

# DRAFT Cultural Heritage Technical Bulletin

This guidance is intended to clarify how the Cultural Heritage Goal and Objectives of the Regional Policy Plan (RPP) are to be applied and interpreted in Cape Cod Commission Development of Regional Impact (DRI) project review. This technical bulletin presents specific methods by which a project can meet these goals and objectives.

**Cultural Heritage Goal:** To protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod.

- **Objective CH1** – Protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods.
- **Objective CH2** – Protect and preserve archaeological resources and assets from alteration or relocation.
- **Objective CH3** – Preserve and enhance public access and rights to and along the shore.
- **Objective CH4** – Protect and preserve traditional agricultural and maritime development and uses.

The applicability and materiality of these goals and objectives to a project will be determined on a case-by-case basis considering a number of factors including the location, context (as defined by the Placetype of the location), scale, use, and other characteristics of a project.

## The Role of Cape Cod Placetypes

The RPP incorporates *a framework for regional land use policies and regulations based on local form and context* as identified through categories of Placetypes found and desired on Cape Cod.

The Placetypes are determined in two ways: some are depicted on a map adopted by the Commission as part of the Technical Guidance for review of DRIs, which may be amended from time to time as land use patterns and regional land use priorities change, and the remainder are determined using the character descriptions set forth in Section 8 of the RPP and the Technical Guidance.

The project context, as defined by the Placetype of the location, provides the lens through which the Commission will review the project under the RPP. Additional detail can be found in the Cape Cod Placetypes section of the Technical Guidance.



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### Note on Application Materials, Definitions, Resources and References

Application materials should provide sufficient detail to demonstrate that the project meets the applicable Objectives, but typically include an assessment of cultural resources on the project site and in the project vicinity as detailed on page 13.

Definitions of key terms, including Historic Resource, are presented on page 13.

## **INTRODUCTION**

Historic and archaeological sites reflect the evolution and growth of a property over long periods of time, providing glimpses into many different eras in the region's history. Preserving these properties protects an important educational resource, but preservation does not necessarily mean that change cannot continue. Change is inevitable in buildings and neighborhoods. The challenge is to accommodate change while still protecting the most historically significant aspects of a property or district. Preserving these resources carries forward regional traditions in which buildings were typically added to incrementally, without destroying the work of previous generations.

Protecting public access to the shore and facilitating agricultural and maritime uses that are linked to the region's historic development and traditional occupations also preserves an important legacy. Reinforcing public trust rights for fishing, fowling and navigation along the shore ensures continued recreational opportunities and visual access in the face of ever increasing development pressures. Similarly, maintaining key agricultural lands and sheltered harbors for traditional uses acknowledges the potential for these and similar uses to become more prominent again and preserves these resources for future generations.

## SUMMARY OF METHODS

Goal: To protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod.

Objective CH1 – Protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods.

### Methods

- Renovate, re-use and incorporate historic structures into new development proposals in a way that retains their original building materials, including the structural frame and exterior architectural trim.
- Design changes or alterations to historic structures to be reversible (as discussed in the Secretary of the Interior’s Standards), so that they can be undone in the future without loss of significant historic materials and original architectural features.
- Locate additions to historic structures on secondary facades and stepped back from the original structure to limit demolition of original materials and ensure that addition is secondary to the original building.
- Site new development outside of cultural landscapes such as open farmlands or designed parks and gardens, or locate at their periphery to preserve their unique character.

### Objective CH1 Areas of Emphasis by Placetype

<i>Natural Areas</i>	Preserve historic resources while also limiting new development footprints and maintaining rural character. Protect entirety of cultural landscapes to maintain rural development pattern.
<i>Rural Development Areas</i>	
<i>Suburban Development Areas</i>	Preserve historic resources and allow appropriate alterations that are consistent with character of the historic resource.
<i>Historic Areas</i>	Preserve historic resources, allowing limited, appropriate alteration or expansion only if consistent with surrounding character area.
<i>Maritime Areas</i>	
<i>Community Activity Centers</i>	Preserve historic resources and allow appropriate alteration or expansion that is consistent with the character of the historic resource.
<i>Industrial Activity Centers</i>	Preserve historic resources; possibly allow relocation if jeopardized by incompatible development.
<i>Military and Transportation Areas</i>	

Objective CH2 – Protect and preserve archaeological resources and assets from alteration or relocation.

