



Cultural Heritage

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 the goal and objectives.

Cultural Heritage 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***
 - ***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***
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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 project's 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 contained within the RPP Data Viewer located at www.capecodcommission.org/RPPDataViewer 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.

The project context, as defined by the Placetype of the project's location, provides the lens through which the Commission will review the project under the RPP.



TABLE OF CONTENTS

Introduction	4
Definitions	5
Summary of Methods	6
Detailed Methods for Meeting Objective CH1	10
Detailed Methods for Meeting Objective CH2	15
Detailed Methods for Meeting Objective CH3	17
Detailed Methods for Meeting Objective CH4	18
General Application Requirements	20

INTRODUCTION

The Cape Cod Commission Act identifies the preservation of historical, cultural and archaeological resources as one of the purposes of the Cape Cod Commission. 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 and cultural resource.

Preservation of historic and archaeological sites does not necessarily mean that change cannot continue in the region. Change in buildings and neighborhoods is inevitable and may be accommodated while still protecting the most historically significant aspects of a property or district. Preserving historic buildings and appending new additions 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.

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 listed on the State or National Registers of Historic Places, resources of significance based on the above criteria that have not yet been inventoried or designated, and may include resources inventoried on the Massachusetts Cultural Resource Inventory System (MACRIS).

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. See “Defining Cultural Landscapes” on the National Park Service’s website for more information:
<https://www.nps.gov/subjects/culturallandscapes/understand-cl.htm>.

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.

SUMMARY OF METHODS

GOAL | CULTURAL HERITAGE

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

All DRIs must:

- Identify the Historic Resources and Cultural Landscapes that are on or adjacent to the project site and may be impacted by the project
- Where Historic Resources are identified on a project site:
 - Renovate, re-use, and incorporate historic structures into new development proposals in a way that retains their original building materials
 - 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 to ensure additions are secondary to the original building
- Where Cultural Landscapes are identified on a project site:
 - Site new development outside of Cultural Landscapes; or
 - Locate at their periphery or in the least culturally sensitive areas to preserve their historic features and materials.

OBJECTIVE CH1 AREAS OF EMPHASIS BY PLACETYPE

Natural Areas and Rural Development Areas | Limit new development footprints and maintain rural character. Protect entirety of cultural landscapes to maintain rural development pattern.

Historic Areas and Maritime Areas | Allow alteration or expansion to the extent it preserves key character-defining features and is consistent with the scale and character of the surrounding area.

Suburban Development Areas and Community Activity Centers | Allow appropriate alteration or expansion that is consistent with the character of the historic resource.

Industrial Activity Centers and Military and Transportation Areas | Relocation of historic resources may be appropriate if jeopardized by incompatible development.

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

METHODS

All DRIs must:

- 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

Natural Areas and Rural Development Areas | Preserve significant archaeological sites in their entirety and protect them with permanent restrictions from development.

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

METHODS

All DRIs should, to the maximum extent feasible:

- Provide public access to the shoreline for any new coastal development without impairing the natural beneficial functions of natural resources.
- Where feasible, maintain, broaden, or restore historic or existing physical and/or visual access to the coast.

- Protect existing public access to the coast with permanent Conservation Restrictions or Easements.

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

METHODS

All DRIs with access to the water must:

- Set aside land area for and maintain public access to the water for traditional maritime industries or water-dependent uses

All DRIs should, to the maximum extent feasible:

- Maintain or restore traditional agricultural and maritime industries that contribute to economic diversity and preserve historical traditions
- If present, retain or improve existing maritime industrial structures and allow for continued maritime industrial or water-dependent use
- Place Preservation Restrictions (PR), Agricultural Preservation Restrictions (APR), or Conservation Restrictions (CR) on farmlands that are noted in historic or cultural landscape inventories or listed on the National Register of Historic Places

OBJECTIVE CH4 AREAS OF EMPHASIS BY PLACETYPE

Natural Areas and Rural Development Areas | 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.

Suburban Development Areas | Require any new development to be designed to cluster away from existing agricultural or maritime industrial uses.

Historic Areas and Maritime Areas | Preserve traditional agricultural and maritime uses; consider Preservation Restrictions or Conservation Restrictions on historic agricultural landscapes and maritime areas to permanently protect them.

Community Activity Centers | Require any new coastal development to preserve existing maritime industries and to reserve land area for traditional maritime industries or water-dependent uses and public views to the water.

Industrial Activity Centers | 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.*

Identify the historic resources and cultural landscapes on the project site

HISTORIC RESOURCES

To protect Historic Resources that may be impacted by a proposed project, applicants must first identify Historic Resources, as defined in this Technical Bulletin. Identifying Historic Resources on a project site requires reviewing existing cultural resource inventories and completing an inspection of the project site. 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. Town historical commissions and local historical societies are another potential source of information about existing structures.

