Service certifies the rehabilitation, and the MHC Technical Services staff advises and assists owners during the application and review process. The rehabilitation must be deemed substantial and must meet the U.S. Secretary of the Interior's Standards for Rehabilitation. Applications should be submitted to MHC before rehabilitation work begins in order to receive the most useful advice and best results.

Under the Massachusetts Historic Rehabilitation Tax Credit 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. Properties on the NR, or those eligible for listing, may be eligible to receive the credits. As with the federal program, rehabilitation under the Massachusetts tax credit program must meet the Secretary of the Interior's Standards for Rehabilitation. The state rehabilitation tax credit may be used in tandem with the federal investment tax credit.

The Federal tax code also provides for federal income, estate, and gift tax deductions for charitable contributions of partial interest in historic property, principally easements. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Individuals should consult their legal counsel or the appropriate Internal Revenue Service office for assistance in determining the tax consequences of these provisions.

**FURTHER INFORMATION REGARDING ALL THE PROGRAMS MENTIONED ABOVE MAY BE OBTAINED THROUGH MHC'S WEB SITE ([WWW.SEC.STATE.MA.US/MHC](http://WWW.SEC.STATE.MA.US/MHC)) OR BY CONTACTING MHC AT 617-727-8470.**

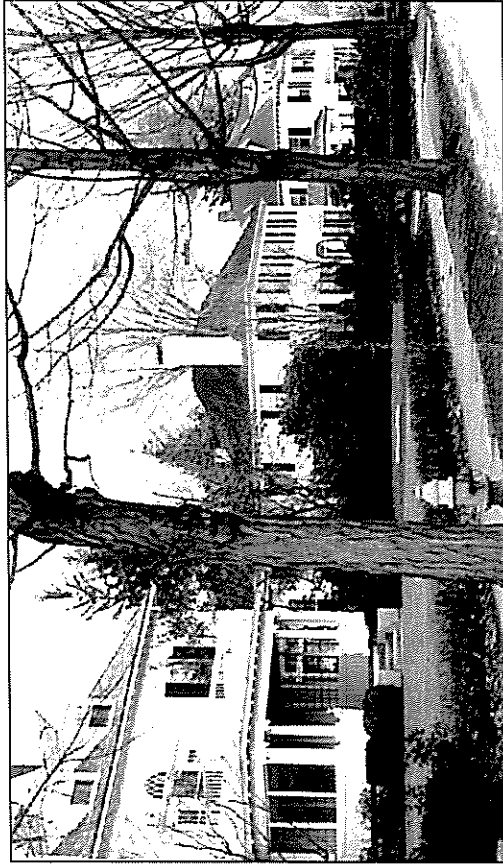
## THE NATIONAL REGISTER CRITERIA

**Criteria:** 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.

**Criteria Considerations:** Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.



Massachusetts Avenue Historic District, Worcester, both a Local and National Register Historic District

*Can a property be designated both as part of a National Register District and as a part of a Local Historic District?*

Yes, in this case property owners receive all the benefits from the federal listing and the assurance that the local bylaw or ordinance will protect the historic area from inappropriate alteration.

*If my property is within a National Register District, will it eventually be designated a Local Historic District as well?*

Not necessarily. An M.G.L. Chapter 40C Local Historic District is established only by a two-thirds majority vote of your city council or town meeting. It is a completely separate local process.

**State Register of Historic Places**

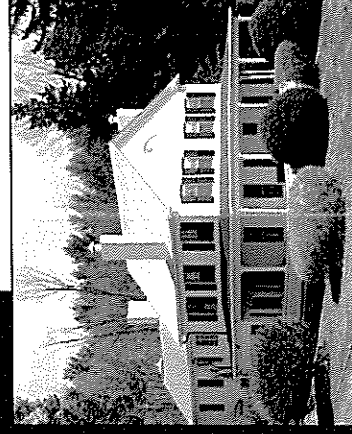
Properties within Local Historic Districts and National Register Districts are automatically included in the State Register of Historic Places.