Methods

- Site new development away from significant archaeological sites so they are not disturbed.
- Place permanent Preservation Restrictions (PR) or Conservation Restrictions (CR) on significant archaeological sites to protect them in situ for the future.

Objective CH2 Areas of Emphasis by Placetype

<i>Natural Areas</i>	Preserve significant archaeological sites in their entirety and protect them with permanent restrictions from development.
<i>Rural Development Areas</i>	
<i>Suburban Development Areas</i>	Preserve significant archaeological sites and protect them from disturbance.
<i>Historic Areas</i>	
<i>Maritime Areas</i>	
<i>Community Activity Centers</i>	
<i>Industrial Activity Centers</i>	
<i>Military and Transportation Areas</i>	

Objective CH3 – Preserve and enhance public access and rights to and along the shore.

Methods

- Provide public access to the shoreline for any new coastal development without impairing the natural beneficial functions of natural resources.
- Maintain and broaden existing physical and/or visual access to the coast wherever possible.
- Restore historic public access to the shore, both physical and visual, wherever possible.
- Protect existing access to the coast with permanent Conservation Restrictions or Easements.

Objective CH3 Areas of Emphasis by Placetype

<i>Natural Areas</i>	Maintain existing public access routes and views to the shore; provide additional public access if possible without harming natural resources.
<i>Rural Development Areas</i>	
<i>Suburban Development Areas</i>	
<i>Historic Areas</i>	
<i>Maritime Areas</i>	
<i>Community Activity Centers</i>	
<i>Industrial Activity Centers</i>	
<i>Military and Transportation Areas</i>	

**Objective CH4 – Protect and preserve traditional agricultural and maritime development and uses.**

**Methods**

- Maintain or restore traditional industries that contribute to economic diversity and preserve historical traditions.
- Place Preservation Restrictions (PR) or Conservation Restrictions (CR) on farmlands that are noted in historic or cultural landscape inventories or listed on the National Register of Historic Places.
- If present, retain existing maritime industrial structures and allow for continued maritime industrial use on the project site.
- For improvements or expansion of existing maritime industrial buildings, retain their maritime industrial or water-dependent use.
- For new or expanded coastal development that is not maritime industrial, set aside land area for traditional maritime industries and public access to the water.

**Objective CH4 Areas of Emphasis by Placetype**

<i>Natural Areas</i>	Retain existing agricultural uses and maritime industries that are compatible with natural resource protection; consider using Preservation Restrictions and Conservation Restrictions to permanently protect their open landscapes.
<i>Rural Development Areas</i>	
<i>Suburban Development Areas</i>	Require any new development to be designed to cluster away from existing agricultural or maritime industrial uses.
<i>Historic Areas</i>	Preserve traditional agricultural and maritime uses; consider Preservation Restrictions or Conservation Restrictions on historic agricultural landscapes and maritime areas to permanently protect them.
<i>Maritime Areas</i>	
<i>Community Activity Centers</i>	Require any new coastal development to preserve existing maritime industries and to reserve land area for traditional maritime industries and public views to the water.
<i>Industrial Activity Centers</i>	Require any new development to limit impacts on existing agricultural or maritime industrial uses.

## **DETAILED METHODS FOR MEETING OBJECTIVE CH1**

*Objective CH1 – Protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods.*

The following methods may be implemented to demonstrate consistency with Objective CH1.

### Identify Historic Resources

The first step in protecting historic resources is identifying those that may be impacted by a proposed project. Identifying historic resources on the project site and in the project vicinity will require checking existing cultural resource inventories as well as site inspection. Many historic resources have been inventoried in MACRIS, the Massachusetts Cultural Resource Inventory System, which includes information on properties described on historic inventory forms as well as those listed on the National Register of Historic Places or protected by Local Historic Districts and Preservation Restrictions. Some significant historic resources have never been inventoried or given a special designation. To insure that important properties are not overlooked, any existing building on site should be inspected and researched to determine if it meets the definition of historic resource. Town Historical Commissions and Local Historical Societies are a potential source of information about existing buildings.