Some significant Historic Resources have never been inventoried or given a special designation. To ensure that important properties are not overlooked, any existing building on site should be inspected and researched to determine if it meets the definition of an Historic Resource. Commission staff will provide assistance to the Applicant to determine if an Historic Resource is present on a project site.

CULTURAL LANDSCAPES

Cultural Landscapes 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. These landscapes are important to understanding our culture and they help to define the character of our region.

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.

Many Cape towns have a partial inventory of their cultural landscapes. While some cultural landscapes are included in MACRIS, many have not yet been inventoried. To identify Cultural Landscapes, applicants should review the relevant town inventory of Cultural Landscapes (if available) and inventories available through MACRIS. Commission staff will assist the Applicant to determine whether a particular geographic area or site is a Cultural Landscape.

Renovate, re-use, and incorporate historic structures into new development proposals in a way that retains their original building materials

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 must 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 (which relationships 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 in a similar setting within the same community.

Design changes or alterations to historic properties to be reversible as discussed in [The Secretary of the Interior's Standards for Rehabilitation - Historic Preservation Tax Incentives \(U.S. National Park Service\)](#), so that they can be undone in the future without loss of significant historic materials and original architectural features

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, as much of the historic structure (its framing materials, sheathing, and architectural detailing) as possible should be preserved to retain existing evidence about the building's construction and history. There is 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.

Locate additions to historic structures on secondary facades and stepped back from the original structure to limit demolition of original materials and to ensure additions are secondary to the original building

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 are used (<https://www.nps.gov/tps/standards/rehabilitation.htm>).

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.

Site new development outside of cultural landscapes or locate at their periphery to preserve their unique character

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. If existing cultural landscapes are defined by open fields and broad expansive views, new development should be carefully sited to the periphery or clustered in small, less-prominent portions of the landscape to avoid interrupting primary open spaces.

DETAILED METHODS FOR MEETING OBJECTIVE CH2

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

Site new development away from significant archaeological sites so they are not disturbed

Any work on undeveloped properties, or on land that has not been disturbed in the last century, 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 as part of the DRI application.

The Commission will use the following process to determine whether sites are archaeologically sensitive and require survey:

- Applicant files a Project Notification Form (PNF) with MHC to determine if the project area is known to be archaeologically sensitive. MHC may determine the area is archaeologically sensitive and require an archaeological survey to determine if there are archaeological resources on the project site. Alternatively, MHC may determine the project is unlikely to affect archaeological resources and no archaeological survey is required. If MHC does not issue a response but the property includes undisturbed areas that may be significant due to their proximity to wetland and water resources or their historical associations with Native American tribes, the Commission will require an archaeological survey to determine if there are archaeological resources on the project site.
- If MHC or the Commission requires an archaeological survey to assess the project site for archaeological resources, the applicant must retain a qualified archaeological consultant, and the consultant must receive a State Archaeologist's Field Investigation Permit to conduct the survey. The State Archaeologist's permit regulations are published in [950 CMR 70](#).
- If significant archaeological resources are identified during the survey, the applicant shall design the project to avoid ground disturbance in those areas.

- Any significant sites or resources identified by an archaeological survey must be protected from development impacts by conservation restrictions or by locating them within protected open space areas.

Place permanent Preservation Restrictions (PR) or Conservation Restrictions (CR) on significant archaeological sites to protect them in situ for the future

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 understood 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).

Applicants should work with the State Archaeologist at Massachusetts Historical Commission and with professional archaeological resource consultants to develop appropriate boundaries and restriction language to protect significant archaeological sites.

DETAILED METHODS FOR MEETING OBJECTIVE CH3

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

Maintain, broaden, or restore historic or existing physical and/or visual access to the coast wherever possible

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.

Provide public access to the shoreline for any new coastal development without impairing the natural beneficial functions of natural resources

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, such as revetments and flood walls, 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.

Protect existing public access to the coast with permanent Conservation Restrictions or Easements

Some forms of public access may contribute to meeting open space goals of the RPP. Reference the Open Space section for a discussion of open space requirements. Reference the 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

Maintain or restore traditional industries that contribute to economic diversity and preserve historical traditions

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 19th 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.

If present, retain or improve existing maritime industrial structures and allow for continued maritime industrial or water-dependent use on the project site

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 overriding 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.

Place Preservation Restrictions (PR), Agricultural Preservation Restrictions (APR), or Conservation Restrictions (CR) on farmlands

that are noted in historic or cultural landscape inventories or listed on the National Register of Historic Places

Historic agricultural lands and other working agricultural lands should 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. Preserving these traditional uses helps to protect both the region's economic diversity and flexibility to adapt to future needs and continue local agriculture. One way to protect traditional industries is to permanently restrict land for those uses. Conservation Restrictions, Preservation Restrictions, Agricultural Preservation Restrictions (APR), and Private APRs are all tools allowed under the Massachusetts General Laws 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.

GENERAL APPLICATION REQUIREMENTS

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