*Listing in the State Register:*

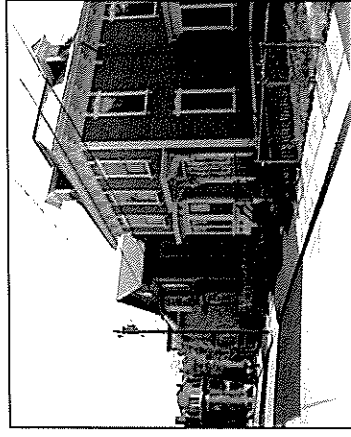
- provides limited protection from adverse effects by state-involved projects.
- when available, provides owners of municipal or private non-profit properties opportunity to apply for 50% matching state grants through the Massachusetts Preservation Projects Fund.

If you would like more information on historic district designation, contact either your local historical commission or the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125 (617) 727-8470, [www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)

# 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

# There is a difference...

There are substantial differences between a Local Historic District and a National Register District. This brochure has been prepared by the Massachusetts Historical Commission to help clarify these differences.

## National Register Districts

A National Register District is part of the National Register of Historic Places. The National Register of Historic Places is the list of individual buildings, sites, structures, objects, and districts, deemed important in American history, culture, architecture, or archaeology. It is a federal designation and is administered by the Secretary of the Interior through the Massachusetts Historical Commission as the State Historic Preservation Office.

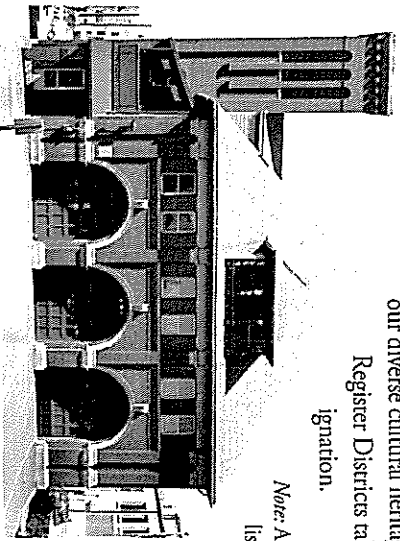
### Listing in the National Register:

- recognizes that the area is important to the history of the community, state, or nation.
- allows the owners of income-producing properties certain federal tax incentives for rehabilitation.
- provides limited protection from adverse effects by federal or state involved projects.

If there is no state or federal involvement in a project (such as federal licenses, permits, or funding) and no pertinent local or regional regulations (such as a local historic district), then listing in the National Register of Historic Places does not in any way limit an owner's handling of the property.

There are over 900 National Register Districts in Massachusetts.

The National Register of Historic Places, begun in 1966, promotes an appreciation of our diverse cultural heritage. Communities with National Register Districts take great pride in this federal designation.



*Note:* A National Register District cannot be listed if a majority of the property owners submit notarized objections.

Every owner of record of private property has the opportunity to comment and/or object to the nomination, and has one vote regardless of whether they own a single property, multiple properties, or a portion of a property.

Fire Station, Melrose Town Center Historic District, both a Local and National Register Historic District

## Local Historic Districts

In general, local historic districts are far more effective at preventing inappropriate changes than a National Register District. In a local historic district, a locally appointed Historic District Commission reviews proposed changes to exterior architectural features visible from a public way. For instance, if a building addition is proposed in a local historic district, the property owner must submit an application to the Historic District Commission. The Historic District Commission holds a public hearing and makes a determination on whether the new addition is appropriate. If the addition is deemed appropriate, the Historic District Commission issues a Certificate, allowing the work to progress. Many Historic District Commissions have prepared *Historic District Design Guidelines* that clarify how proposed projects should respect the existing historic character.

Local Historic Districts in Massachusetts were first established on Beacon Hill and Nantucket in 1955. There are now over 200 local historic districts in Massachusetts. Local Historic Districts have been very effective at saving historic structures, neighborhoods, and villages from inappropriate alteration and demolition.

Following the steps outlined in Massachusetts General Laws Chapter 40C, Local Historic Districts are established by a two-thirds majority city council or town meeting vote.

By establishing a local historic district, a community recognizes the importance of its architectural heritage and how vulnerable it is to inappropriate alterations without this local regulation.

Many proposed changes are exempt from review. In a local historic district, there is no review of interior features. In addition, a variety of exterior features are often exempt such as air conditioning units, storm doors, storm windows, paint color, and temporary structures. The decision on which features are exempt from review depends on how the local bylaw or ordinance is written and passed by your city council or town meeting vote.

This brochure 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 financial assistance for identification and protection of historic properties. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender or disability 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 of Equal Opportunity, National Park Service, 1849 C Street NW, Washington, DC 20240.