### Renovate and Re-use Historic Properties

Historic properties reveal information about a community's history and character that cannot be duplicated. They are a non-renewable resource. As such, significant historic structures should always be preserved and incorporated into new development proposals in a way that preserves the character-defining features of the resource. Historic structures may be renovated to become part of the primary new use, or they may be retained as a separate use on the property. Demolition should be considered only if the historic resource is no longer found to be significant. There is a presumption that all properties on the National Register of Historic Places, whether individually listed or "contributing" members of a district, are significant. Any demolition request based upon structural instability or deterioration will require a technical report prepared by a registered architect or engineer approved by the Commission.

The original site and setting of the historic structure should also be retained as it is part of the historic record, but in some cases it may be appropriate to allow a historic building to be relocated elsewhere on the project property or elsewhere in the community. Issues to consider in whether relocation may be appropriate include whether the building has been moved in the past (and thus may be tied less strongly to its existing site), whether the building has a unique and special relationship to features on its site (and thus has important relationships that would be hard to duplicate on another site), and whether the building stands alone or is part of a distinctive neighborhood of related structures (a group of related structures should be kept together to preserve their collective story). If the Commission finds that an historic structure is threatened by erosion or coastal flooding, relocation may be appropriate, preferably within the same community and in a similar setting.

## Allowing Change in Historic Properties/Secretary's Standards

There are many facets of an historic building or property that contribute to its historic qualities or significance, including its materials, construction type, architectural style, and association with important events or people. A complete understanding of any property may require research about its style, construction, and function; knowledge about the original building, owner, and later occupants; and information about the evolutionary history of the building.

For all historic properties, the goal is to preserve as much of the historic structure (its framing materials, sheathing and architectural detailing) as possible to retain existing evidence about the building's construction and history. There is an intrinsic value in the original historic materials used because they reveal not only the builders' choice of materials but also the engineering and construction methods available.

Many historic buildings have evolved and changed over time, whether to accommodate a new profession, a growing family, or new technologies. It is possible for historic structures to continue to evolve to meet modern needs, but that evolution should occur without destroying historically significant elements contained in the existing structure. This is the concept of "reversibility" that is used by preservationists in evaluating whether proposed changes can be undone at some time in the future without the loss of many significant materials. It is also consistent with traditional regional patterns of adding incrementally to buildings.

The most recognized standards for evaluating acceptable changes to historic structures are the Secretary of the Interior's Standards for Treatment of Historic Properties [<https://www.nps.gov/tps/standards.htm>], developed by the National Park Service and used by preservation professionals across the country. For properties where re-use and renovation is expected, the Secretary's Standards for Rehabilitation [<https://www.nps.gov/tps/standards/rehabilitation.htm>] are used.

Consistent with the Secretary's Standards, the Commission will focus on these elements in reviewing proposed additions or alterations to historic buildings:

1. Preserve significant historic materials and original features. New additions should be designed to require little removal of original historic materials. Additions are preferably attached to secondary or less prominent facades of the building and placed so as to limit the removal of distinctive architectural features and trim. If the proposed addition is large, a smaller connecting mass to link the old and new construction will require less removal of historic material. Original architectural details such as window and door surrounds, corner boards, and moldings should be retained and repaired where possible, rather than removed and replaced with entirely new features.
2. Preserve the building's historic character. A new addition or alteration should aim to complement and be compatible with the character of the historic building, not overwhelm it, using similar size, scale, massings and proportions. To avoid changing the primary historic form too much, follow the region's traditional means of expanding buildings through the use of side or rear additions under separate rooflines, or the use of dormers within the roof slope to expand usable top floor



- space. There are several ways to design an addition without overwhelming the original building – by stepping back from the historic façade, or by incorporating a recessed area between the old and new portions of the building so that the original building form remains distinct and prominent.
3. Make a visual distinction between old and new. New additions/alterations to historic buildings should be distinguishable from the original structure to avoid a false sense of history. Plan the new addition in a manner that provides some differentiation in material, color and detailing so that the new work does not appear to be part of the historic building mass. The addition of porches, decks, or other exterior features should be designed without removing significant historic building material so that they can be later removed without harming the building’s historic integrity.

### Working in Cultural Landscapes

Cultural Landscapes are places that combine both cultural and natural resources, revealing aspects of our region’s origins and development as well as our revolving relationship with the natural world. Identifying cultural landscapes is the first step in protecting them. Cultural landscapes can take several forms – historic sites, designed landscapes, vernacular landscapes, and ethnographic landscapes – and they may overlap. As defined by the Secretary of the Interior, an historic site is a landscape significant for its association with an historic event, activity or person, such as a presidential homestead or battlefield. Historic designed landscapes are those laid out by a landscape architect or other designer, and include formal parks, campuses and estates. Historic vernacular landscapes are lands that have evolved through use by the people whose activities or occupancy shaped them, such as a farmstead, an industrial complex, a cranberry bog trail system, or a rural village along a river valley. Ethnographic landscapes contain a variety of natural and cultural resources that the associated people define as heritage resources and often include unique natural landforms or sacred religious sites.

These landscapes are important to understanding our culture and they help to define the character of our region. Many Cape towns have a partial inventory of their cultural landscapes, with some properties identified by graduate students as part of a regional inventory effort, and others named as part of a town-wide historic resource inventory. While some cultural landscapes are included in MACRIS, many have not yet been inventoried. Commission staff may be consulted to help identify these resources in areas where no inventory has been completed.

As with other historic resources, the character-defining features of a cultural landscape should be preserved to maintain the integrity of the resource. It can be challenging to accommodate new development on a cultural landscape and new development will only be acceptable if it preserves significant existing cultural and natural features.

## **DETAILED METHODS FOR MEETING OBJECTIVE CH2**

*Objective CH2 – Protect and preserve archaeological resources and assets from alteration or relocation.*

The following methods may be implemented to demonstrate consistency with Objective CH2.

### **Protecting Archaeological Resources**

Any work on undeveloped properties, or on land that has not been disturbed in recent history, requires consideration of archaeological resources to determine whether significant resources are present. All archaeological investigations and site work requires a permit from the State Archaeologist at Massachusetts Historical Commission (MHC). MHC maintains an inventory of known archaeological sites and uses that information to build a predictive model to estimate where other archaeological sites are likely to be found. If a property is thought to be archaeologically sensitive, or likely to contain archaeological resources, an archaeological survey will be required.

Archaeological sites and archaeological resources hold clues to the past that are best understood when the resources are seen in their original arrangement and setting. As such, resource recovery or the removal of archaeological resources should be considered only as a last resort. Some archaeological sites that are subject to coastal erosion or other natural processes may need to be recovered and documented now, but the same is not true of sites located on higher ground. It is generally believed that archaeological resources are best protected by keeping them in place as long as possible, with the expectation that future societies will have even greater ability to fully document and analyze their significance.

Underwater archaeological resources are addressed in the Ocean Resources section of the RPP and are surveyed and protected in concert with the Massachusetts Board of Underwater Archaeological Resources (MBUAR).

## **DETAILED METHODS FOR MEETING OBJECTIVE CH3**

*Objective CH3 – Preserve and enhance public access and rights to and along the shore*

The following methods may be implemented to demonstrate consistency with Objective CH3.

### **Maintain and Expand Existing Public Access to the Shore**

Much of the Massachusetts coast and tidelands are privately owned, though under Massachusetts law, rights of public use for fishing, fowling and navigation are reserved in private tidelands. Public access to many coastal areas is already limited and this continues to be a problem as development increases along the coast and erosion impacts some access points. The Commission strives to preserve any existing public access points, to restore historic public rights of way, and to expand public access to the shore, especially in areas where there are few existing public access points.

Existing and new public access to the shore may take many forms, including pathways, parks or view corridors, but must also consider potential impacts on natural and historic or archaeological resources. New walkways are encouraged if they enhance shoreline access for the public, including people with disabilities, but they should not be pursued if they degrade undisturbed resources or create adverse impacts to habitat, aesthetics or storm damage prevention. Coastal engineering structures should be designed to allow the public to pass along the shore (either above or below the structures) in the exercise of its public trust rights to fishing, fowling and navigation. In development or redevelopment of water-dependent facilities, public access to the shore should be included through means such as viewing areas, pedestrian pathways, seating areas and boat launches. Some forms of public access may contribute to meeting open space goals. Reference Open Space section for a discussion of open space requirements. Reference Coastal Resiliency and Wetlands sections for a discussion of natural processes and the beneficial function of natural resources which could be impacted by expanding public access.

## **DETAILED METHODS FOR MEETING OBJECTIVE CH4**

*Objective CH4 – Protect and preserve traditional agricultural and maritime development and uses*

The following methods may be implemented to demonstrate consistency with Objective CH4.

### Preserving Traditional Uses

The Cape's traditional industries include the agricultural and maritime industries that are responsible for much of the region's historic growth. A combination of agriculture and maritime pursuits has sustained the Cape's residents from its earliest inhabitants to today. Agricultural lands became more significant and began to produce crops for a larger region in the 19<sup>th</sup> century, but many of these lands were gradually replaced by tourist and second home development as the Cape grew in popularity. Maritime industries in the region reached their peak during the early 1800s, with shipbuilding, fishing and all their related industries bringing new development to the region's harbors and waterways. The prominence of these industries and the area devoted to them has been greatly reduced in more recent history, but the region maintains both working agricultural lands and working harbors. Shell and fin fishing, boat building industries, and agricultural pursuits preserve a traditional way of life in the region and help to maintain some of the Cape's character-defining elements.

Other water-dependent uses such as scientific study of the oceans, commercial and recreational boating have also become traditions in the region. Access for these and the traditional water-dependent industries needs to be maintained. Unless there is an over-riding public benefit provided, water-dependent uses should not be changed to non-water dependent uses. Encroachment from other forms of development should be limited, and historic maritime buildings should be preserved and reused whenever possible. FEMA regulations acknowledge the value of protecting certain historic structures in flood hazard areas and include special provisions to encourage their preservation.

Similarly, historic agricultural lands and other working agricultural lands must be retained to prevent further loss of these dwindling resources that speak to the Cape's agricultural past. With the growing popularity of farm stands and the local food movement, regional interest in agricultural pursuits has increased. In preserving these traditional uses, the region helps to protect both economic diversity and flexibility to adapt to future needs and interests.

One way to protect traditional industries is to permanently restrict land for those uses. Conservation Restrictions, Preservation Restrictions and Agricultural Preservation Restrictions are all tools allowed under Massachusetts General Law that can protect land or building features in perpetuity. They can be particularly useful in maintaining open natural areas that were once part of traditional land-based industries, and preserving historic barns and fields for continued agricultural production. Protection efforts should also focus on limiting new development to a small portion of an agricultural property, clustering it in an area that is least suited for agricultural uses, and protecting the remaining land area for continued traditional use.

## **Application Materials**

Applicants are encouraged to reach out to Cape Cod Commission staff early in the application preparation process to discuss application materials necessary to demonstrate that the project meets the applicable goal and objectives. In almost all cases, application materials will include an assessment of cultural resources on the project site and in the project vicinity, as follows:

- Identify historic resources on the project site and on nearby properties that might be impacted by the proposed development.
- Evaluate all properties for archaeological sensitivity by filing a Project Notification Form (PNF) with Massachusetts Historical Commission (MHC) and determining whether intensive survey work is necessary.
- Identify existing public access to the shore on the subject property and adjacent properties.
- Identify agricultural lands and/or maritime industrial uses on the project site.

## **Definitions**

**Historic Resource** – any building, structure or site that has historic significance due to its age; association with events that are historically significant; association with persons significant in our past; embodiment of distinctive characteristics of a type, period, or method of construction; or likelihood of yielding information significant in history or pre-history. This includes resources inventoried on the Massachusetts Cultural Resource Inventory System (MACRIS) and listed on the State or National Registers of Historic Places, as well as resources of significance based on the above criteria that have not yet been inventoried or designated.

**Historic District** – a collection of historic structures and/or sites within a defined area designated either as a Local Historic District under Chapter 40C of MGL, as a Local or Regional District created by Special Legislation under MGL, or an area listed on the National Register of Historic Places as a District or Multiple Resource Area.

**Cultural Landscape** – a geographic area associated with an historic event, activity, or person, or exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

**Substantial Alteration** – an alteration that jeopardizes an historic resource's continuing individual eligibility for listing in the National Register of Historic Places, or its continuing status as a contributing structure in a National Register Historic District.